

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 10, 2014

Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice Chairman
Jeffrey J. Doubrava, Clerk
Cynthia C. Trinidad, Associate

Members Absent: Lawrence B. Dorman, Member
Stephen C. Gonsalves, Member

Admin. Assistant: Donna M. Hemphill

Others Present: Rick Costa, Bernie & Eileen Bowers, Nick Dufresne- Thompson Farland, Inc., Gary Russell- Gateway, Matthew Langelier-Gateway Survey.

Meeting convened at 7:00 PM on Wednesday, December 10, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. The site inspections were on Saturday, December 6, 2014 by N. Hills, J. Hartley, J. Doubrava and C. Trinidad. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM **Richard Costa**, 37 River Road – Notice of Intent (File No. SE 041-1221), to eradicate the invasive species (phragmites) by cutting and spraying with Rodeo or Aquamaster. Mr. Costa was present. Members reviewed the plans submitted and noted that they did visit the site and took photographs for the file. N. Hills noted that the work would be need to be done at the mean low water, when the tide is out. J. Doubrava asked if R. Costa will be doing the work himself. He replied yes. There was discussion as to how to remove the phragmites properly. They need to be removed from the site and destroyed so they cannot revegetate. J. Doubrava said that the seed pods at the top should be taken off at the very least. N. Hills asked R. Costa when he would do the work. R. Costa said he would do it after the winter or at a time the Commission recommended. N. Hills asked if he would treat before or after they were cut. R. Costa plans to cut the plants first. N. Hills mentioned that any stumps left would have to be treated also. J. Hartley noted that only the phragmites are to be removed, no other vegetation. C. Trinidad mentioned to be cautious of the shrubs. N. Hills noted that there are phragmites on either side of the property so they could come back. It will take a couple of years. J. Doubrava said that the ideal situation would be to have the neighbors treat at the same time.

42 Neighbors would need to come before the Commission as well. N. Hills asked if we received
43 comments from the Harbormaster. Yes, they did not have comments. R. Costa asked to clarify the
44 procedure and timing of cutting. J. Doubrava described one school of thought in how to treat late in
45 the season. N. Hills described if wanting to cut now, new shoots will come in spring and how to treat
46 the new growth. J. Doubrava said that treating them this time of year would not help. N. Hills
47 motioned to close the hearing; C. Trinidad seconded; voted unanimously.

48
49 7:10 PM **LEC Environmental Consultants**, c/o Robert Korff, Request for Determination of
50 Applicability (File No. 41D-1548), for 345 & 390 Wareham Street, to confirm the boundaries of
51 Wetland Resource Area protected under the Massachusetts Protection Act and its implementing
52 Regulations. (Continued from November 12 2014). The applicant has requested to continue to
53 7:00pm on January 14, 2015. N. Hills motioned to accept; C. Trinidad seconded; voted unanimously.

54
55 **Minutes:** Minutes from August 27, 2014: N. Hills motioned to accept as amended; J.
56 Doubrava Seconded; voted unanimously. Minutes from November 12, 2014: N. Hills motioned to
57 accept as amended; C. Trinidad seconded; voted unanimously.

58
59 **MACC:** The Massachusetts Association of Conservation Commissions letter regarding the
60 Fiscal Year 2016 annual dues of \$393.00. N. Hills motioned to approve the dues; J. Doubrava
61 seconded; voted unanimously.

62
63 **Letter from DEP:** Brief discussion regarding a letter that was received from the DEP
64 regarding minor work at 23 Dexter Road. We have not received a filing as of yet. The engineer is
65 working on it.

66
67 7:20 PM **Ashley Briggs**, 73 Cove Circle – Notice of Intent (File No. SE 041-1220), to
68 construct a single family dwelling, garage and driveway modifications with associated grading
69 within 100' of bordering vegetated wetlands and isolated land subject to flooding (Continued from
70 November 12, 2014 because DEP File Number has not been issued). N. Dufresne of Thompson
71 Farland, Inc. representing Ms. Briggs. The details of the project were discussed at the November 12,
72 2014 meeting. N. Hills asked the board if there were any further questions. J. Hartley felt they had
73 discussed is fully. N. Hills motioned to close; C. Trinidad seconded; voted unanimously.

74
75 J. Hartley suggested that the board draft the Order of Conditions for Costa and Briggs while
76 there is time in between appointments.

77

78 7:30 PM **Appointment of Discussion:** With Legare Cuyler regarding a project at 15 Hiller
79 Street. L. Cuyler handed out plans to the board. He stated that the Building Commissioner suggested
80 he should consult the Conservation Commission for this project. He described the project. There is
81 currently a bow window that they are looking to extend 18”, so the bumpout will be at 2’. There will
82 not be a foundation under the bumpout. N. Hills asked if that was the only external modification. L.
83 Cuyler said yes. They are doing internal work, no change in use. They are changing the entrance
84 door to the side where the bumpout is. There is a landing required for that. Proposing to move it to
85 the side. It will have stairs. N. Hills asked the board for any questions or comments. J. Hartley asked
86 about the elevation listed on the plan. L. Cuyler said yes. J. Doubrava asked if the new stairs would
87 be concrete. L. Cuyler said no, they will be framed. J. Doubrava asked if the whole property was in
88 the Velocity Zone. L. Cuyler and N. Hills said yes it is. J. Doubrava suggested for L. Cuyler to file a
89 Request for Determination of Applicability for the project to address the new stairs. J. Hartley
90 agreed. N. Hills suggested that L. Cuyler contact D. Hemphill in the office to file the paperwork for
91 the next meeting.

