

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 26, 2012

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

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

Secretary: Diane R. Drake

Others Present: Susan Nilson (CLE Engineering), Nick Dufresne (Thompson Farland),
David Davignon (N. Douglas Schneider & Associates), Eric Tripoli (The Wanderer), and Ruth Nicolaci.

Meeting convened at 7:00 PM Wednesday, September 26, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 22, 2012 by L. Dorman, J. Hartley, N. Hills and S. Gonsalves. This meeting was audio recorded by Town of Marion staff and by Eric Tripoli of The Wanderer.

7:00 PM **SUSAN DOMOLKY**, 85 Moorings Road and the Lily Pond - Notice of Intent (File No. SE 041-1181) to cut or trim dead or downed trees, brush and vines, remove and control Japanese knotweed and phragmites, regrade, revegetate, and create a wetland restoration planting area (continued from September 12, 2012). Susan Nilson of CLE Engineering represented Ms. Domolky and said the proposed Virginia Rose is listed as a wetland plant. S. Nilson said the treatment period for phragmites is July through October, and Ms. Domolky would like to treat the phragmites in early October. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

M.A.C.C. - J. Hartley moved to pay \$28.00 for one copy of M.A.C.C.'s "Runoff, Erosion and Sediment Control Field Guide"; N. Hills seconded; voted unanimously.

7:10 PM **GALE P. RUNNELLS**, 17 Reservation Way - Notice of Intent (the D.E.P. file number has not yet been assigned) to construct additions to the dwelling. Ms. Runnells' engineer, Richard Charon of Charon Associates, telephoned earlier tonight to request a continuation due to the lack of the D.E.P. file number. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM on October 10, 2012; L. Dorman seconded; voted unanimously. N. Hills will draft a letter to John Ludes regarding the new pathway to the shore behind this property, on his land.

MINUTES were reviewed. N. Hills moved to accept the August 22, 2012 minutes as amended; L. Dorman seconded; voted unanimously. The September 12, 2012 minutes were reviewed and accepted as amended on a motion by N. Hills; L. Dorman seconded the motion; voted unanimously.

7:23 PM **BUZZARDS BAY AREA HABITAT FOR HUMANITY**, 185 Wareham Street - Notice of Intent (the D.E.P. file number has not yet been assigned) to construct a driveway and a single-family dwelling. Nicholas Dufresne of Thompson Farland represented the Applicant and described the project. N. Hills asked what would happen to the dirt if the new house is built with a basement; N. Dufresne said some of the dirt will be used for fill around the foundation. N. Hills said he is worried about runoff from a huge pile of fill; N. Dufresne said it will be contained within the haybale barrier. S. Briggs said some of the dirt could be used to fill in the old house's foundation, after filing a Request for Determination of Applicability for that work. Due to the lack of a file number, N. Hills moved to continue the hearing, with the Applicant's consent, to 8:10 PM on October 10, 2012; L. Dorman seconded; voted unanimously.

7:30 PM **SANFORD RUSSELL, JR.**, 5 Main Street - Notice of Intent (D.E.P. 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 (continued from August 22, 2012). The Zoning Board of Appeals denied the project on a vote of three in favor and one against (a unanimous vote was necessary to pass). Mr. Russell's engineer has requested another continuation so that he can prepare revised plans that will not need the Zoning Board's approval. J. Hartley moved to continue the hearing, at the Applicant's request, to 7:40 PM on October 10, 2012; L. Dorman seconded; voted unanimously.

7:40 PM **KATE MAHONEY**, 40 Dexter Road, Dexter Beach - Request for Determination of Applicability (File No. 41D-1487) to construct a 6' x 10' addition, a 10' x 15.25' open deck, and to remove and rebuild the open front porch and steps. David Davignon of N. Douglas Schneider and Associates represented Ms. Mahoney and said the house is on Town sewer, the work is in a lawn area, and the new flood insurance rate map shows the whole lot is now in an AE elevation 16' flood zone instead of a velocity zone. The additions will be built on sono tubes. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

L. Dorman drafted **SUSAN DOMOLKY**'s Order of Conditions for landscaping activities at 85 Moorings Road, and moved to issue it as written; J. Hartley seconded; voted unanimously. (File No. SE 041-1181)

7:50 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 (continued from September 12, 2012). The Wallace's engineer has requested another continuation. S. Briggs moved to continue the hearing, at the Applicant's request, to 7:50 PM on October 10, 2012; N. Hills seconded; voted unanimously.

N. Hills moved to issue a Negative Determination for Box #2 to **KATE MAHONEY** for an addition, deck and porch at 40 Dexter Road; J. Hartley seconded; voted unanimously. (File No. 41D-1487)

OTHER MATTERS - The 2010 Permit Extension Act was created to promote job growth and long-term economic recovery, and established an automatic two-year extension to permits and licenses concerning the use or development of real property. With limited exceptions, the Act automatically extended, for TWO years beyond its otherwise applicable expiration date, any permit or approval that was "in effect or existence" during the qualifying period beginning on August 15, 2008 and extending through August 15, 2010. According to the M.A.C.C.'s Fall Quarterly Newsletter, this Act was amended in July 2012 to extend for FOUR years Conservation Commission permits (including Determinations of Applicability) that were issued or active between August 15, 2008 and August 15, 2012. For example, an Order of Conditions issued on August 14, 2012 would normally have an expiration date of August 14, 2015, but under this Act, the expiration date is now August 14, 2019.

Meeting adjourned at 8:00 PM.

Diane R. Drake, Secretary

Approved October 24, 2012