

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 11, 2013

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

Members Absent: Stephen C. Gonsalves, Clerk
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Cynthia Callow Trinidad, Joan Hartnett-Barry (*The Wanderer*),
Susan Nilson (CLE Engineering), Dan Gagne (CLE Engineering)
and Christopher Kmiec

Meeting convened at 7:00 PM Wednesday, December 11, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 7, 2013 by N. Hills and J. Hartley. This meeting was audio recorded by Town of Marion staff.

7:00 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. This hearing was continued from November 13, 2013 in order to inspect the site again with the Applicant's engineer, as the engineer was not able to attend the hearing tonight. N. Hills said he and J. Hartley walked the entire length of the man-made stream, and have not seen water in the ditch at any of their inspections. N. Hills said the area is wooded now but at some time in the past there was a lot more water, witnessed by the stone lined impoundment area in the woods. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:05 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. This hearing was continued from November 13, 2013 in order to inspect the site again with the Applicant's engineer. This hearing was continued from November 13, 2013 in order to inspect the site again with the Applicant's engineer, as the engineer was not able to attend the hearing tonight. N. Hills and J. Hartley walked the entire length of the man-made stream, which followed through from the abutting lot, and their observations were the same – no flow. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:10 PM **N. GEORGE HOST and LAURIE A. HOST**, 456 Point Road - Request for Determination of Applicability (File No. 41D-1525) for Chapter 91 Waterways licensing of a gangway and float. No work is proposed. The pier is already licensed, but the gangway and float are not. N. Hills wondered whether the float was placed without a permit, and would like to know what the Harbormaster thinks of it. N. Hills moved to continue the hearing, with the Applicants' consent, to 7:10 PM on January 8, 2014 for the the Harbormaster's and Shellfish Officer's comments; J. Hartley seconded; voted unanimously.

MINUTES were reviewed. L. Dorman moved to accept the November 13, 2013 minutes as amended; J. Hartley seconded; voted unanimously.

7:20 PM **CHRISTOPHER KMIEC**, 14 Aucoot Avenue – Notice of Intent (File No. SE 041-1207) to relocate a pile of large rocks into a row a minimum of 15' from the bordering vegetated wetland line, and landward of an existing stone and masonry wall running near the BVW line. This hearing was continued from November 13, 2013 in order to clarify whether the row of boulders would be considered a vertical barrier, which would not be allowed in a velocity flood zone. Christopher Kmiec was present with his engineers, Susan Nilson and Dan Gagne of CLE Engineering, Inc. J. Hartley tried, unsuccessfully, to contact several people at the Department of Environmental Protection regarding whether the boulder wall would be considered a vertical barrier in a Velocity Zone (at Elevation 18'). S. Nilson said this wall is set back significantly from the marsh and wetlands. She said this is not a seawall, a vertical wall or a revetment, and is not designed to be a structural wall. She said the rocks are irregular with no chinking stones. S. Nilson said she wasn't planning on piling the rocks up on each other, just stringing them out. J. Hartley asked what the purpose of this wall is; C. Kmiec said he will have to pay to have the stones removed, it is unsightly now, and placing the stones along the 15' no-touch line will serve to protect the wetlands as well as mark the limit of mowing boundary. When asked by the Commission about bringing additional stones for the wall as proposed, the Applicant was willing to work with just the stones that were on the site and not bring in additional stones. L. Dorman did not think the rocks needed to be separated. C. Kmiec said he would not object to leaving one foot between the rocks, burying all but three feet of them, and not bringing more rocks onto the site. N. Hills did not think the line will end up being as long as shown on the plan. N. Hills would like an as-built plan of the completed rock line; S. Nilson said she could do a general as-built plan, not showing the height of every rock. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

CARL and KAREN CORREIA, 814 Mill Street – request for a full Certificate of Compliance for razing the existing dwelling, constructing a new dwelling and driveway, installing a sewage disposal system, and filling/grading (File No. SE 041-1161). N. Hills said the roof runoff just dumps on a big rock, not downspouts draining into drywells or onto drip strips. J. Hartley did not think there would be erosion the way it was constructed. N. Hills said the wetlands have been marked; L. Dorman said there are only two flags on this property. L. Dorman moved to issue a full Certificate of Compliance; J. Hartley seconded; voted by majority with J. Doubrava abstaining.

