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FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 22, 2014

Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice-Chairman
Lawrence B. Dorman, Member
Cynthia C. Trinidad, Associate

Members Absent: Jeffrey J. Doubrava, Clerk
Stephen C. Gonsalves, Member

Admin. Assistant: Donna M. Hemphill

Others Present: Josh Swerling (Bohler Engineering), Mark Manganello (LEC Engineering), Mike DeCicco (Standard Times), Nick Dufresne (Thompson Farland, Inc), Pamela Oliveira, Carmelo Nicolosi (Charon Associates, Inc.), Joan Mabie, Dave Davignon (Schneider & Associates), Dean Holt of Mark Investments.

23 Meeting convened at 7:00 PM on Wednesday, October 22, 2014 in the conference room of
24 the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on
25 Saturday, October 18, 2014 by N. Hills and C. Trinidad. This meeting was televised and video
26 recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of
27 Marion staff.

28
29 7:00 PM **JOHN & CAROLE WHITTEMORE**, 51 East Avenue - Request for
30 Determination of Applicability (File No. 41D-1545) to excavate existing dry well, remove stones,
31 non-woven geotextile fabric line on the base and sides, install double washed stone, cover with
32 geotextile and replace sod. N. Hills stated that neither the applicant or his engineer were unable to
33 attend the meeting. Site visit was done on Saturday, 10/18 by N. Hills and C. Trinidad. There is an
34 existing dry well, not working and they want to replace. Plan did not include silt fence, but the
35 applicant did not have a problem adding. The plans show a dry well that still functions and one that
36 is not working properly. L. Dorman asked if it is obvious that the well was not working. C. Trinidad
37 said that yes, it had collapsed and the water is eroding the stone seawall. No further questions or
38 comments. L. Dorman motioned to close; C. Trinidad seconded; voted unanimously. To stay ahead
39 of the schedule, N. Hills drafted the Determination with Negative Box 2 and Box 3, condition-install

40 silt fence between the work area and the seawall. N. Hills motioned to accept; L. Dorman seconded;
41 voted unanimously.

42 **MINUTES:** N. Hills motioned to accept the Minutes from April 23, 2014 as written. C.
43 Trinidad seconded; voted unanimously. N. Hills motioned to accept the Minutes from May 14, 2014
44 as written. C. Trinidad seconded; voted unanimously. N. Hills motioned to accept the Minutes from
45 May 28, 2014 as written. C. Trinidad seconded; voted unanimously.

46
47 7:10 PM **LEC ENVIRONMENTAL CONSULTANTS**, c/o Robert Korff, 345 Wareham
48 Street and 390 Wareham Street – Appointment for Discussion regarding Request for Determination
49 of Applicability (File No. 41D-1548). Mark Manganello of LEC Environmental, Josh Swerling of
50 Bohler Engineering and D. Holt of Mark Investments on hand for the discussion. M. Manganello
51 said the purpose of the filing is to determine the wetland boundaries. He described the existing
52 conditions on the property, noting the Captain Hadley House, parking, stonewall, overgrown fields
53 and a shed. He noted that 3 wetlands flags were on the corner of the lot. Described the change in
54 grade along that part of the property. J. Swerling said they are looking for input and feedback from
55 the Commission regarding key development items as they see them. He mentioned how the Captain
56 Hadley House would be relocated to to the far end of the property. He described the current plan for
57 the CVS. Purposely kept the building out of the Velocity Zone. Finish floor will be at Elevation 17.
58 There will be ramps up to the building. Noted where the refuse container will be. Need to file Notice
59 of Intent in regards to the storm water plan. They do not have one in place as of yet. Will treat it as
60 all new construction. He described the potential storm water plan.

