

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON APRIL 24, 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: Robert Gray (Sabatia, Inc.), Joseph and Bonnie Paiva, Nathaniel and Amy Moor, Stevie Carvalho (Thompson Farland, Inc.), Joan Hartnett-Barry (The Wanderer), Will Saltonstall (Saltonstall Architects), Bernadette Taber (Buzzards Bay Project), John Rockwell (MOSAC), David and Bobbie Thrall, Scott Erdman, Stan Bradford, Christopher Bryant (Sippican Lands Trust), Susan Nilson (CLE Engineering, Inc.), John Quirk (Tabor Academy), and David Davignon (N. Douglas Schneider & Associates, Inc.)

Meeting convened at 7:00 PM Wednesday, April 24, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 20, 2013 by N. Hills and J. Hartley.

7:00 PM **AMY MOOR**, Lot 50 Holly Pond Road – Request for Determination of Applicability (File No. 41D-1505) to construct a dwelling, a driveway and a sewage disposal system with associated grading. Amy and Nathaniel Moor were present with their engineer, Stevie Carvalho of Thompson Farland Engineering. The site is in the flood plain and in the buffer zone to wetlands on the other side of Holly Pond Road. The driveway will be gravel. N. Hills predicted that quite a few boulders will be encountered; S. Carvalho said they did not find ledge where the foundation is proposed. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

7:05 PM **OTHER - Sprague's Cove Project**, Front Street at Silvershell Beach (File No. SE 041-556). S. Briggs gave an update on the condition of the project. Split rail fencing between the parking lot and the basins needs to be replaced immediately as it is a safety issue for children. The Commission should have \$1,000.00 or so left over in this year's budget to purchase fencing. S. Gonsalves said he has some fencing available.

**OTHER - Planting Island Causeway** – N. Hills said there was a complaint last year by someone regarding dogs on the beach. He looked into the matter, and found that it is the

Conservation Commission's responsibility to post signs prohibiting dogs on the beach during the summer (between May 1 and October 1). The signs would be similar to the one at Silvershell Beach. S. Briggs said the Department of Public Works has a sign-making machine. N. Hills will ask Robert Zora to make the signs.

7:10 PM **MARION OPEN SPACE ACQUISITION COMMISSION**, Mill Street (the "Grassi Bog") – Notice of Intent (File No. SE 041-1197) to replace existing water control structures in order to maintain the pond and emergent marsh. Robert Gray of Sabatia, Inc. represented the Applicant ("MOSAC") and explained that this is a plan to restore water in the bog by removing some of the water control structures in order to re-establish the natural water flow. He said these bogs are being treated as bordering vegetated wetlands. The three areas of wetlands that will be impacted are approximately 900 square feet each and will be replicated by removing a 2,785 square foot bog dike and restoring that area to a wetland. N. Hills said he and J. Hartley could not orient themselves with the plan at the site, and the bypass channel is not shown on the plans. Bernadette Taber of the Buzzards Bay Project was present and described where the clean sand would be placed for box turtle nesting. She said they plan on using the bog dike material for the sand unless it is too organic in which case it will be trucked off site. B. Taber said she only knows of one filled pipe sticking out of the top of the dike and it could be removed, but she would recommend leaving it in place rather than disturbing the area.

Joe Paiva, an abutter, asked if the bogs get flooded out, will the water depth increase? B. Taber said there will not be any more water and the bypass channel will remain. J. Paiva asked about maintaining the paths, as he and his wife have been mowing the paths for the last 15 years; B. Taber said she has asked Natural Heritage to reconsider the allowed mowing period, as there are too many ticks there for people to use the trails if they aren't mowed.

Scott Erdman, an abutter on Mill Street, said the dike between the bog and the pond was beginning to breach a few years ago after a very heavy rainstorm and the Department of Public Works addressed the problem immediately.

B. Taber said the rock weirs (dikes) will hold back the water when the water structures are removed.

Christopher Bryant, President of the Sippican Lands Trust, was present and said the Lands Trust owns the bogs above and below this property, and he feels this is an excellent project.

David Thrall of Sparrow Lane asked what depth the water is expected to become; B. Taber said it won't be very deep – maybe a foot in the springtime.