92
93 **Richard Costa:** 37 River Road – Notice of Intent (SE 041-1221); N. Hills drafted the Order
94 of Conditions. Adding the following miscellaneous requirements: 1. All work to be done at low tide,
95 2. Phragmites will be removed and disposed of properly so they will not germinate or propagate, 3.
96 Only phragmites are to be removed, 4. Herbicide application to be done at a time of no rain
97 anticipated and no wind, 5. Herbicide application to be performed by home owner or licensed
98 applicator only. N. Hills motioned to accept; J. Doubrava seconded; voted unanimously.

99
100 7:40 PM **Caroline & Joseph Sheehan,** 17 Nokomis Road – Notice of Intent (File No. SE
101 041-____), to remove phragmites in front of 17 Nokomis Road property line in marsh. Request by
102 the applicant to continue to January 14, 2015 at 7:10pm. N. Hills motioned to continue; J. Doubrava
103 seconded; voted unanimously.

104
105 **Ashley Briggs,** 73 Cove Circle – Notice of Intent (File No. SE 041-1220), Order of
106 Condition drafted. J. Hartley motioned to accept; N. Hills seconded; voted unanimously.

107
108 7:50 PM **Bay Watch Realty,** c/o Ken Steen – Extension Permit for SE 041-1145 and
109 discussion about minor roadway changes. Bay Watch has asked for an Extension Permit on the
110 Order of Condition. N. Hills motioned to except the Extension Permit for an additional three years;
111 J. Doubrava seconded; voted unanimously. Also, a revised plan was submitted showing some
112 changes in the road grading. It is at the end of the road where the individual houses are located. They
113 were able to regrade the end of that road so there is much less fill going in. In the process of doing
114 that, have also altered the storm drain and instead of the water all going away from the wetlands

115 there will now be a small portion that will come down and be spread outside of the BVW but within
116 the Buffer Zone. N. Hills noted that the board could accept it as a minor change or ask for an
117 Amended Order. Plans need to be resubmitted with revised date, signed and stamped. N. Hills open
118 for discussion from the Board. J. Doubrava said they should file the Amended Order when
119 submitting the updated plans. J. Hartley agreed that new plans must be submitted. C. Trinidad noted
120 that the filing will cover all bases. D. Hemphill will ask Bay Watch to submit a revised stamped and
121 dated plan identifying the revision and an Amended Order for the roadwork change.

122
123 8:00 PM **Appointment for Discussion** with Bart Nourse regarding invasive bamboo at 35
124 Spring Street, 39/41 Spring Street and 20 Cottage Lane. The applicant has requested an indefinite
125 continuance.

126
127 8:10 PM **Bernard Bowers**, 14 Bayview Road – Request for Determination of Applicability
128 (File No. 41D-1554), to construct additions to the existing dwelling with associated grading, Also,
129 relocate the existing deck and construct a stone patio. N. Dufresne of Thompson Farland, Inc
130 representing the Bowers. He described the addition and the relocating of the existing decks. The
131 northern portion of the property falls in the AE 15 Flood Zone. N. Hills asked if the addition is the
132 same level as the existing house. N. Dufresne said yes. N. Hills mentioned the 50% rule. N.
133 Dufresne said he was aware of it. He said the architectural plans will show comparisons to the
134 existing floor plans. J. Doubrava asked if this will be a full basement. N. Dufrense noted it will be a
135 crawl space. N. Hills asked what kind of foundation, perimeter. N. Dufrense said yes and flood vents
136 will be in place. C. Trinidad asked if the stone patio is in the flood zone. N. Dufresne said yes. N.
137 Hills if there will be excavating for the footing. N. Dufresne said that is correct. N. Hills asked what
138 will be done with dirt from the excavation. N. Dufresne said it will be piled on site and used as back
139 fill. He will tell the contractor to not put the pile near the road. N. Dufrense said that erosion
140 measures were not shown on the plan since there are no wetlands on site. J. Doubrava stated it may
141 be useful to have some kind of erosion control around the pile as long as it is there. N. Hills asked
142 about roof run off plans. N. Dufrense said it is not shown on the plan but they can install dry wells.
143 N. Hills recommended that the dry wells be included on the plan. C. Trinidad asked about the cover
144 for a septic or well near where the digging will be. N. Dufresne said that it is the sewer pump
145 connector and it will be relocated. N. Hills motioned to close; C. Trinidad seconded; voted
146 unanimously.

