

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JULY 25, 2012

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

Members Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: James Turschmann, Eric Tripoli (The Wanderer), Matt Iverson, Hugh and Kathy Dyer, David Davignon, Sanford Russell, William Rogerson, Jack Beck, Linda and Gordon Goodwin, Fred Coulson and Susannah Davis

Meeting convened at 7:00 PM Wednesday, July 25, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 21, 2012 by N. Hills and J. Hartley. This meeting was audio recorded by Town of Marion staff and Eric Tripoli of The Wanderer.

7:00 PM **THERESA A. BARRINGTON**, 222 Point Road - Notice of Intent (File No. SE 041-1177) to install concrete access panels from the shoreline to mean low water to facilitate swimmers' access over the intertidal cobble (continued from July 11, 2012). This hearing had been continued due to the lack of a D.E.P. file number, which has since been received. James Turschmann of CLE Engineering, Inc. represented Ms. Barrington and submitted revised plans shortening the overall length of the panels. N. Hills asked whether the equipment to do the project would be coming from Planting Island Causeway, along with her two neighbors who are doing similar projects, but he did not know. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:10 PM **GEORGE and LOIS GRABOYS**, 95 Holly Road - Notice of Intent (File No. SE 041-1178) to construct a 4'-wide by 258'-long elevated boardwalk with a 4' x 12' platform for storing kayaks/canoes, and ending with stairs. The boardwalk will be supported using a metal helical support system. W. Carreau left the table, as she worked on the owners' home renovations. David Davignon of N. Douglas Schneider & Associates represented the Graboys and described the project. He said right now this is out of Waterways' jurisdiction because it does not touch water. He said the kayak storage area can be decking. N. Hills said there is a wetland at the site between Flag Nos. 2 and 7 that is not shown on the plan, and he would like the end of the walkway to be staked in order to get a better sense of the project during a second inspection. N. Hills said the plan shows an

"existing footpath" and the Harbormaster would like the boardwalk to be five feet high so that people can go under it, or will steps or stairs be built for access up and over it; D. Davignon said it will be built in accordance with regulations. D. Davignon said the Division of Marine Fisheries doesn't want pressure treated lumber to be used, so he can change the 4" x 4" posts and stairs to Greenheart. L. Dorman moved to continue the hearing, with the Applicant's consent, to August 8, 2012 at 7:00 PM in order to do another inspection on August 4, 2012; N. Hills seconded; voted unanimously.

7:30 PM **SANFORD RUSSELL, JR.**, 5 Main Street - Notice of Intent (File No. SE 041-1179) to replace a carport with a garage, remove a retaining wall, relocate and expand a boulder retaining wall, reconstruct a driveway apron, and install a trench drain. W. Carreau remained away from the table, as she has worked on the garage design. Mr. Russell was present with his engineer, David Davignon, who described the project. D. Davignon said all of the first level of the garage will have breakaway panels, and the second level will be for storage. He said the garden area will remain basically as it is now with slight grading. D. Davignon said roof runoff isn't addressed because it will slope to the east and west. D. Davignon said D.P.W. Superintendent Robert Zora told him that section of Main Street, where there is a drainage issue, is on their list for repairs but it won't happen for a few years, and he is okay with the proposed trench drain. D. Davignon said the old flood zone was VE elevation 17' and once the changes are factored in, the zone remains the same.

S. Briggs asked for abutters' questions. William Rogerson of 9 Main Street said that procedurally, some of the residents in the neighborhood that should have been notified of the hearing were not. He described an abutter who recently bought a house, and also Barden's Boat Yard which, although not a direct abutter within 100' by land, in his opinion is within a "reasonable distance" over water. It was noted by the Commission that the Boat Yard owner, Frederick Coulson, was present for this hearing. Mr. Rogerson was also concerned with a drain for the house being placed in a public way, and said the lack of gutters on the garage could add to the flooding problems in the area. He said the plan did not show external access to the second floor of the garage, and if the second floor were to be used for habitation, other standards would come into play; N. Hills reaffirmed that the second floor would be used for storage, not habitation. Mr. Rogerson questioned protection of the well on the abutting lot; D. Davignon said it would not be affected. Mr. Rogerson said the roof will cause 82% more runoff which is not addressed. Another abutter to the west asked if there is a foundation plan; W. Carreau said the foundation hasn't been designed yet but will be in accordance with velocity zone regulations. D. Davignon said the footing must be on the owner's property and will ask the abutter's permission to temporarily alter the abutting property while digging the footings. Linda Goodwin of 5 Hiller Street asked whether the wall on the Russells' property would be removed to do this project; D. Davignon said yes, it will. Mrs. Goodwin said there is a large evergreen there that needs to be protected. D. Davignon explained that abutter authorization is an agreement between the owner and abutter to allow temporary site work to be done on the abutter's property. Hugh Dyer of 6 Main Street said he was concerned with the drainage issues there, and flushing street and roof runoff into the marsh is unacceptable. He said he is upset with the lack of engineering details on the foundation and elevations. Thirdly, the use of the new structure's second floor should be clearly identified. Frederick Coulson said he is upset with the drainage plans. N. Hills asked D. Davignon to look into the abutter notification issues; D. Davignon explained that they use the addresses listed on Vision Appraisal's on-line site for the Town's

