

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 22, 2012

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

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

Secretary: Diane R. Drake

Others Present: Peter and Asha Wallace, Eric Tripoli (Wanderer), Matthew Renaud,
David Davignon, Michael Jardin, Hugh Dyer, Kathy Dyer, Kaley Dyer,
William Rogerson, and Jeffrey Hassett.

Meeting convened at 7:00 PM on Wednesday, August 22, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 18, 2012 by L. Dorman, J. Hartley, N. Hills and S. Gonsalves. This meeting was audio recorded by Town of Marion staff and The Wanderer newspaper.

7:00 PM The Commission welcomed their new Member, Stephen C. Gonsalves, who has been appointed to fill Wendy Carreau's term expiring June 30, 2014.

7:01 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. This hearing was continued from the July 25, 2012 meeting to August 8, 2012 (which was cancelled due to the lack of a quorum), to this meeting. David Davignon of N. Douglas Schneider & Associates represented the Graboys. The location of the proposed walkway was staked and another inspection was held. The plan has been revised to reflect the new FEMA flood zones which went into effect July 17, 2012. Wetland flags 2 through 6 were re-hung in the field. The last two sections of the walkway and the stairs to the marsh have been changed to grating. The posts will be Greenheart instead of pressure treated. The elevation of the walkway over the existing footpath provides more than 5' of clearance. Natural Heritage has no concerns with the project. D. Davignon said the augers will be installed by two men using power packs, and no heavy machinery will be required. N. Hills said he would like some type of permanent markers to be placed on the wetland line (instead of 15' upland of it) between flags 2 and 3. He said granite posts would be fine as long as they are permanent. D. Davignon said they could install a split rail fence

from Flag 2 to the riprap. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:15 PM **INVESTORS FUND TRUST, c/o Kenneth A. Mousetts, 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. This hearing was continued from the July 25, 2012 meeting. Jeffrey Hassett of Morse Engineering represented the Trust and submitted revised plans. He said there are no wetlands on the site but it is in endangered habitat for which Natural Heritage has signed off. He said the infiltration basin will be kept natural and the retaining wall minimized. Disturbance on the property will be minimal. The Notice of Intent has been amended to include Gilda Downey's signature as owner of the drainage swale behind The Stone Rooster. S. Briggs, Robert Zora, Kenneth Motta and Jeffrey Hassett met at the site to discuss how to correct flooding problems in the road at the entrance to the subdivision. The Department of Public Works will maintain the swale. S. Briggs asked for the riprap of the swale to be pulled back out of the wetlands. S. Briggs did not think the plan needed to be revised again to downsize the traprock, but an as-built plan of the areas in the Commission's jurisdiction will be required for a Certificate of Compliance. J. Hassett said the elevation on the new flood maps is higher than before, but the zones remain unchanged. S. Briggs asked for the flood lines shown on the plan to be updated on the as-built drawing as well. S. Briggs moved to close the hearing; L. Dorman seconded; voted unanimously.

7:32 PM **PETER and ASHA WALLACE**, 167 Converse Road - Notice of Intent (File No. SE 041-1180) to maintain two existing view corridors from the eastern edge of the lawn towards the western edges of the saltmarsh. This hearing has been re-scheduled from the August 8, 2012 meeting which was cancelled due to the lack of a quorum. Peter and Asha Wallace were present with their engineer, David Davignon, who described the work to be done in each section of the project. N. Hills questioned the accuracy of the wetland lines and requested that the field notes be submitted to the Commission for review. The three old cedar trees to be removed are out of the salt marsh and will be replaced with healthy young cedars in the replanting area. N. Hills said he'd like to view the site again. D. Davignon said he would retag only the trees to be removed before the Commission's next visit and also update the wetland lines with a transect. N. Hills moved to continue the hearing, with the Applicants' consent, to 7:30 PM on September 12, 2012; L. Dorman seconded; voted unanimously.

7:50 PM **STEVEN HURLEY**, 21 Bayview Road - Request for Determination of Applicability (File No. 41D-1485) to landscape the site with gardens and granite stepping stone pathways. This hearing has been re-scheduled from the August 8, 2012 meeting which was cancelled due to the lack of a quorum. Michael Jardin represented Steven Hurley and submitted a revised plan showing the marsh line. He said approximately ten yards of soil will be needed. He said he'd like to grade off by a foot the marsh edge, just to clean it up. He said all plants will be native and no abutter water views will be affected. The Commission Members were not in favor of grading the slope toward the water. S. Briggs said he would prefer a Notice of Intent filing; N. Hills said it is only a Buffer Zone project. S. Briggs said that with an Order of Conditions the site can be restored to as shown on the Plan of Record following storm events. L. Dorman said that, based on past history with this Applicant, he thinks the neighbors need to be individually notified of a public hearing for this project. S. Briggs moved to close the hearing; N. Hills seconded; voted unanimously.

