

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 10, 2012

Members Present: Sherman E. Briggs, Jr., Chairman (left at 8:48 PM)
Joel D. Hartley, Treasurer
Norman A. Hills, Clerk
Stephen C. Gonsalves

Members Absent: Lawrence B. Dorman, Vice Chairman
Jeffrey W. Oakes, Associate
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Eric Tripoli (The Wanderer), Jonathan Dickerson (Marion Recreation), Robert Rogers (Tibbetts Engineering), Peter and Asha Wallace, David Davignon (N. Douglas Schneider & Associates), George McTurk (Habitat for Humanity), Randy Parker (Marion Open Space Acquisition Commission), and Richard Charon (Charon Associates).

Meeting convened at 7:00 PM Wednesday, October 10, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 6, 2012 by N. Hills. This meeting was audio recorded by Town of Marion staff and Eric Tripoli of The Wanderer newspaper.

7:00 PM **A. NEIL PAPPALARDO**, Moorings Road - Request for Determination of Applicability (File No. 41D-1491) to resurface 425 linear feet of existing bituminous paved private roadway. Robert Rogers of Tibbetts Engineering represented Mr. Pappalardo and described the project. He said there will be a haybale siltation fence by the 90 Moorings Road area, and there will be no increase in the impervious surface area. He said the roadway width will vary but there will be no change in grade. S. Briggs moved to close the hearing; S. Gonsalves seconded; voted unanimously. S. Briggs moved to close the hearing; S. Gonsalves seconded; voted unanimously.

JAMES C. and KAREN A. PRIEUR - request for a full Certificate of Compliance for their new timber pier, gangway and float at 101 Cove Circle, Piney Point (File No. SE 041-1146). The float is held in place with anchors instead of piles, and has stops to prevent it from resting on the bottom. N. Hills moved to issue a full Certificate of Compliance; J. Hartley seconded; voted unanimously.

7:10 PM **TOWN OF MARION**, Washburn Park Road - Request for Determination of Applicability (File No. 41D-1488) to restore and maintain woods roads and hiking trails, install picnic tables and benches at the skating pond, and maintain the area. Jonathan Dickerson, Recreation Department Director, was present. N. Hills said that some of the area that was cleared is

within the wetland line to the pond. J. Dickerson said the existing old fire pits will be removed and replaced with new ones. J. Dickerson said Clement Briggs was the caretaker of Washburn Park for many years, and the Recreation Department is only trying to bring the overgrown Park back to what it used to be. J. Dickerson said he met with the Washburn Park Trust people recently; they had no idea there used to be a playground and picnic area by the skating pond. He said they offered to help with replacing the playground equipment and fire pits. J. Dickerson said security cameras will be installed to monitor the area to prevent vandalism and for the safety of the people using the area. N. Hills said he would like the area of work to be marked to prevent further expansion. S. Briggs recommended the outlet at the south end of the pond to be used for one marker, and the spring house as the other marker for the road layout. Maintenance will be by mowing. N. Hills asked J. Dickerson to stake the area to be maintained, and another site inspection will be held. S. Briggs offered to help J. Dickerson set the markers. S. Gonsalves moved to continue the hearing, with the Applicant's consent, to 7:15 PM on October 24, 2012; N. Hills seconded; voted unanimously. Another inspection will be held on October 20, 2012.

7:23 PM **GALE P. RUNNELLS**, 17 Reservation Way - Notice of Intent (File No. SE 041-1182) to construct additions to the dwelling. No one represented the Applicant. This hearing was continued from September 26, 2012 due to the lack of a D.E.P. file number, which has since been received. N. Hills was concerned with the proposed shed (shown on the plan) being built on a steep slope. N. Hills questioned compliance with the 50% Rule and preferred to continue the hearing for an updated building value; S. Briggs said that is the Building Commissioner's call. J. Hartley moved to continue the hearing to 8:00 PM on October 24, 2012; N. Hills seconded; voted unanimously.

7:35 PM **LOUIS MENDES**, 81 Water Street - Request for Determination of Applicability (File No. 41D-1489) to install a water line and electric service from the dwelling to the dock, install sprinkler systems in front of and behind the house, and reseed the lawns. No one represented the Applicant. N. Hills had visited the site and described the work. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

7:40 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 September 26, 2012 at the Applicant's request, and another continuation has been requested. N. Hills moved to continue the hearing to 7:40 PM on October 24, 2012; J. Hartley seconded; voted unanimously.

COPPER MEDAL, LLC - N. Hills showed photos of a new pathway recently cut through wetlands to the shore behind Gale Runnells' 17 Reservation Way property, on John Ludes' Lot 46A (File No. SE 041-1014). A letter has been drafted to Mr. Ludes regarding the matter. S. Briggs moved to send the letter as written; N. Hills seconded; voted unanimously.

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. This hearing was continued from September 26, 2012. Mr. and Mrs. Wallace were present with their Engineer, David Davignon of N. Douglas Schneider &

Associates. Mr. Wallace said the trees to be removed have been marked. S. Briggs said he did another inspection and does not have any issues with the proposed work. S. Gonsalves said he visited the site today and saw one uprooted oak tree that was tagged, plus the cedars. N. Hills was upset that the site was not included on the October 6 inspections list, and said he would like to view the site again regarding the ten percent canopy to be cut before issuing an Order of Conditions. S. Gonsalves asked if the ten percent included dead and dying trees; N. Hills said it's in the W.P.A. Regulations definitions. J. Hartley explained that anything outside the wetland area is not included in the ten percent calculations. S. Gonsalves thanked Mr. and Mrs. Wallace for their cooperation in attending every meeting and doing everything the Commission has asked, and said he is disappointed with the nitpicking over every tree the Wallaces have asked to remove. Mr. Wallace said there are at least 100 trees on the site, and they only want to remove a fraction of them. Mr. Wallace said he is upset that this hearing has been going on and on, and he is missing the opportunity to treat the phragmites this fall. S. Gonsalves moved to close the hearing; J. Hartley seconded; voted unanimously.