61
62 7:20 PM **LEC ENVIRONMENTAL CONSULTANTS**, c/o Robert Korff, 345 Wareham
63 Street and 390 Wareham Street – Request of Determination of Applicability (File No. 41D-1548) to
64 confirm boundaries of Wetland Resource Areas protected under the Massachusetts Protection Act
65 (WPA, M.G.L., c.131, s. 40) and its implementing Regulations (310 CMR 10.00). M. Maganello
66 stated this filing is to confirm boundaries only, no work associated with this filing. Mentioned the
67 BVW in the outer corner of the property and the coastal storm flowage. J. Hartley asked where the
68 Velocity Zone was. Members reviewed the plan. C. Trinidad asked if that is where the drive thru is
69 proposed to be. J. Swerling said, yes, just before the drive thru. L. Dorman asked about the amount
70 of paving pervious versus impervious , what will happen with Hadley House (moving and how?),
71 and is the size representative size for a CVS? J. Swerling significant increase in pavement, yes and
72 that will be part of the storm water management, anticipates it will be a large system. Hadley House,
73 he believes it is intended for office use, that there are companies specialize moving these buildings.
74 L. Dorman stated that the building is moving further into the buffer zone. L.Dorman asked if the

75 corner of the house in the 30'? J. Swerling said the building itself is out, but there is a ramp that is. N.
76 Hills asked what the setback from the street is? J. Swerling said needs to be 50' from the street, and
77 they are at 59'4". N. Hills asked if there was anything prevent moving the building closer to the road
78 and away from the buffer zone. J. Swerling said that was something they can look into. He said the
79 single family home will be demolished. The CVS is on the smaller size of what the company usually
80 constructs. This footprint is 12,900 square feet. N. Hills noted that after looking at the plans he is
81 concerned with the flood zone line that snakes (between the two AE zones) around and that it doesn't
82 match up with the other plans or on the town website. J. Swerling said it follows the 100 year still
83 water elevation follows the contour as it follows the ground. N. Hills concerned that this is not a
84 stamped and signed plan. J. Swerling said they have one, they presented the board with stamped and
85 signed plans. N. Hills noted that the flood plane shows in different places on a previous plan version,
86 how and why was the change made? Original was based on the FIRM map itself and didn't use the
87 GIS online information. Once they used the online information, the Marion and Massachusetts
88 database blended well, that's where the revised plan came from. C. Trinidad asked could a massive
89 flood compromise the storm drainage system. J. Swerling said it is assumed the storm water
90 management system wouldn't work in a major flood. C. Trinidad asked about the elevation of the
91 drive thru and if it is elevated enough to avoid issue on very rainy days. J. Swerling, yes since it is
92 above flood elevation. J. Hartley asked about line between Zone X and the flood zone. J. Swerling
93 showed the members on the plan. N. Hills and J. Hartley discussed what portion of the building is in
94 Zone X. N. Hills since there is coastal storm flowage, will need a Notice of Intent for any work. L.
95 Dorman and C. Trinidad stated that yes, they understand that they will need a Notice of Intent. N.
96 Hills stated not sure if they can verify the boundaries. The Conservation Commission will need an
97 escrow account for our own engineers to confirm the boundaries. J. Swerling, it is primarily the flood
98 zones? N. Hills, yes the biggest concern is the Velocity Zone and where it is. J. Swerling, hoping to
99 define the boundaries with the RDA. N. Hills will go out and get three proposals from independent
100 engineers and will get back to them with a dollar figure for the 53G account. L. Dorman to
101 summarize, rather than move forward with an NOI and have to make changes down the road, have
102 the engineers determine the lines for this RDA. D. Holt would you except a peer review to use a
103 different source or just different point of view. N. Hills, not sure, it is up to the engineers. Opened for
104 any other questions or comments, there were none. N. Hills with the representative's permission the
105 hearing will be continued. L. Dorman suggested December 10 but it is the representative's choice.
106 They will send an electronic copy of the most current plan and send 5 more hard copies to give to
107 engineers. J. Swerling prefers to schedule for November 12 at 7:00PM. N. Hills, if need be, that can
108 be continued to December 10. N. Hills, continued to November 12 at 7:00PM.

