

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JULY 24, 2013

Members Present: Lawrence B. Dorman, Vice Chairman and Acting Chairman  
Joel D. Hartley, Treasurer  
Norman A. Hills, Clerk  
Stephen C. Gonsalves

Members Absent: Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Laurie Host, James Manganello (LEC Environmental), David W. Briggs, Thomas and Susan Dexter, David Davignon (N. Douglas Schneider and Associates), and Joan Hartnett-Barry (*The Wanderer*).

Meeting convened at 7:00 PM Wednesday, July 24, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 20, 2013 by J. Hartley, N. Hills and S. Gonsalves. This meeting was audio recorded by Town of Marion staff.

**MACC ANNUAL DUES** – The fee this year is \$374.00, a 9.76% increase over last year's \$342.00 fee. S. Gonsalves thought the increase was out of line and should be questioned. N. Hills moved to pay the invoice; L. Dorman seconded the motion, voted unanimously. L. Dorman asked S. Gonsalves to contact MACC to question why there is such a substantial increase.

**SPRAGUE'S COVE STORMWATER RETENTION PROJECT** – N. Hills moved to ratify payments of \$5,000.00 to Polatin and \$8,005.00 to Marion Fence for work being done at the site; S. Gonsalves seconded the motion; voted unanimously (File No. SE 041-556).

**MINUTES** – The June 26, 2013 minutes were reviewed. L. Dorman moved to accept them as amended by N. Hills; S. Gonsalves seconded the motion; voted unanimously.

**BAY WATCH REALTY TRUST** – The Zoning Board of Appeals has requested comments regarding the proposed relocation of a portion of the access road/driveway of the 40B Project in order to eliminate the bridge over wetlands (File No. SE 041-1145). N. Hills drafted a response to the Z.B.A. stating the Commission is in favor of this change, but the Applicant will need to request an Amended Order of Conditions for the Commission to accept the revised plans. Replication will no longer be necessary. N. Hills moved to issue the memo as written; L. Dorman seconded the motion; voted unanimously.

7:12 PM **CHRISTOPHER SHACHOY** and **MEREDITH CLARK SHACHOY**, 16 South Street – Request for Determination of Applicability (File No. 41D-1512) to demolish and reconstruct the dwelling, and construct a gravel driveway to access the new garage. David Davignon of N. Douglas Schneider & Associates represented the Applicants and described the project. The site is in the flood plain, and there are no wetland resource areas there. The house was built in 1875. The same family owns both the front and rear lots. D. Davignon said gutters are not proposed, just large over hangs. The Z.B.A. hearing for this project is tomorrow. N. Hills moved to close the hearing; S. Gonsalves seconded; voted unanimously.

7:23 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. This hearing was continued from June 26, 2013 in order to do another site inspection on July 14, 2013 with the wetlands biologist present to answer questions. Laurie Host was present with her engineer, David Davignon of N. Douglas Schneider & Associates, and wetlands biologist, James Manganello of LEC Environmental. L. Host assured the Commission Members that she is very pro-environment. D. Davignon submitted revised plans based on the last hearing and additional inspection. Topography at Flags 6 and 5A were surveyed. The siltation fence location has been changed. No trees will be removed in the wetlands. Any dead or downed trees and limbs will be pulled out by cable while removing the vines. N. Hills said he is not in favor of removing anything that is down in wetlands. The pathway gate has been removed. The mulch path has been removed from the project. D. Davignon discussed Area 3. He would like to remove all that underbrush and then have another onsite, if necessary, to determine which trees may be removed; S. Gonsalves thought that was a good approach. L. Dorman said he does not want to have the tree company make several trips, but would like more clarification. S. Gonsalves said cutting the willow will just make it grow twice as big, so he would recommend removing it, the same as was done to the willows at the Sprague's Cove project. J. Hartley said he has no problem with all the work proposed, which is in compliance with the Wetlands Protection Act in the buffer area, and he does not think the Commission should decide whether or not each individual tree should be removed or pruned. J. Manganello said the project is designed to be in substantial compliance with the Wetlands Protection Act and will result in an improvement to the resource areas and wildlife habitat. D. Davignon said he wouldn't be against N. Hills wanting to condition that no logs were to be removed in Area 5. L. Dorman moved to close the hearing; N. Hills seconded the motion; voted unanimously.

