

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 26, 2013

Members Present: Joel D. Hartley, Treasurer
Norman A. Hills, Clerk
Stephen C. Gonsalves

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

Secretary: Diane R. Drake

Others Present: Joan Hartnett-Barry (The Wanderer), Susan Nilson (CLE Engineering, Inc.), David Davignon (N. Douglas Schneider & Associates, Inc.), Chris Dindal (Morgan Wheelock, Inc.) and James Manganello (LEC Environmental)

Meeting convened at 7:00 PM Wednesday, June 26, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 22, 2013 by Joel Hartley and on Monday, June 24, 2013 by N. Hills. This meeting was audio recorded by Town of Marion staff.

MINUTES were reviewed. N. Hills moved to accept the draft May 22, 2013 and June 12, 2013 minutes as amended; J. Hartley seconded the motion; voted unanimously.

TO DISCUSS

A. **Conservation Commission openings** – N. Hills said he was reappointed for three years as a Member (through June 30, 2016). N. Hills said he could not understand why Jeffrey Oakes was not reappointed as an Associate Member, and would like to recommend to the Board of Selectmen that they reappoint him. He noted that J. Oakes had submitted an application. D. Drake explained that L. Dorman recommended that J. Oakes' automatic reappointment be reconsidered due to two years of nonattendance and quorum problems caused by J. Oakes' inability to attend Conservation Commission meetings because his Marion Open Space Acquisition Commission meetings are held on the same dates. Also, J. Oakes can't participate in hearings where CLE Engineering is the representative, and any hearings that might have to do with the bike path because he's on that committee, as well. J. Oakes told both D. Drake and L. Dorman that he really didn't care whether he was reappointed or not. The Selectmen had already considered reappointing him, and voted not to. S. Gonsalves said he knows some people that would be interested in joining the Commission. D. Drake said former member Frank Germano is interested in rejoining the Commission as an associate member, and Bruce Hebbel is interested in filling the balance of

Sherman Briggs' Member position. N. Hills said the Commission should discuss this later when all Members are present.

7:12 PM **ANN IANNUZZI**, 9 Shellheap Road – Notice of intent (File No. SE 041-1202) to eradicate phragmites, Japanese knotweed, Asiatic bittersweet and other invasive plant species. Susan Nilson of CLE Engineering, Inc. represented Ms. Iannuzzi and said this is the third of the three properties abutting the Sprague's Cove Stormwater Remediation Project. Eliminating invasive plants on the abutting properties will help to control invasives in the stormwater settling basins. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously. N. Hills drafted the Order of Conditions and moved to issue it as written; J. Hartley seconded; voted unanimously.

OTHER MATTERS:

A. **Cancellation of July 10, 2013 meeting** – There are no hearings scheduled for July 10. Everyone agreed to cancel that meeting if no filings are received by the noon time Monday deadline.

7:30 PM **N. GEORGE HOST and LAURIE A. HOST**, 456 Point Road – Notice of Intent (File No. SE 041-1203) to landscape the property. Work includes trimming or removal of select trees, underbrush and groundcover, and the replacement of said vegetation as shown on the Landscape Design Plan. David Davignon of N. Douglas Schneider & Associates, Inc. represented the Hosts. Also present were James Manganello of LEC Environmental and Chris Dindal of Morgan Wheelock, Inc. D. Davignon said there are two isolated wetlands along the driveway. He explained the proposed work shown in sections on the plan. He said there may be a tree or two in wetlands that would be removed. Grading will not be changed except for Area 6 where there is a drop off. N. Hills said it is his opinion that trees in wetlands should not be removed, even if they are dead. The proposed pathway was discussed. N. Hills would like to view this at the site. D. Davignon said the siltation fence will be shown on the plan. D. Davignon said he does not believe vista pruning applies to buffer zone projects; N. Hills said it only applies to buffer zone projects. J. Hartley said he is not in favor of removing cedar trees; J. Manganello said these are red cedars, which are not in danger. The middle of the lawn area will be used for staging and stockpiling materials. J. Hartley said an area north of this property has been mowed down to nothing. Vista pruning limits and allowances were discussed. J. Hartley said his major concern with this project is the foot path, and his other concerns are minor. D. Davignon said the stream is shown as being perennial on the United States Geological Survey map, but he is going to prove it is an intermittent stream. N. Hills thought that there was a process to follow when changing a perennial stream to an intermittent one. D. Davignon said he will document it the same way he has in the past on other projects. He said the Natural Heritage and Endangered Species Project decided they want a MESA filing to be submitted for this project, so there is no hurry to close this hearing. He asked the Commission to continue this hearing to July 24, and if possible to visit the site again with J. Manganello on July 13 rather than on July 20 so that he will have enough time to make any changes to the plan. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM on July 24, 2013 and inspect the site again at 8:30 AM on Saturday, July 13; J. Hartley seconded the motion; voted unanimously.

8:26 PM **WARREN P. WILLIAMSON IV and LEE H. WILLIAMSON**, southerly of 125 Converse Road – Notice of Intent (File No. SE 041-1201) to perform the following activities within the 100' Buffer Zone to a Bordering Vegetated Wetland: construct a portion of a deck, install

a portion of a drainage pipe, and perform land clearing and grading associated with the construction of a dwelling located outside the Buffer Zone. David Davignon represented the Williamsons and apologized for asking the Commission to continue this hearing from June 12, 2013 due to a scheduling conflict he had with the Acushnet Conservation Commission that night. D. Davignon described the project. N. Hills and J. Hartley said they couldn't find the flags during their inspection and asked that the flags be rehung. D. Davignon said some of those flags were placed in 2009 so he is not surprised that they are missing, and he will have them replaced. J. Hartley asked if there is a replication area for the area taken by the two footbridges; D. Davignon said there is no loss, as the water still flows under them. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously. N. Hills drafted the Order of Conditions and moved to issue it as written; J. Hartley seconded; voted unanimously.

Meeting adjourned at 8:50 PM.

Diane R. Drake, Secretary

Approved July 24, 2013