147
148 **Bernard Bowers**, 14 Bayview Road – Request for Determination of Applicability (File No.
149 41D-1554). N. Hills drafted Determination. Negative Determination Box 2 with conditions: 1. Install
150 erosion control around fill pile; 2. Fill shall not be used to level land in the Flood Zone; 3. 50% rule

151 governs the work; 4. Down spouts from new addition go into dry well. N. Hills motioned to accept;
152 J. Doubrava seconded; voted unanimously.

153
154 8:20 PM **Town of Marion**, c/o JC Engineering – Notice of Intent (File No. SE 041-1222),
155 for reconstruction of a 337’ long, 4’ high stone seawall. The applicant has requested to continue to
156 January 14, 2015 at 7:20pm. N. Hills motioned to accept; J. Doubrava seconded; voted unanimously.

157
158 8:30 PM **Susan Wright**, 25 River Road – Notice of Intent (File No. SE 041-____), to
159 remove existing cesspool. Install septic tank, distribution box and soil absorption system that will
160 require removing top and subsoil, add fill, install SAS and regrade with existing stockpiled top and
161 subsoil. Gary Russell with Gateway Survey representing Ms. Wright. He designed the system. G.
162 Russell said that the current cesspool needs to be upgraded. He kept it 100’ outside of the Buffer
163 Zone. The only part of the project that is inside of the Buffer Zone is the grading. Since the water
164 table is high, the system needs to be raised. J. Doubrava asked if the addition to the traditional grade
165 is 4’-5’. G. Russell said yes, close to 5’. J. Doubrava asked about water running into the basement.
166 G. Russell said that they have moved the system as far from the house as possible and have given it a
167 channel to let out. J. Doubrava asked it is still gravity flow. G. Russell said that was the whole goal.
168 J. Doubrava asked where the cesspool is now. G. Russell said just below the septic tank. J. Doubrava
169 asked if it will be taken apart. G. Russell said it will be destroyed. N. Hills asked if they will need
170 fill. G. Russell said yes they will need to bring it in. J. Doubrava noted that while at the Site
171 Inspections they noticed a lot of rocks in the area. J. Hartley asked what SAS stands for. G. Russell
172 said Soil Absorption System. J. Hartley asked if he is proposing erosion control. G. Russell said yes,
173 will use what the board prefers. Needs to be added to the plan. J. Doubrava asked if it is possible to
174 put the leeching field in without raising it up, elevating it will fill. G. Russell said that they used the
175 shallowest system they could use but it still would need to be elevated. This system will be a little
176 higher than the existing system. N. Hills asked where the dirt will be stockpiled. G. Russell said at
177 the end of the driveway. N. Hills said he will need an erosion control there as well. C. Trinidad
178 asked for clarification about the water runoff from the system, and that it will not run into the
179 basement. N. Hills stated that the board cannot take action on this file since the DEP has not issued a
180 File Number. G. Russell will revise plan to show the stockpile and erosion controls. N. Hills asked
181 for G. Russell’s approval to continue. He agreed. N. Hills motioned to continue to January 14, 2015
182 at 7:30pm.

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184 8:40 PM **William & Karen Curley**, 9 Edgewater Lane – Amendment to an Order of
185 Conditions (File No. SE 041-1136), for the proposed construction of a single family home. The
186 Amendment is to reduce the scope of work due to changes in the house footprint. Dave Davignon
187 representing the Curleys. Mr. & Mrs. Curley also present. D. Davignon said that the original Order

188 of Condition was issued April 21, 2013 and was extended for four years due to the Permit Extension
189 Act. This project has been on hold. Mr. Curley would like to put up a spec house. This house is
190 substantially smaller than the original house proposed. The house is as close to Edgewater Lane as it
191 can be. The 15' no activity zone remains the same as does the row of boulders. The driveway
192 remains in the same location. Essentially the same except the house is smaller. N. Hills asked what
193 kind of foundation. D. Davignon said it will have a full poured wall, will not have living space, will
194 be a walkout. There will flood openings in the north east corner as required. They are in AE 16
195 Flood Zone and the first floor will be at 19.5'. J. Hartley asked about the notations of AE 16 and 17
196 NGVD on the plan. D. Davignon said the flood lines are accurate and the contour lines were done
197 under the old datum. There is an explanation listed on the plan. J. Hartley asked if it is all in the
198 flood zone. D. Davignon said yes, the entire lot is. N. Hills asked if it is two story house. B. Curley
199 said yes it will have a second floor. N. Hills asked if the deck goes along the back of the house. D.
200 Davignon said yes. J. Hartley asked if it was a second story deck. D. Davignon said it is a first floor
201 deck. N. Hills asked if the board had any further questions. N. Hills motioned to close; C. Trinidad
202 seconded; voted unanimously. N. Hills motioned to accept the Amended Order based on the new
203 plan; J. Doubrava seconded; voted unanimously.

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207 Meeting adjourned at 8:53pm

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Donna M .Hemphill, Adm. Assistant

Approved January 14, 2015