8:00 PM **MARION OPEN SPACE ACQUISITION COMMISSION**, the "Grassi Bogs" off Mill Street - Request for Determination of Applicability (File No. 41D-1490) to maintain a grass parking area, thin the brush between the parking area and Mill Street, relocate metal gates and install wood posts to prevent vehicle access on the dikes. No one represented the Applicant. N. Hills said he visited the site and there is going to be a huge parking area when the brush is mowed. S. Briggs said the area to be mowed used to be a staging area for working on the bogs, and it has a gravel base. S. Briggs moved to close the hearing; N. Hills seconded; voted unanimously. Randy Parker of the Marion Open Space Acquisition Commission arrived at 8:10 PM. N. Hills explained that the hearing was closed, but the Conservation Commission was unclear as to whether there were going to be two entrances; R. Parker said no, just one entrance, and the pruning is mainly for security reasons.

A complaint had been received that the lawn at 24 Bass Point Road has been expanded, and a stone wall is being built in the grass below high water. S. Briggs and N. Hills visited the site and compared the existing conditions to photographs taken for **STEPHEN DAHILL**'s deck expansion project there in August 2010 (File No. 41D-1427). They did not see any wetland violations.

8:15 PM **BUZZARDS BAY AREA HABITAT FOR HUMANITY**, 185 Wareham Street - Request for Determination of Applicability (File No. 41D-1493) to raze the existing dwelling on Parcel A of Lot 93, add fill and grade. George McTurk represented the Applicant and said the Town of Marion owns this property but a condition of the sale of a portion of this lot to Habitat for Humanity requires them (Habitat for Humanity) to remove this house. He said the asbestos contractor must remove the asbestos before the house can be razed. N. Hills questioned whether a siltation fence is needed between the house and the wetlands; S. Briggs did not think so because work will only be on the footprint of the house. The Commission asked Mr. McTurk to inform the Board of Selectmen before beginning any work there. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

8:20 PM **BUZZARDS BAY AREA HABITAT FOR HUMANITY**, 185 Wareham Street - Notice of Intent (File No. SE 041-1183) to construct a driveway and a single-family dwelling on Parcel B of Lot 93. This hearing was continued from September 26, 2012 due to the lack of a file

number, which has since been received. N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously.

S. Briggs moved to issue a Negative Determination of Applicability for Boxes 2 (flood zone) and 3 (buffer zone to wetlands) for the **BUZZARDS BAY AREA HABITAT FOR HUMANITY** to raze the existing dwelling at 185 Wareham Street (Parcel A of Lot 93); N. Hills seconded; voted unanimously (File No. 41D-1493).

N. Hills and S. Gonsalves drafted **PETER and ASHA WALLACE**'s Order of Conditions (File No. SE 041-1180) to maintain view corridors at 167 Converse Road . N. Hills moved to issue the Order as written; J. Hartley seconded; voted unanimously.

J. Hartley drafted the **BUZZARDS BAY AREA HABITAT FOR HUMANITY**'s Order of Conditions (File No. SE 041-1183) to construct a new dwelling at 185 Wareham Street (Parcel B of Lot 93) and moved to issue it as written; N. Hills seconded; voted unanimously.

S. Briggs moved to issue a Negative Determination for Boxes 2 (flood plain) and 3 (buffer zone to wetlands) for the **MARION OPEN SPACE ACQUISITION COMMISSION** to maintain a grass parking area, thin the brush between the parking area and Mill Street, relocate metal gates and install wood posts to prevent vehicle access on the dikes at the "Grassi Bogs" off Mill Street (File No. 41D-1490); J. Hartley seconded; voted unanimously.

J. Hartley moved to issue a Negative Determination for Boxes 2 (flood plain) and 3 (buffer zone to wetlands) for **LOUIS MENDES** to install water and electricity to the dock at 81 Water Street, install sprinkler systems, and reseed the lawns; S. Briggs seconded; voted unanimously (File No. 41D-1490).

N. Hills moved to issue a Negative Determination for Boxes 2 (flood plain) and 3 (buffer zone to wetlands) for **A. NEIL PAPPALARDO**'s roadway resurfacing at Moorings Road; S. Briggs seconded; voted unanimously (File No. 41D-1491).

8:40 PM Richard Charon arrived and apologized for being late for Gale Runnell's hearing. J. Hartley moved to reopen **GALE P. RUNNELL**'s hearing from earlier tonight for constructing additions to the dwelling at 17 Reservation Way; S. Gonsalves seconded the motion; voted unanimously (File No. SE 041-1182). The hearing was being continued tonight due to the lack of appraisal data supporting compliance with the 50% Rule. R. Charon said he had the necessary data and submitted an appraisal of approximately \$320,000 for the existing dwelling, and a cost estimate of \$144,000 for the proposed improvements. N. Hills asked R. Charon about the proposed shed on the steep slope that is shown on the plan; R. Charon said that is an error, is not proposed, and to ignore it. J. Hartley moved to close the hearing; S. Gonsalves seconded; voted unanimously.

S. Briggs left the building at 8:48 PM.

N. Hills drafted **GALE P. RUNNELL**'s Order of Conditions for constructing additions to the dwelling at 17 Reservation Way and moved to issue it as written; J. Hartley seconded; voted unanimously (File No. SE 041-1182).

Meeting adjourned at 9:05 PM.

Diane R. Drake, Secretary

Approved November 14, 2012