

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 24, 2014

Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice-Chairman
Stephen C. Gonsalves, Member

Members Absent: Jeffrey J. Doubrava, Clerk
Lawrence B. Dorman, Member
Cynthia C. Trinidad, Associate

Secretary:

Others Present: Richard Meyer (The Cove), Don Lewis (Cape Cod Consultants), Ken & Beverly Hanson (The Cove), Mary & Truman Terrell, Elaine & Warren Ferguson, Deane Somerville, Stan Roller, Jocelyn & Al Stickley, Ron & Virginia Sundburg, Stella D Burke, Ron & Carolyn Duff, Nancy Russell, Audrey Knapp, Michael Pierre, Kate Mahoney, Jack Beck

Meeting convened at 7:00 PM on Wednesday, September 24, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 20, 2014 by N. Hills and J. Doubrava.. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV).

7:00 PM **KATHLEEN MAHONEY**, Dexter Road (across from house #40) - Request for Determination of Applicability (File No. 41D-1542) to construct a 12'x15' patio, install a row of boulders along the BVW, plant a privacy hedge and flower bed, remove boulder outcroppings from lawn, re-grade and resurface to re-establish lawn. S. Gonsalves recused himself. N. Hills indicated that there was not a quorum and will need to continue. Moved to continue to October 8, 2014 at 7:30pm. J. Hartley seconded; voted unanimously.

DISCUSSION: N. Hills presented a draft of an Enforcement Order for Sprague's Cove. Members discussed the details of the letter and referenced a letter from the Army Corps of Engineers. J. Hartley reviewed in order to modify any wording. N. Hills asked for comments. S. Gonsalves inquired about the engineering. Members discussed the time line. J. Hartley suggested late

41 October or early November for the deadline. N. Hills motioned to accept; J. Hartley seconded; voted
42 unanimously.

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44 7:10 PM **DAVID & LINDA NIELSEN**: 203 Front Street – Request for Determination of
45 Applicability (File No. 41D-1543) to repair storm, damaged seawall and replace approximately 9.3
46 ft. of storm drain outfall pipe where erosion has occurred. D. Davignon represented the Nielsens. He
47 presented extra plans to members. Nothing has changed on the plans. This is a re-do of a project that
48 was done in May 2007. D. Davignon described the work that had been done by Tabor Academy in
49 regards to the seawall and pipe. The Nielsen's were not aware of the work at that time. Recently they
50 noticed holes forming in the seawall, looks in danger of collapsing. D. Davignon described the plan
51 to take out a portion of the pipe, replace and repairs to the seawall. Will be done at low tide over the
52 course of two days maximum. N. Hills asked if they needed to coordinate with the DPW. D.
53 Davignon indicated that they tried to contact the DPW but did not receive a response as of yet. J.
54 Hartley asked about an easement. D. Davignon said as far as they can tell there isn't one. N. Hills
55 motioned to close; J. Hartley seconded; voted unanimously.

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57 7:20 PM **THOMAS STEMBERG**: 114 Point Road – Notice of Intent (File No. SE 041-
58 1216) to demolish the structures on the lot and construct a single-family dwelling, a pool, a pool
59 house, a tennis court, a driveway and walkways. N. Hills motioned to continue to October 8, 2014 at
60 7:00pm at the request of the applicant; J. Hartley seconded; voted unanimously.

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62 7:20 PM **SHAWN NOLAN**: 55 Bullivant Farm Road – Request for Determination of
63 Applicability (File No. 41D-1544) to install a 20' x 40' in ground steel wall vinyl lined swimming
64 pool. N. Hills stated that the pool will be on the side of the house and a pond is 50' behind it. He
65 asked if any fill will be removed and if it is fresh water. S. Nolan answered yes to both. N. Hills
66 inquired where the water will be pumped out since it can't go into the pond. S. Gonsalves suggested
67 it could run to the front of the property. N. Hills also stated that a siltation fence must be in place. He
68 motioned to close the hearing; J. Hartley seconded; voted unanimously.

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70 **DISCUSSION**: Warren Ferguson of The Cove neighborhood association was on hand with a
71 number of neighbors to show support for a plan to construct a turtle nesting area. D. Davignon and
72 Don Lewis spoke about the project. D. Lewis is an expert on the species. He described the 1,800
73 square foot "turtle garden", which is essentially a sand pit that needs open sunshine and sand. The
74 parcel of land that they would like to use of town land. Some scrub trees would need to be removed
75 to ensure full sun. N. Hills asked how to keep things from growing back? D. Lewis stated they will

76 need to be weeded, maintained. S. Gonsalves about about the sand. D. Lewis said it is like beach
77 sand, 8 inches deep. This project has been done successfully in Wareham, Orleans, and Eastham,
78 well proven technique. J. Hartley and N. Hills asked about the shape. D. Davignon said is hasn't
79 quite been decided yet. The residents are on board but it is on town land. They will file NOI and do
80 the preparation necessary but need to make sure the town will sign off on it since the town is the
81 owner. N. Hills asked how the figure 1,800 sq ft was arrived at. D. Lewis said it was based on the
82 amount of area lost. S. Gonsalves inquired about the time frame from egg to hatching. D. Lewis said
83 60-90 days depending on the conditions. D. Lewis said he was impressed with the residences and
84 their commitment to the project. N. Hills would like to know more details but conceptually he
85 doesn't have a problem with the project. J. Hartley asked about the timing of the project. D. Lewis
86 said ideally before spring time. S. Gonsalves said it was good that only the residents have access to
87 that area. N. Hills said to proceed and to bring more details. S. Gonsalves complemented D.
88 Davignon and D. Lewis, great job and great presentation.

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90 **SHAWN NOLAN:** N. Hills drafted the Determination. Negative Determination #3, no
91 discharge into pond, remove fill from site, install siltation barrier 20' from pool and keep in place
92 until disturbed area is revegetated. N. Hills motioned; J. Hartley seconded; voted unanimously.

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94 Secretary update: One has been chosen and she will start on Monday, September 29, 2014.
95 Her name is Donna Hemphill.

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97 **DAVID & LINDA NIELSEN:** N. Hills drafted the Determination. Negative Determinations
98 # 2 and # 3. Work to be done at low tide, remove construction debris, do not wash concrete trucks on
99 site. N. Hills motioned; J. Hartley seconded; voted unanimously.

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102 Meeting adjourned at 7:55 PM.

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108 Approved November 12, 2014