SARDINHA FAMILY TRUST, 454 Wareham Street ("Always In Bloom" flower shop) – request for a full Certificate of Compliance for expanding a gravel parking area, installing a landscape berm, and constructing a storm water management system (File No. SE 041-1140).

N. Hills said the berm is higher than proposed and appears to be built mainly for privacy. L. Dorman said it looks nice. N. Hills moved to issue a full Certificate of Compliance with continuing conditions that the driveway shall be crushed stone or other pervious material, and road salt or other deicing chemicals shall not be used; J. Hartley seconded; voted unanimously.

THE COVE IN MARION TRUST, Boat Yard Park at the end of Jenny Lane (File No. SE 041-815). Superintendent Robert Zora of the Department of Public Works had given the Trust a letter allowing them to mow their right-of-way to the shore. The Trust misunderstood and began to mow the whole field when the Commission was notified of the work being done. A letter has been drafted clarifying what portion of the Town's land that the Trust can mow, specifically just a portion of the pathway to their pier. L. Dorman moved to send the letter as written; J. Doubrava seconded; voted unanimously.

WINGS COVE, off Delano Road (File No. SE 041-926). A report of wetland violations had been received, specifically mowing part of the marsh and brush. An inspection was held. Brush on each side of the launching ramp has been mowed, as well as the entrance driveway to Wings Cove. The Department of Public Works will ask their employees to be more sensitive around wetlands.

RIVER ROAD RECONSTRUCTION PROJECT – The Commission agreed that a Notice of Intent should be filed for the proposed work rather than a Request for Determination of Applicability. N. Hills will notify the engineer to file a NOI. No further action is needed at this time.

CYNTHIA TRINIDAD has applied for the Associate Member opening on the Commission. Ms. Trinidad was present. The Commission Members welcomed her and gave a general description of an Associate Member's duties. She spoke of her interest in the Commission and described her background. The Board of Selectmen will discuss her appointment at their meeting on December 17, 2013.

TELEVISION MEETINGS – Stephen Gonsalves, who was unable to attend this meeting, would like to have the Conservation Commission meetings televised by ORCTV. L. Dorman said he does not think there would be much public interest in the Commission's meetings. He will speak with the Executive Director of ORCTV to see how much advance notice would be required to televise a meeting. Everyone agreed that normal meetings should not be televised.

MEETING WITH THE BOARD OF SELECTMEN – The Selectmen have invited the Conservation Commission Members to attend their January 21, 2014 meeting for general discussion. N. Hills, J. Hartley and J. Doubrava plan on attending.

ANNUAL REPORT – The 2013 Annual Report is due by February 7, 2014. N. Hills offered to draft it.

BLANKINSHIP TRUST, LLC, 468/470 Point Road – J. Hartley moved to issue a Positive Determination for Box #2A confirming that the stream shown on the U.S.G.S. map is intermittent, not perennial; L. Dorman seconded; voted unanimously (File No. 41D-1522).

N. GEORGE HOST and LAURIE A. HOST, 456 Point Road – L. Dorman and J. Doubrava drafted the Determination. J. Doubrava moved to issue a Positive Determination for Box #2A confirming that the stream shown on the U.S.G.S. map is intermittent, not perennial; L. Dorman seconded; voted unanimously (File No. 41D-1523).

CHRISTOPHER KMIEC, 14 Aucoot Avenue – N. Hills drafted an Order of Conditions to place a pile of rocks in a row, and moved to issue it as written; J. Doubrava seconded; voted unanimously (File No. SE 041-1207).

Meeting adjourned at 8:35 PM.

Diane R. Drake, Secretary

Approved January 8, 2014