properties, but he will send the new homeowner and the boat yard notifications of the hearing. Mr. Rogerson said David Cheney of The General Store should receive one, also. Mr. Russell said road runoff runs right through the carport today. L. Dorman asked D. Davignon if there is any way to direct the roof runoff into downspouts and drywells; D. Davignon said that may be done and the trench drain could then be eliminated. D. Davignon requested a continuation of the hearing. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM on August 8, 2012; L. Dorman seconded; voted unanimously. W. Carreau returned to the table.

8:10 PM **INVESTORS FUND TRUST, c/o Kenneth A. Mousette, Trustee**, River Road (Lots 20W and 35A) - Notice of Intent (File No. SE 041-1176) to construct a 294' concrete roadway, a cul-de-sac, and stormwater management systems to service two single-family house lots (continued from July 11, 2012). Mr. Mousette's engineer has requested another continuation so that the plans can be revised to address the Planning Board's concerns. S. Briggs moved to continue the hearing, with the Applicant's consent, to 7:10 PM on August 22, 2012; J. Hartley seconded; voted unanimously.

**SANFORD RUSSELL, JR.**, 5 Main Street - request for a Certificate of Compliance for a 2001 Order of Conditions (File No. SE 041-924) issued to a previous owner of the property to construct an in-ground swimming pool. The work was never done. N. Hills moved to issue a Certificate of Compliance for Box #3 (invalid); J. Hartley seconded; voted by majority with W. Carreau abstaining.

**RICHARD DeANGELO**, 16 Holly Lane - request for a Certificate of Compliance for a 2001 Order of Conditions (File No. SE 041-944) to upgrade the septic system, which was then abandoned when the property was connected to Town sewer. J. Hartley moved to issue a Certificate of Compliance for Box #1 (full); W. Carreau seconded; voted unanimously.

**JOHN KEITH**, 15 Shellheap Road - request for a Certificate of Compliance for a 2005 Order of Conditions (File No. SE 041-1022) to construct an addition and an in-ground swimming pool. The pool was not built. N. Hills moved to issue a Certificate of Compliance for Box #2 (partial) for the addition; W. Carreau seconded; voted unanimously.

**BURR BROTHER BOATS, INC.**, 309 Front Street - request for a three-year Extension Permit for a 2009 Order of Conditions (File No. SE 041-1112) to remove and replace a building, with associated site grading and drainage improvements. L. Dorman moved to issue a three-year Extension Permit; N. Hills seconded; voted unanimously.

**JULY 11, 2012 MINUTES** were reviewed. L. Dorman moved to accept them as written; seconded by S. Briggs; voted by majority with W. Carreau abstaining.

N. Hills drafted **THERESA A. BARRINGTON**'s Order of Conditions (File No. SE 041-1177) to place access panels to the shore at 222 Point Road, and moved to issue it as written; L. Dorman seconded; voted unanimously.

**OTHER BUSINESS**

A. **Planting Island Causeway** - the temporary Port-A-Potty for beach-goers' use has been removed due to abutters' objections to it being placed there.

B. **Mark Fantoni**, 370 Delano Road - N. Hills will draft a letter to the new owners of the property explaining how the Wetlands Protection Act regulations on vista clearing affects their property.

C. **River Road** - S. Briggs said he will be meeting with the Investors Fund Trust engineer in two days to discuss alternative stormwater solutions for the Planning Board (File No. SE 041-1176).

D. **Sprague's Cove** - N. Hills spoke with Town Administrator Paul Dawson regarding quotes for needed maintenance work at the site and was told the work that costs less than \$5,000 does not need competitive bidding. (File No. SE 041-556)

E. **Wendy Carreau** submitted her resignation as a full Member of the Conservation Commission but offered to become an Associate Member to help out when there are quorum problems. It was noted that Associate Member Bruce Hebbel's position has been vacant for nearly one and one-half years. The Members were saddened by her stepping down but appreciative of her offer to become an Associate Member.

F. **Reorganization** - on motions duly made and seconded, with everyone voting aye, S. Briggs was voted Chairman, L. Dorman voted Vice Chairman, J. Hartley voted Treasurer, and N. Hills voted Clerk.

Meeting adjourned at 8:35 PM.

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Diane R. Drake, Secretary

Approved August 22, 2012