

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 10, 2013

Members Present: Sherman E. Briggs, Jr., Chairman
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: Brian and Margaret Avila, Joan Hartnett-Barry (The Wanderer), Mark Patroli, Greenwood Hartley III, Shawn Syde (CDM Smith), W. Stan Bradford, Magdalena Lofstedt (CDM Smith), Rick Barnes, Robert Bennett, Fred and Betty Danhauser, Dr. Henning Gaissert, Lee Vulgaris and David Davignon

Meeting convened at 7:00 PM Wednesday, April 10, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Due to scheduling conflicts, the site inspections were held on Sunday, April 7, 2013 by J. Hartley and N. Hills. This meeting was audio recorded by Town of Marion staff.

7:00 PM **BRIAN and MARGARET AVILA**, 651 Delano Road – Request for Determination of Applicability (File No. 41D-1504) to construct a 12' x 22' garage. S. Briggs left the table, as he owns abutting property. Brian and Margaret Avila were present. Thomas Lovett determined that there are wetlands on the abutting property, 75' away from this project. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously. S. Briggs returned to the table.

7:05 PM **TOWN OF MARION, SPRAGUE'S COVE PROJECT**, Front Street (File No. SE 041-556) regarding a project update and schedule of required work. N. Hills had drafted a memorandum to the Selectmen with suggestions of work to be addressed. Installing fencing between the Silvershell Beach parking lot and the retention basins is very important for safety reasons. Eden Landscaping and Marion Fence have fencing available.

7:10 PM **GREENWOOD HARTLEY III**, 19 Quelle Lane – Request for Determination of Applicability (File No. 41D-1503) to remove invasive vegetation and storm-damaged trees and branches. J. Hartley left the table. Greenwood Hartley III was present and said the gigantic oak tree is at the property line. He said his brother owns the abutting property. N. Hills said removing invasives is no problem, but extensive vista pruning and tree removal will require a Notice of Intent

filing. G. Hartley said the siltation fence will be the limit of work. N. Hills said the siltation fence will also be the limit of any lawn. N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously. J. Hartley returned to the table.

7:20 PM **TOWN OF MARION, c/o DEPARTMENT OF PUBLIC WORKS**, Notice of Intent (File No. SE 041-1195) to construct Phase 1A of the Capital Improvements Plan which includes drainage, sewer and roadway improvements to Ryder Lane, South Street, and a portion of Spring Street, Front Street and Water Street. Shawn Syde and Magdalena Lofstedt of CDM Smith represented the Town.

S. Syde described the proposed work at Ryders Lane. The outlet at the Old Landing will be replaced with a larger tide gate in the same location. M. Lofstedt said the unit will treat 100% of stormwater up to 30 cubic feet per second and 80% after that, while requiring only yearly maintenance. S. Syde said Department of Public Works Superintendent Robert Zora is aware of the maintenance that will be required. J. Hartley questioned the upland wetlands at Ryder Lane and was told the 12" drain there is completely crushed and will be replaced with a culvert. M. Lofstedt said there will be a temporary 20' disturbance area which will be reseeded.

S. Syde described the upper and lower South Street and Water Street work. An existing drain pipe on Mr. Waterman's property, beside the Beverly Yacht Club property, will be replaced with a smaller unit. It will not go right through the seawall; a 10' section of pipe will remain in place. S. Syde said Mr. Waterman's lawn will be regraded to prevent ponding and then reseeded after the pipe is installed. Robert Bennett said that in 2005/2006 the Town voted to replace the water and sewer lines, and he asked if this project is related? S. Syde said this is the last of the work to be done there, and repairs can be done mostly through the manholes, not by digging. Lee Vulgaris asked what will be allowed to connect to the system – downspouts, sump pumps? S. Syde said there are two sump pump connections that he is aware of; S. Briggs said there are other houses tied directly into the trunk lines. S. Syde said the storm system is designed for 4.3" of rain in 24 hours. Work will probably start in the new fiscal year, probably in August on Ryder, but not between Memorial and Labor Days on South Street. S. Syde said there is a siltation boom proposed. D. Drake explained that it is impossible for boats to be launched at the Old Landing if they come in from the southern entrance; there is no way to back a boat trailer onto the ramp that way, and will there be access to Old Landing by the north entrance throughout the project? S. Syde said he will discuss this with the Harbormaster. S. Briggs moved to close the hearing; N. Hills seconded; voted unanimously.

8:05 PM **DR. HENNING GAISSERT**, 28 Front Street – Notice of Intent (File No. SE 041-1194) to demolish the existing dwelling and construct a new dwelling and driveway (continued from March 27, 2013). Dr. Gaissert was present with his Engineer, David Davignon, and Contractor, Mark Patroliia. D. Davignon had submitted a revised plan and described the changes. D. Davignon said the 10' contour on the plan marks the top of berm, and big rocks will be taken out. The hearing was opened to the public. Abutters Fredric and Betty Danhauser were present. F. Danhauser asked D. Davignon to explain the changes to the plan. F. Danhauser said if he filled the low area in the southern part of his yard, how would that affect Dr. Gaissert's property? D. Davignon said it probably wouldn't unless it was filled higher than the berm. D. Davignon said drainage will be

improved by taking out the hard packed clay soil and replacing it with a gravel driveway and gravel under the house. S. Briggs moved to close the hearing; N. Hills seconded; voted unanimously.

8:15 PM **OTHER MATTERS**

A. **Goldovitz Bog**, Old Indian Trail – An Enforcement Order has been drafted as requested by the Marion open Space Acquisition Commission in order to force the Town to make the badly-needed repairs. Financial help is available. N. Hills said he is very familiar with this property and moved to sign the Enforcement Order as amended; S. Gonsalves seconded; voted unanimously.

B. **Frank Cerkovitz**, Cross Neck Road – the U.S. Department of Agriculture, Natural Resources Conservation Service is ordering F. Cerkovitz to make restoration and construction changes to naturalize his bogs. Is a filing also required with the local Conservation Commission? S. Briggs said any work within the dikes would normally be allowed with no filing required, and he does not think the property owner should be over-regulated with two agencies. J. Hartley inquired at D.E.P. and was told some towns require a filing and some towns don't; it is up to the town to decide. S. Briggs said he is not in favor of demanding a Notice of Intent filing, but would agree with a Request for Determination of Applicability filing. J. Hartley agreed. S. Briggs will let F. Cerkovitz know that a RFD needs to be submitted.

BRIAN and MARGARET AVILA, to construct a garage at 651 Delano Road (File No. 41D-1504) - S. Gonsalves moved to issue a Conditional Negative Determination for Boxes 2 and 3 with a condition that the wetland line on the abutting lot is not verified; N. Hills seconded the motion; voted by majority with S. Briggs abstaining from the discussion and vote.

GREENWOOD HARTLEY III, to remove invasive vegetation and storm-damaged trees and branches at 19 Quelle Lane (File No. 41D-1503) – N. Hills moved to issue a Conditional Negative Determination for Box #2 with a limitation on the extent of the lawn; S. Briggs seconded; voted by majority with J. Hartley abstaining.

DR. HENNING GAISSERT, to raze the dwelling and construct a new dwelling at 28 Front Street (File No. SE 041-1194) – S. Briggs drafted the Order of Conditions and moved to issue it as written; N. Hills seconded; voted unanimously.

TOWN OF MARION, c/o the Department of Public Works, to construct Phase 1A of the Capital Improvements Plan (File No. SE 041-1195) – J. Hartley drafted the Order of Conditions and moved to issue it as written; N. Hills seconded; voted unanimously.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved May 8, 2013