8:02 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. This hearing was continued from the July 25, 2012 meeting to August 8, 2012 (which was cancelled due to the lack of a quorum), to this meeting. David Davignon represented Sanford Russell, Jr. and submitted revised plans. He said most of the abutters should be aware of the changes as they were present at the Zoning Board of Appeals' hearing. The garage has been moved 10' so that excavation is not necessary on the abutter's property. The garage is pushed further from Hiller Street. The trench drain is not needed now, as there will be a grassy area for the runoff. The garage will be open in the front and back. The new flood zones show the whole site is in the Velocity Zone. The garage will have electricity but no water or sewer. J. Hartley said this plan looks like a much better solution as there is no longer disturbance to the adjacent property. D. Davignon said the Zoning Board of Appeals' next hearing is September 24, 2012 and he would not like to close this hearing in case the plan needs to be revised again.

The hearing was opened to the public for comment. Hugh Dyer said he learned today of the changes on the plan and feels the abutters should have been personally notified of the changes. He said the proposed changes to the drainage are a great improvement but wonders whether the drywell, which is very near the shoreline, can handle the runoff. D. Davignon said after the last Conservation Commission meeting he personally notified the two persons who were not originally notified of the public hearing, as requested by the Commission. He explained that he is not required by the Wetlands Protection Act to notify abutters of the continuation of hearings. He said the roof runoff is not changing but is now being addressed and treated. D. Davignon said this revised plan was prepared for the Zoning Board of Appeals, not the Conservation Commission. William Rogerson said the Commission should have told the abutters that the plan had substantially changed when the abutters were notified of the continuation. The Commission's Secretary explained that her calling everyone that had signed in at the original July 25, 2012 hearing to let them know of the continuation was a courtesy, not a requirement. W. Rogerson said he does not think the runoff should be directed to the Harbor. S. Briggs said Town regulations require roof runoff to be contained on site, but not everyone abides by this and instead directs their runoff to the street which in this case ends up on Mr. Russell's property. D. Davignon said the next Zoning Board of Appeals hearing is September 13 and requested a continuation to the next meeting after that. S. Briggs moved to continue the hearing, at the Applicant's request, to 7:30 PM on September 26, 2012; N. Hills seconded the motion; voted unanimously.

MARION LANDS TRUST, LLC, 369 Wareham Street - request for a three-year Extension Permit to replace 1,900 square feet of pavement with lawn and plantings, and pave 860 square feet of lawn (File No. SE 041-1115). N. Hills said he has no problem with the Extension, but cuttings are being dumped in wetlands. N. Hills moved to issue a three-year Extension Permit with a letter requesting the cuttings be removed; L. Dorman seconded; voted by majority with S. Gonsalves abstaining as his property abuts this site.

TOWN OF MARION, Giffords Corner Road - request for a Certificate of Compliance for installing a 12" drainage pipe with culverts, replicating wetlands, and associated grading (File

No. SE-041-1123). On motions duly made and seconded, it was unanimously voted to issue a full Certificate of Compliance for Box #1.

SOLO REALTY LLC, 102 Quails Crossing Road - request for a Certificate of Compliance for upgrading a septic system (File No. SE 041-1168). On motions duly made and seconded, it was unanimously voted to issue a full Certificate of Compliance for Box #1.

GALE P. RUNNELLS, 17 Reservation Way - request for a Partial Certificate of Compliance for constructing additions to the dwelling, but leaving the phragmites eradication portion of the Order in effect (File No. SE 041-1165). L. Dorman moved to issue a Partial Certificate of Compliance for the additions; S. Gonsalves seconded; voted unanimously.

TABOR ACADEMY, 215 Front Street - request to place a temporary 8' x 10' storage shed on the lawn by Lillard Hall North for one year. N. Hills would like a Request for Determination of Applicability to be filed for this project; J. Hartley agreed, as it has to do with storm damage prevention. It was agreed to notify Donald Wing that a filing would be needed before erecting the shed. S. Gonsalves abstained from the discussion.

N. Hills moved to purchase a set of the revised (July 17, 2012) **FLOOD INSURANCE RATE MAPS** for the Commission's office; L. Dorman seconded; voted unanimously.

N. Hills drafted and moved to issue **GEORGE and LOIS GRABOYS'** Order of Conditions (File No. SE 041-1178) to construct a 4'-wide by 258'-long elevated boardwalk supported using a metal helical support system, with a 4' x 12' platform for storing kayaks/canoes, and ending with stairs at 95 Holly Road. L. Dorman seconded the motion; voted unanimously.

L. Dorman drafted and moved to issue a positive Determination for Boxes 1 and 2 for **STEVEN HURLEY's** 21 Bayview Road landscaping project (File No. 41D-1485); S. Briggs seconded the motion; voted unanimously.

Discussion followed on the status of **THE TOWN OF MARION'S SPRAGUE'S COVE PROJECT** maintenance (File No. SE 041-556). Jeffrey Oakes of CLE Engineering, Inc. did the siltation measurements and a report is being prepared. N. Hills said he gave Town Administrator Paul Dawson his comments on John Rockwell's misleading and erroneous emails regarding the project, and P. Dawson forwarded his comments to Town Counsel for review.

The **JULY 25, 2012 MINUTES** were reviewed and accepted as amended on a motion by N. Hills, seconded by L. Dorman, voted by majority with S. Gonsalves abstaining.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved September 26, 2012