109 7:30 PM **PAMELA OLIVEIRA**, 85 Dexter Road – Notice of Intent (File No. SE041-1219)
110 for the existing house to be elevated onto the new flood zone compliant foundation in FEMA Zone
111 AE with a new second floor addition and decks and access stairs to be added plus associated work.
112 Carmelo Nicolosi of Charon Associates representing the Oliveiras. He described the project. It is
113 entirely in a flood zone. There is no work in the buffer zone or riverfront. C. Trinidad asked if there
114 are two decks? C. Nicolosi said yes, there is a lower and upper deck. N. Hills asked if the garage is
115 underneath. C. Nicolosi said yes. N. Hills asked about the foundation. C. Nicolosi said it is a
116 concrete foundation, basement not a livable space. It's a solid foundation. L. Dorman asked if they
117 are taking the roof off and raising to a second floor. C. Nicolosi stated that is in the future. N. Hills
118 asked about the propane tank and the location, will it be fastened down. C. Nicolosi, yes they will do
119 that. L. Dorman asked about the building materials and storage. C. Nicolosi stated that the debris will
120 be in dumpsters, as for the piles of dirt, some will be used to increase the grade at the front and the
121 remaining will be removed. L. Dorman questioned a well stated on the plan. There is no well, was
122 mismarked on the plan. N. Hills asked about the shed on the property. C. Nicolosi stated it will be
123 demolished. N. Hills motioned to close the hearing; C. Trinidad seconded; voted unanimously.

124
125 7:40 PM **THOMAS STEMBERG**, 114 Point Road – Notice of Intent (File No. SE041-
126 1216) to demolish the structures on the lot and construct a a single family dwelling, a pool, pool
127 house, a tennis court, a driveway and walkways. N. Dufresne of Thompson Farland, representing T.
128 Stemberg. Continued from October 8, 2014. There was a question of the size of the disturbance in
129 regards to the driveway and walking paths. The paved walking paths are 3' wide, minimal clearing on
130 either side. All work will be done by hand, with wheelbarrows. No trucks will be used. The driveway
131 is 12' wide with a couple of feet of clearing on each side. He estimated a total of 3500 sqare feet of
132 disturbance. N. Hills motioned to close; C. Trinidad seconded; voted unanimously.

133
134 7:50 PM **DENNIS & KAREN CLEMISHAW**, Off Perry's Lane – Notice of Intent (File No.
135 SE041-1218) for grading and excavating associated with the construction of a single family home;
136 work to be done in a buffer zone to a cranberry bog only. Kevin Forgue representing the
137 Clemishaws. Continued from October 8, 2014. Site inspection was done on October 18, 2014. A
138 Buffer Zone project but most of the project is outside of the zone. There is a high water table there.
139 Will be a full foundation, will need to bring in fill. N. Hills asked about the roof run off. K. Forgue
140 said it will be standard into gutters, drip strip or dry well. L. Dorman asked if a garage will be done
141 at the same time as the house. The garage will be done in the future. C. Trinidad asked the location

142 of the septic tank. K. Forgue stated it is behind the house. Also stated that electrical will be coming
143 through Perry's Lane. N. Hills moved to close the hearing; L. Dorman seconded; voted unanimously.

144
145 8:00 PM **LARS OLSON**, 73 Cove Circle - Request for Determination of Applicability (File
146 No. 41D-1549) to raze and remove the existing dwelling and foundation along with a detached
147 garage. N. Dufrense of Thompson Farland described the project. Submitting a Notice of Intent on
148 Friday for the work. N. Hills noted that the pier should be on the plan to show existing conditions. N.
149 Dufrense stated that the work will not go past the current location. There will be silt fencing and a 6'
150 high construction fence beyond the silt fence. Discussion about using wattles instead of hay bales. N.
151 Dufrense said he will use the material that the board prefers. He also indicated that the retaining
152 walls are staying. N. Hills said that wattles should be sufficient for the work that will be done. N.
153 Dufrense stated that the septic passed and will remain unchanged. C. Trinidad asked if the garage is
154 coming down. N. Dufrense said yes. Joanne Mabie, a neighbor, asked if the driveway will be
155 affected by the work. N. Dufrense said based on the plans, no. L. Dorman motioned to close the
156 hearing; C. Trinidad seconded; voted unanimously.

