

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 13, 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: Ken Michaels (KM Building and Remodeling), Susan Nilson and Dan Gagne (CLE Engineering), David Davignon (N. Douglas Schneider & Associates), Robert Cattell (Hammetts Cove Homeowners' Association), Joan Hartnett-Barry (The Wanderer), and Christopher Kmiec.

Meeting convened at 7:00 PM Wednesday, November 13, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, November 9, 2013 by L. Dorman, N. Hills 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 – Request for Determination of Applicability (File No. 41D-1524) to repave the asphalt entrance driveway, sealcoat the cul-de-sac, and regrade the bluestone common driveways. Robert Cattell, the Association President, was present. He had met the Commission Members at the site three weeks ago to explain what the work would entail. He attended the Commission's October 23, 2013 meeting and asked for permission to do the work within a week, due to the contractor's limited time table. The Commission approved his request, and this is the after-the-fact filing for that project. R. Cattell said the rocks that were dug out of the paved area were surprisingly small. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

MINUTES were reviewed. L. Dorman moved to accept the October 9, 2013 minutes as written; S. Gonsalves seconded; voted unanimously. L. Dorman moved to accept the October 23, 2013 minutes as written; N. Hills seconded; voted unanimously.

Regarding a recent pier extension project in Planting Island Cove, Eileen Feeney of the Division of Marine Fisheries had recommended the use of other materials in place of pressure treated piles, but did not specify what the other materials were. N. Hills spoke with her and was told that black locust, recycled plastic and fiberglass were the alternatives. She also said that large-diameter

treated piles may stop leaching after three months, making them less harmful than smaller-diameter treated piles. She will supply the Commission with additional information about this.

7:11 PM **29 WATER STREET REALTY TRUST**, 29 Water Street – Request for Determination of Applicability (File No. 41D-1521) for general maintenance of the pier and seawalls. Work includes repositioning stones that have fallen out of the abutments, grouting, and replacing rotted railings, decking and timbers as needed. Ken Michaels represented the Trust and said the railings and seats were dangerous and a safety issue, which is why he replaced them. N. Hills said the first abutment from shore appears to be the only one needing rock replacement. N. Hills said he was upset that work on the railings had already taken place; L. Dorman said it was a safety issue, and Mr. Michaels cleared that work with the Harbormaster before starting. L. Dorman moved to close the hearing; S. Gonsalves seconded; voted unanimously.

TELEVISION MEETINGS – L. Dorman spoke with Town Administrator Paul Dawson regarding televising the Conservation Commission meetings. P. Dawson thought televising the popular hearings might be appropriate, but not necessarily all of them. L. Dorman suggested discussing this further at the next meeting; S. Gonsalves said he believes every meeting should be televised, but would like the Members to agree now to start televising certain meetings. L. Dorman suggested S. Gonsalves speak with ORCTV to see how much advance notice they would need to videotape specific Conservation Commission meetings.

7:22 PM **BLANKINSHIP TRUST, LLC**, 468 and 470 Point Road – Request for Determination of Applicability (File No. 41D-1522) to confirm that the stream running through the property in a northerly-southerly direction meets the definition of an Intermittent Stream. No work is proposed. David Davignon of N. Douglas Schneider & Associates represented the Trust. He said the 1978 United States Geological Survey maps show a straight drainage ditch on this property. He explained that a perennial stream puts a 200' boundary on each side of it, and it is unnecessary on this property. D. Davignon said you can overcome the presumption of the stream being perennial if it is documented as being dry four days in a row, which this stream was. N. Hills said they had problems locating the stream and would like to visit the site again with D. Davignon or another person familiar with this project. D. Davignon said the fallen leaves may have hidden the ditch, but weekend inspections are not convenient for him. He offered to hang big new flags before the Commission's next inspection. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM on December 11, 2013; J. Hartley seconded; voted unanimously. Another inspection will be held at 8:35 AM on Saturday, December 7, 2013.

