

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JULY 11, 2012

Members Present: Sherman E. Briggs, Jr., Chairman
Norman A. Hills, Vice Chairman and Clerk
Lawrence B. Dorman, Treasurer
Joel D. Hartley

Members Absent: Wendy L. Carreau
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Robert Marcolini, Tom Sullivan, Ray Salazas, Yelena Sheynin, Susan Nilson, Jeff Hassett, Jack Beck, Rick and Gail Gregory, Mildred Cooper, Rita and Joel Greene, and Chris Collings.

Meeting convened at 7:00 PM Wednesday, July 11, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 7, 2012 by N. Hills and J. Hartley. This meeting was audio recorded by Town of Marion staff.

7:00 PM **SIPPICAN LANDS TRUST**, Delano Road - appointment for discussion with head steward Yelena Sheynin regarding relocating the stone wall at the Brainard Marsh property 4'-6' further from the roadway in order to provide safer parking (prior File No. 41D-1456). Yelena Sheynin was present and explained that there was not enough room off the road for safe parking. S. Briggs said the stone wall may be the actual road layout, and she should double check that with Robert Zora of the Department of Public Works. N. Hills said it looks like the wall will be in the buffer zone to wetlands for approximately 50'. Y. Sheynin said she will plant grass where the wall presently is. N. Hills said a Request for Determination of Applicability filing will suffice for the work.

7:10 PM **ROBERT MARCOLINI**, 912 Point Road - duplicate original Certificates of Compliance for wetlands replication. S. Briggs moved to issue an invalid (Box #3) Certificate of Compliance for File No. SE 041-271 because the Order of Conditions was recorded but the work was never done and the Order has expired. S. Briggs moved to issue a full (Box #1) Certificate of Compliance for File No. SE 041-365. J. Hartley seconded the motions; voted unanimously.

7:15 PM **THERESA A. BARRINGTON**, 222 Point Road - Notice of Intent (D.E.P. file number not yet issued) to install concrete access panels from the shoreline to beyond mean low water to facilitate swimmers' access over the intertidal cobble. Susan Nilson of CLE Engineering represented the Applicant and said the panels will be brought in over the beach. A Chapter 91

license will be applied for. N. Hills said the length of these panels is much longer than the neighbors' concrete access panels; S. Nilson said she can shorten it to mean low water, 65' long, 13 sections. Due to the lack of a D.E.P. file number, S. Briggs moved to continue the hearing, with the Applicant's consent, to 7:00 PM on July 25, 2012; J. Hartley seconded; voted unanimously.

7:23 PM **INVESTORS FUND TRUST, c/o Kenneth A. Mousette, Trustee**, River Road (Lots 20W and 35A) - Notice of Intent (D.E.P. file number not yet issued) to construct a 294' concrete roadway, a cul-de-sac, and stormwater management systems to service two single-family house lots. Jeffrey Hassett of Morse Engineering represented the Trust and described the project. He said there are no wetlands within 100' of the site. A small portion of the site is in the flood zone. He said the entire property is listed as priority habitat. S. Briggs said River Road is in dire need of work. The drainage system is blocked and has not been maintained. S. Briggs said it would be the property owner's responsibility to maintain the stormwater basins, but they are rarely maintained. He said the stormwater drainage system is way oversized. S. Briggs said he will bring up the fixing of River Road at the Planning Board's meeting on Monday, July 16, 2012 rather than constructing the detention basin. J. Hassett said the flood zone delineation will not change when the revised F.E.M.A. maps go into effect on July 17, 2012. J. Hartley said there are wetlands between the Stone Rooster and Richard Dix's house which are not shown on the drawing, and the driveway may be within the 100' buffer zone to those wetlands. Chris Collings asked what elevation the houses will be built on; N. Hills said the existing grade is 46', and the first floor elevation will be at 48'. A question was raised regarding the drainage from developing the abutting land; S. Briggs said that parcel is not part of this filing but will be discussed at the Planning Board's hearing. Due to the lack of a file number, S. Briggs moved to continue the hearing, with the Applicant's consent, to 7:30 PM on July 25, 2012; L. Dorman seconded; voted unanimously.