J. Hartley asked when the work will be done; B. Taber said her deadline is to have it completed by September 30, 2013. S. Briggs asked how the phragmites will be controlled; B. Taber said using chemicals is the best way. S. Briggs asked whether MOSAC has funds for maintenance mowing; John Rockwell said no, there will have to be fund raisers for that. J. Rockwell said MOSAC would love to meet with the abutters who are familiar with the problems at this site (partying kids,

deer poachers, parking problems, excessive ticks) at their next meeting which will be held at the Police Station. S. Briggs moved to close the hearing; N. Hills seconded; voted unanimously.

7:57 PM **TABOR ACADEMY**, Spring Street – Stone Gymnasium – Request for Determination of Applicability (File No. 41D-1506) to construct a 35' x 78' indoor rowing tank building addition, a 25' x 35' outdoor workout area and a drainage swale on the northeast side of the building. S. Briggs left the room. Tabor Headmaster John Quirk was present with his engineer, Susan Nilson of CLE Engineering, Inc., and architect Will Saltonstall of Saltonstall Architects. The building is in the flood plain, and the swale is in the buffer zone to a bordering vegetated wetland. S. Nilson said the ground will be built up by about a foot to match the gymnasium's existing floor grade. She said there will be a very small amount of roof runoff that will be directed to a grassy swale. W. Saltonstall said this project is essentially a big garage with doors that will open during flood events, as required by the Flood Regulations. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously. S. Briggs returned to the table.

8:06 PM **KATHLEEN MAHONEY**, Dexter Road (across the road from, and associated with, House #40) – Notice of Intent (File No. SE 041-1196) to construct a 4' x 133' timber boardwalk and pier, a 3' x 20' gangway, and a 10' x 20' float supported by four pilings. David Davignon of N. Douglas Schneider & Associates was present and showed photographs of the pier dated in the 1960's. The remains of that pier will be removed and a new structure will be built. The pier is not licensed. D. Davignon said the 2-1/2' separation from the float to the bottom that the Division of Marine Fisheries prefers is only needed when the area is deemed a significant shellfish area, and the Shellfish Officer's comments for this project did not mention shellfish. D. Davignon referred to D.E.P.'s Piers and Docks Guidelines publication which clarifies when the 2-1/2' water depth is required. D. Davignon said any shellfish will be moved under the direction of the Shellfish Officer, if requested. Clarification from the Shellfish Officer is needed as to whether this site has significant shellfish, as this will determine the required water depth under the float. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:10 PM on May 8, 2013; J. Hartley seconded; voted unanimously.

**AMY MOOR** – proposed new dwelling, driveway and septic system at Lot 50 Holly Pond Road (File No. 41D-1505) – N. Hills moved to issue a Negative Determination for Box #2 (flood plain) and #3 (buffer zone to a wetland); J. Hartley seconded; voted unanimously.

**OTHER - Dr. Henning Gaissert**, 20 Front Street (File No. SE 041-1194) – N. Hills said Dr. Gaissert's contractor, Mark Patroliia, contacted him regarding the proper installation of the siltation fencing. N. Hills visited the site and does not think erosion control is needed at all. N. Hills questioned the proposed foundation of the house – poured concrete for flood zones as shown on the engineer's plans and as approved, or what appears to be columns on the architectural drawings for velocity zone projects. N. Hills would like further foundation details to be submitted before work begins. S. Briggs said he spoke with David Davignon who verified the house will have a flood zone foundation. A letter will be sent to Dr. Gaissert approving the omission of siltation controls.

**TABOR ACADEMY** – proposed indoor rowing tank addition to the Stone Gymnasium at Spring Street (File No. 41D-1506) – N. Hills moved to issue a Negative Determination for Box #2

(flood plain) and #3 (buffer zone to wetlands); S. Gonsalves seconded; voted by majority with S. Briggs abstaining.

**MARION OPEN SPACE ACQUISITION COMMISSION** – to replace water control structures at the "Grassi Bog" off Mill Street (File No. SE 041-1197) – J. Hartley drafted the Order of Conditions and moved to issue it as written; N. Hills seconded; voted unanimously.

Meeting adjourned at 8:50 PM.

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Diane R. Drake, Secretary

Approved May 8, 2013