7:47 PM **THOMAS O. DEXTER**, 366 Delano Road – Notice of Intent (File No. SE 041-1204) to move an historical dwelling (formerly located at 370 Delano Road) onto a new foundation south of the dwelling at 366 Delano Road, construct a 14' x 20' addition and a deck between the buildings, and remove and rebuild the rear deck. Thomas and Susan Dexter were present with their engineer, David Davignon of N. Douglas Schneider & Associates. Dr. David Briggs, who lives across the road from this property, was allowed to sit at the hearing table. D. Davignon described the project. The rear deck must be removed to allow enough space for the house to pass, and will then be rebuilt. Dr. Briggs said the house being moved has been sitting in his view for the last four years, and he and his niece Dale Allison in Hawaii do not mind the house going over their strip of land between where the house is now and its new location, provided the work is

done within a year and any damage to the stone walls is repaired. D. Drake said she had spoken with Ms. Allison earlier today but did not receive her promised email in favor of the project. T. Dexter thanked Dr. Briggs for his support and said the moving contractor, Jim Gordon of Hingham, does not think the stone walls will be harmed by the move. T. Dexter described how the work will take place. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

**CHRISTOPHER SHACHOY** and **MEREDITH CLARK SHACHOY** – S. Gonsalves moved to issue a Conditional Negative Determination of Applicability (File No. 41D-1512) for Box #2 (flood plain) to demolish and reconstruct the dwelling at 16 South Street, with a condition requiring drip strips around the foundation; L. Dorman seconded the motion; voted unanimously.

**THOMAS O. DEXTER** – J. Hartley drafted and moved to issue an Order of Conditions (File No. SE 041-1204) for moving a house to a new foundation at 366 Delano Road, constructing an addition and deck and rebuilding the rear deck; S. Gonsalves seconded the motion; voted unanimously.

**N. GEORGE HOST** and **LAURIE A. HOST** – N. Hills drafted and moved to issue an Order of Conditions (File No. SE 041-1203) for landscaping at 456 Point Road; L. Dorman seconded the motion; voted unanimously.

**MARION RECREATION COMMITTEE** – re.: maintenance of the hiking trail from Washburn Park Road to the skating pond (File No. 41D-1488). N. Hills said he received a complaint of a newly-cut trail through wetlands. D. Drake explained that this is not a new trail, it is one of the footpaths that had become overgrown, and the Recreation Committee did file a Request for Determination of Applicability to restore and maintain the Park's overgrown hiking trails and woods roads as well as the picnic area, and the Determination only conditioned a portion of the picnic area work. N. Hills said the old plan does not show this trail. L. Dorman said he visited the site and had trouble finding it. J. Dickerson will be asked to attend a site inspection with the Commission Members.

**TOWN OF MARION** – re.: the Harbormaster's request to use the Silvershell Beach Bath House lot during regattas (File No. 41D-1492). N. Hills said he received a complaint of grubbing being done to the dunes and rosa rugosa. The proposed work described in the Harbormaster's Request for Determination of Applicability included adding sand to the pathways to the shore in order to launch small sailboats there. Mats would be put down to protect the marsh grass during the regattas. N. Hills suggested the other Commission Members to go take a look at what has been done.

**REORGANIZATION OF THE BOARD** – N. Hills said he is disappointed that Jeffrey Oakes was not reappointed as an Associate Member. L. Dorman said J. Oakes was unable to help the Commission when needed. D. Drake explained that it isn't just because J. Oakes is a member of MOSAC (Marion Open Space Acquisition Commission) and their meetings are held at the same time as the Conservation meetings, but he also abstains from bike path issues and CLE Engineering hearings. On motions duly made, seconded and unanimously passed, L. Dorman was voted the Chairman, N. Hills the Vice Chairman, J. Hartley the Treasurer, S. Gonsalves the Clerk, N. Hills as the Commission's representative on the Community Preservation Committee, and S. Gonsalves as

the Commission's representative on the Bird Island Restoration Committee. S. Gonsalves said he would like to have the Conservation meetings televised, as are the Selectmen's, Planning Board's and ZBA's meetings. L. Dorman said that has been discussed in the past, but it is difficult for the viewers to see the plans.

Meeting adjourned at 8:55 PM.

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Diane R. Drake, Secretary

Approved August 28, 2013