157
158 8:10 PM **MARVIN & CAROL BANNON**, 22 Wilson Road – Request for Determination of
159 Applicability (File No. 41D-1550) to demolish the existing single family dwelling for the purposes
160 of constructing a new dwelling in compliance with all the requirements of FEMA and the Mass.
161 Building Code. D. Davignon of N. Douglas Schneider & Associates representing the Bannons. He
162 described the project. There will be a drive under garage. Currently there is not a formal driveway on
163 the property. The house will be higher than the required height. The property is on town water and
164 sewer, the shed is coming down with the house. N. Hills asked if it is a poured foundation. D.
165 Davignon said yes. L. Dorman asked about much much fill will be used. D. Davignon did not
166 quantify, but can get the information. N. Hills motioned to close the hearing; J. Hartley seconded;
167 voted unanimously.

168
169 8:20 PM **CHRISTOPHER SHACHOY & MEREDITH CLARK SHACHOY**, 16 South
170 Street and 18 South Street – Request for Determination of Applicability (File No. 41D-1551) to
171 construct a gunite in-ground swimming pool, multiple patio areas, various walkways and to install
172 landscaping improvements throughout the property. D. Davignon of N. Douglas Schneider &
173 Associates representing the Shachoy. He noted that two plans were submitted, one landscaping and
174 a site plan. He described the project. N. Hills asked if there was a well. D. Davignon stated it is for
175 irrigation purposes. C. Trinidad asked if the pool will be saltwater. D. Davignon was unsure. There is

176 an outdoor shower attached to the garage and also a storage area for supplies. N. Hills motioned to
177 close the hearing; C. Trinidad seconded; voted unanimously.

178
179 **PAMELA OLIVEIRA**, 85 Dexter Road – Notice of Intent (File No. SE041-1219): L.
180 Dorman drafted the Order of Conditions. L. Dorman moved to accept; N. Hills seconded; voted
181 unanimously.

182
183 **THOMAS STEMBERG**, 114 Point Road – Notice of Intent (File No. SE041-1216): J.
184 Hartley drafted the Order of Conditions. J. Hartley moved to accept; N. Hills seconded; voted
185 unanimously.

186
187 **LARS OLSON**, 73 Cove Circle - Request for Determination of Applicability (File No. 41D-
188 1549): L. Dorman drafted the Determination with Negative Box 2. Conditions- silt fence or wattle.
189 L. Dorman motioned to accept; C. Trinidad seconded; voted unanimously.

190
191 **CHRISTOPHER SHACHOY & MEREDITH CLARK SHACHOY**, 16 South Street and
192 18 South Street – Request for Determination of Applicability (File No. 41D-1551): C. Trinidad
193 drafted the Determination with Negative Box 3. C. Trinidad motioned to accept; N. Hills seconded;
194 voted unanimously.

195
196 **DENNIS & KAREN CLEMISHAW**, Off Perry's Lane – Notice of Intent (File No. SE041-
197 1218): N. Hills drafted the Orders of Conditions. N. Hills motioned to accept; J. Hartley seconded;
198 voted unanimously.

199
200 **MARVIN & CAROL BANNON**, 22 Wilson Road – Request for Determination of
201 Applicability (File No. 41D-1550): N. Hills drafted the Determination with Negative Box 2.
202 Condition- roof run off to drip strip. N. Hills motioned to accept; J. Hartley seconded; voted
203 unanimously.

204
205 **MINUTES**: L. Dorman motioned to accept the Minutes from June 11, 2014 as written. N.
206 Hills seconded; voted unanimously. N. Hills motioned to accept the Minutes from June 25, 2014 as
207 written. C. Trinidad seconded; voted unanimously.

208

