

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 28, 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: Eric Tripoli (The Wanderer), Jonathan Dickerson (Marion Recreation),
and David Davignon (N. Douglas Schneider & Associates).

Meeting convened at 7:00 PM Wednesday, November 28, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, November 24, 2012 by N. Hills and S. Gonsalves. This meeting was audio recorded by Town of Marion staff and The Wanderer.

Meeting commenced at 7:00 PM.

MINUTES were reviewed. L. Dorman moved to approve the November 14, 2012 minutes as written; J. Hartley seconded; voted unanimously.

FRANK CERKOVITZ had notified the Town that he intends to remove his cranberry bogs on Cross Neck Road from Chapter 61A land. N. Hills had drafted a letter to Mr. Cerkovitz requesting more information on the type of land conversion being proposed. S. Briggs said that when the Grassi Bog was bought, there were monies from different grants to buy it, and that program may be used to obtain the funds to buy this site. S. Briggs wondered whether there was a spokesperson for this grant to explain how the system works. L. Dorman would like to invite Mr. Cerkovitz to discuss his options at one of the Commission's meetings. N. Hills moved to send the letter to Mr. Cerkovitz as amended; J. Hartley seconded; voted unanimously.

7:11 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. This hearing was continued from November 14, 2012 in order to locate a site map showing the whole skating pond. Jonathan Dickerson, the Marion Recreation Department Director, was present and said he can't find anything

showing the south side of the skating pond. S. Briggs said he spoke with Kevin Forgue of G.A.F. Engineering regarding preparing a map, and Thompson Farland Engineering also might help. J. Dickerson said his department doesn't have the money to pay an engineer, and he would just like to continue clearing and thinning the area between the pond and the ball field this winter. S. Briggs said he has always disagreed with John Rockwell's wetlands delineation of that area. S. Gonsalves suggested viewing the site again. J. Dickerson said he'd really like to start working in that area, and asked the Commission whether they would close the hearing if he didn't work on the south side of the pond. The Commission thought that was an acceptable compromise. He offered to set permanent markers for the Commission's approval at the next site inspections. L. Dorman moved to close the hearing; S. Gonsalves seconded; voted unanimously.

7:28 PM **JOAN J. FORTE**, 136 Point Road - Request for Determination of Applicability (File No. 41D-1495) to upgrade a septic system. S. Briggs said he is abstaining from this discussion, as he has worked on this property in the past. David Davignon of N. Douglas Schneider represented Ms. Forte and described the proposed work. He said a minimum amount of trees will be removed. He said the new flood maps show the site to be at VE elevation 32, one of the highest elevations in Marion. He said the new owner may demolish this three-bedroom dwelling and construct a five-bedroom dwelling, but that will be under a separate filing. The top of the seawall is the top of coastal bank. J. Hartley questioned the second coastal bank shown going through the house on the plan; D. Davignon said that is an error, and that line is actually the 100' buffer zone to the coastal bank. L. Dorman moved to close the hearing; S. Gonsalves seconded; voted by majority with S. Briggs abstaining from the discussion and vote.

7:35 PM **JONATHAN P. and AMY DiVINCENZO**, 370 Delano Road - Notice of Intent (File No. SE 041-1187) to construct a 163'-long pile-supported timber pier, a 20' gangway and a 10' x 20' float anchored with four pilings. S. Briggs said he did speak with Mr. DiVincenzo about the trees that were removed from the coastal bank earlier this year, and explained to him that the Wetlands Protection Act regulations require the property owner to obtain a wetlands permit before doing any work in a resource area. S. Gonsalves said there is severe erosion of the coastal bank due to super storm Sandy, and he would like Mr. DiVincenzo to plant *rosa rugosa* to prevent further erosion. David Davignon represented Mr. and Mrs. DiVincenzo and said this pier will be similar to the neighbor's pier. The float will be lifted up and secured over the winter. The style of boat will be a 17' or so Whaler style, and the 24'-long float will be big enough to store other things on it. Regarding lateral access for pedestrians, stairs will be built up to the lawn and then down the other side rather than steps going up and over the pier. D. Davignon said he has started the Chapter 91 licensing process already and asked to continue this hearing while awaiting Natural Heritage's comments. At the Applicant's request, N. Hills moved to continue the hearing to 7:40 PM on January 9, 2013; L. Dorman seconded; voted unanimously.

7:50 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 (continued from November 14, 2012). Another continuation has been requested. N. Hills moved to continue the hearing, at the Applicant's request, to 7:40 PM on December 12, 2012; L. Dorman seconded; voted unanimously.

N. Hills said he reviewed Coastal Zone Management's 2012 Buzzards Bay Conservation and Management Plan and was impressed with it. A copy of their Action Plan 7 was provided to every Member.

The Commission discussed the **MARION OPEN SPACE ACQUISITION COMMISSION**'s former Boyd property off the railroad grade at Washburn Park (File No. SE 041-1095). S. Briggs thought the culverts under the railroad grade in that area had been replaced.

L. Dorman moved to issue a Negative Determination of Applicability for Boxes 2 (flood plain) and 3 (buffer zone to a coastal bank) for **JOAN J. FORTE**'s septic system repair at 136 Point Road; J. Hartley seconded; voted by majority with S. Briggs abstaining from the discussion and vote (File No. 41D-1495).

N. Hills drafted and moved to issue a conditional Negative Determination for Box #3 (buffer zone to wetlands) for the **TOWN OF MARION** to maintain the skating pond area off Washburn Park Road, with a condition specifying the areas of work at this time; L. Dorman seconded; voted by majority with S. Briggs abstaining (File No. 41D-1488).

Meeting adjourned at 8:05 PM.

Diane R. Drake, Secretary

Approved December 12, 2012