GREAT HILL TRUST, Delano Road - N. Hills moved to issue a fifth three-year Extension Permit for an Order of Conditions (File No. SE 041-777) to add dune nourishment southwest of the pier using material from southeast of the pier, and do maintenance dredging; J. Hartley seconded; voted unanimously.

RICHARD DeANGELO's home at 16 Holly Lane is for sale. A 2001 Order of Conditions (File No. SE 041-944) was issued for upgrading the septic system, which was then crushed in place a few years later when Town sewer was extended to the area. A Certificate of Compliance is needed before the sale of the home. As there is no pending closing date, N. Hills would prefer to view the site before issuing a Certificate. This will be added to the Commission's July 21, 2012 inspections.

MINUTES were reviewed. N. Hills moved to accept the June 13, 2012 minutes as amended; L. Dorman seconded; voted unanimously. S. Briggs moved to accept the June 27, 2012 minutes as written; N. Hills seconded; voted by majority with L. Dorman abstaining.

OTHER BUSINESS

A. **Town of Marion - Sprague's Cove** - stormwater remediation system at Front Street (File No. SE 041-556). The Conservation Commission is responsible for maintaining the site, but was not awarded a grant to help with funding the work. S. Briggs said he spoke with Bernadette Taber of the Buzzards Bay Project, who designed the system, and was told that no money was set aside to maintain it. S. Briggs said there are private funds available in that area ("The Friends of Silvershell

Beach") to help with the maintenance. N. Hills said he spoke with Department of Public Works Superintendent Robert Zora to see if a sickle mower is available, but there isn't. S. Briggs said B. Taber recommended the dike sides and top should be mowed first. N. Hills said David Croll asked Jeffrey Oakes to check for sediment in the first pond, which is one of the maintenance items. N. Hills will speak with Town Administrator Paul Dawson to see what the monetary cutoff is to prevent a competitive bidding requirement. S. Briggs said once the site is under control, it will cost \$800.00 per mowing with a side arm mower twice a year to maintain the area.

B. **Jaime Mourao**, 6 Jerei Lane - a building permit was issued on June 20, 2012 to construct a garage. There is an earlier Request for Determination of Applicability filing by the previous owner of that site (Allison Lundell, File No. 41D-645) to construct an addition and shed due to the work being in the buffer zone to an abandoned cranberry bog on an abutting lot. S. Briggs said the garage foundation is already in place and suggested the Commission request a copy of the as-built plan from the Building Department for our files.

C. **Marion Recreation Department**, Washburn Park - N. Hills asked whether paperwork has been received for the clearing work that was done recently. S. Briggs said Marion Recreation Department Director Jonathan Dickerson will show the work that has been done on a plan and submit it as an after-the-fact Request for Determination of Applicability filing. (SE 041-906)

D. **The Wave Restaurant**, 208 Spring Street - S. Briggs said he spoke with Todd Zell, the owner, regarding filing a Request for Determination of Applicability for the site work that was done recently. T. Zell said he has been very busy and apologized for the delay in submitting the paperwork. (SE 041-472)

E. **Mark Fantoni**, 370 Delano Road - regarding tree cutting in the buffer zone to wetlands. Mark Fantoni sold this property to Jonathan P. and Amy Divincenzo earlier this year, and the new owners are improving their water view without the necessary paperwork. L. Dorman suggested sending a letter to the new owners educating them about the Wetlands Protection Act. N. Hills will draft the letter. (SE 041-1069)

F. **Reorganization** - It was agreed that all the members should be present. W. Carreau was unable to attend this meeting. Reorganization will take place during the Commission's July 25, 2012 meeting.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved July 25, 2012