

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 23, 2013

Members Present: Lawrence B. Dorman, Chairman
Norman A. Hills, Vice Chairman
Joel D. Hartley, Treasurer
Stephen C. Gonsalves, Clerk
Jeffrey J. Doubrava, Member

Members Absent: Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Susan Nilson (CLE Engineering), Nancy and Greg Johnson, Robert Cattel and Joan Hartnett-Barry (The Wanderer)

Meeting convened at 7:00 PM Wednesday, October 23, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 19, 2013 by N. Hills, J. Hartley, S. Gonsalves and J. Doubrava. This meeting was audio recorded by Town of Marion staff.

7:00 PM **HAMMETT'S COVE HOMEOWNERS' ASSOCIATION**, Blackhall Court off Hastings Road – appointment for discussion with Robert Cattel, the Homeowners' Association President, regarding a small repaving and road gravel project. Robert Cattel was present and submitted drawings marked up to show the work that needs to be done. There will be no increase in the widths of the driveways and road, and the pervious driveways will remain pervious. He submitted copies of the quotes to do the work and said the contractor would like to start next week, but the Conservation Commission won't meet again for three weeks. R. Cattel said it's all repair work and he will place haybales along the culvert and at the end of his gravel driveway. He said the road will be tarred on Thursday and the contractor will come back on Friday to do the gravel portion. N. Hills said this work will all be in the velocity zone and a Request for Determination of Applicability will need to be submitted, even if it is for after-the-fact work. Due to the Commission not meeting again for three weeks, and the impending cold weather which could delay paving, the Commission Members agreed to allow the work to take place prior to the hearing for the project. L. Dorman said either haybales or siltation fencing will be acceptable.

7:12 PM **NANCY and GREGORY JOHNSON**, 406 Point Road – Notice of Intent (File No. SE 041-1206) to extend an existing timber pile-supported residential pier 134 feet, and relocate a gangway and a 12' x 12' float. Dr. and Mrs. Johnson were present with their engineer, Susan Nilson of CLE Engineering, Inc., who described the project. She said Planting Island Cove is 1300 to 1400 feet wide at that point, so the lengthened pier will not impede navigation. The Division of Marine Fisheries commented that the float should not be positioned over any eelgrass beds; S. Nilson said

there is no eelgrass there. She said D.M.F.'s comment that the Applicant could use alternate materials for the pier means exotic rain forest hardwood known as iron wood. She said D.M.F.'s comment to anchor the pier to rocks does not make sense because the rocks are all different sizes which can't be determined. S. Nilson said abutter notifications were sent to abutters within 100', not to the residents across the Cove on Planting Island. She said the pier will need a new license because the extension is more than a ten percent increase in its length. One piling of the existing float will be left for the ospreys to nest on. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:28 PM **THE KITTANSETT CLUB**, 11 Point Road – Request for Determination of Applicability (File No. 41D-1520) to continue to use the existing stockpile area in the southeast corner of the driving range as a burn area and a storage site for materials, including dredged materials from "The Haven." Susan Nilson represented the Applicant and described the project. The existing Determination of Applicability (File No. 41D-1295) just expired, which is why this filing is being submitted – to continue to use this area for storing materials and for burning. The concrete block bins replaced the old piles. S. Nilson said she will request a Certificate of Compliance for the original Order of Conditions (File No. SE 041-1056) for removing 35 cubic yards of mulch being stored there. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

TOWN OF MARION, Boat Yard Park behind "The Cove" subdivision off Point Road. A report had been received that someone was mowing grass at Boat Yard Park, which could be detrimental to the turtles there. N. Hills said Stanton Roller of The Cove was present during the Commission's site inspection and told them that Robert Zora, the Department of Public Works Superintendent, gave The Cove a letter approving mowing on Boat Yard Park, and Timothy Crowley does the mowing each year. Mr. Roller said the Fire Chief told them he would like the road to the Bather lots kept clear in case a rescue boat needed to be launched there. The Conservation Commission has no copy of the reported Zora letter; N. Hills will contact both parties to get a copy of the letter. J. Hartley said it is work on Town land and in a resource area and a permit is needed. J. Doubrava asked whether the Conservation Commission periodically inspects ConCom land parcels for violations. N. Hills said that has not been a practice but is a good idea.

NANCY and GREGORY JOHNSON, 406 Point Road (File No. SE 041-1206). N. Hills drafted the Order of Conditions to extend an existing timber pile-supported residential pier. Everyone agreed that the Division of Marine Fisheries should specify what the alternatives are for proposed construction practices. N. Hills moved to issue the Order as written; J. Hartley seconded; voted unanimously.

THE KITTANSETT CLUB, 11 Point Road (File No. 41D-1520). J. Hartley moved to issue a Conditional Negative Determination of Applicability allowing Kittansett to continue to use the existing stockpile area in the southeast corner of the driving range, with a condition that there shall be no change in the operations, existing structures or contours; L. Dorman seconded the motion; voted unanimously.

OTHER – Televising the Conservation Commission meetings. S. Gonsalves said he would like the Conservation Commission meetings to be televised like the other boards and

committees are, because it is good for the public to have total access to our hearings and discussions. N. Hills said he is happy as is, with just audio recording our meetings. J. Hartley agreed with N. Hills. L. Dorman will have an informal conversation with Paul Dawson about this matter.

Meeting adjourned at 8:10 PM.

Diane R. Drake, Secretary

Approved November 13, 2013