7:35 PM **N. GEORGE HOST and LAURIE A. HOST**, 456 Point Road – Request for Determination of Applicability (File No. 41D-1523) to confirm that the stream running through the property in a northerly-southerly direction meets the definition of an Intermittent Stream. No work is proposed. David Davignon represented the Applicants and said the issues are the same as the last hearing. He will have large new flags placed. The Commission will inspect the site again at 8:35 AM on Saturday, December 7, 2013. L. Dorman moved to continue the hearing, with the Applicants' consent, to 7:05 PM on December 11, 2013; J. Doubrava seconded; voted unanimously.

7:40 PM **CHRISTOPHER KMIEC**, 14 Aucoot Avenue – Notice of Intent (File No. SE 041-1207) to relocate a pile of large rocks and position them in a row a minimum of 15' from the Bordering Vegetated Wetland line, landward of an existing stone and masonry wall running near the wetland line. Christopher Kmiec was present with his Engineers, Susan Nilson and Dan Gagne of CLE Engineering, Inc. D. Gagne said a few trees may need to be removed. He submitted literature on filter socks which he would like to use for erosion control instead of haybales or siltation fencing. He said about 12" of material will be spread in the low area. Mr. Kmiec said the dump trucks that delivered those rocks are responsible for the rutting and packing the soil down. J. Hartley asked whether the applicant was building a vertical wall in a velocity zone, which is illegal; S. Nilson said it is like a 3'-high revetment on the lawn but is not designed to be a seawall. She said it does not have a vertical face and will not be grouted. It will be loose laid with spaces, not chinked. L. Dorman said he understands why Mr. Kmiec wants to do this project, but the Commission cannot allow work that may not be legal. S. Nilson would like to know exactly what the Commission requires to assure them that the project is legal. J. Hartley will investigate the requirements with D.E.P. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM on December 11, 2013; J. Hartley seconded; voted unanimously.

THE KITTANSETT CLUB, 11 Point Road – Request for a Certificate of Compliance (File No. SE 041-1056) for temporarily stockpiling fill materials along the landward side of a coastal bank at the driving range. L. Dorman moved to issue a full Certificate of Compliance; S. Gonsalves seconded; voted unanimously.

THE COVE IN MARION TRUST, at the end of Jenney Lane. Stanton Roller gave the Commission a copy of a letter that Robert Zora of the Department of Public Works had given The Cove, approving mowing and cutting the Town's land "to the ocean's edge" (File No. SE 041-815). N. Hills spoke with R. Zora who explained that he meant it was OK for The Cove to clear the path to their pier, not to mow the field. N. Hills will draft a letter to The Cove clarifying what they can mow.

MOWING AT WING'S COVE, off Delano Road. A complaint has been received that someone had mowed a portion of the marsh and brush at the Wing's Cove boat ramp (File No. SE 041-926). The complaining party said nothing was permanently damaged and everything will grow back. The Commission will inspect the site during their next inspections on December 7, 2013.

RIVER ROAD RECONSTRUCTION PROJECT – N. Hills said the Town would like to reconstruct River Road and will the Commission require a Request for Determination of Applicability filing or a Notice of Intent filing for the work? J. Hartley said the drainage issues by the Stone Rooster were part of the River Road subdivision project (File No. SE 041-1176). N. Hills noted that if drainage work is done, then a Notice of Intent should be required.

HAMMETT'S COVE HOMEOWNERS' ASSOCIATION, Blackhall Court off Hastings Road (File No. 41D-1524) – L. Dorman moved to issue a Negative Determination of Applicability for Boxes 2 (flood plain) and 3 (buffer zone to wetlands) to repave the asphalt entrance driveway,

sealcoat the cul-de-sac, and regrade the bluestone common driveways; S. Gonsalves seconded; voted unanimously.

29 WATER STREET REALTY TRUST, 29 Water Street (File No. 41D-1521) – N. Hills moved to issue a Conditional Negative Determination of Applicability for Boxes 2 (flood plain) and 3 (buffer zone to a salt marsh) for general maintenance of the pier and seawalls, with conditions that work on the abutments shall take place during low tide, and the cement walkway shall remain in place.

BOARD OF SELECTMEN – The Conservation Commission Members have been invited to the Selectmen's November 19, 2013 meeting for general discussion. Only N. Hills and J. Hartley will be able to attend. Another date will be requested when more of the Members will be able to attend.

Meeting adjourned at 8:25 PM.

Diane R. Drake, Secretary

Approved December 11, 2013