

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 14, 2015

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

Members Absent: Lawrence B. Dorman, Member

Admin. Assistant: Donna M. Hemphill

Others Present: Jonathan MacLean, Richard Giberti, Matthew Langelier (Gateway Survey Associates), Gary Russell (Gateway Survey Associates), Dave Davignon (Schenider & Associates), Brian Butler (Oxbow Associates), Jon Delli Priscoli (91 Water Street), Chris Polatin, Legare Cuyler

Meeting convened at 7:00 PM on Wednesday, January 14, 2015 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 and J. Doubrava. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM LEC Environmental Consultants, c/o Robert Korff, Request for Determination of Applicability (File No. 41D-1548), for 345 & 390 Wareham Street, to confirm the boundaries of Wetland Resource Area protected under the Massachusetts Protection Act and its implementing Regulations. (Continued from December 10, 2014). The applicant has requested to continue the hearing until January 28, 2015 at 7:00pm. J. Doubrava noted that this hearing has been continued a number of times and if the townspeople want to be present, they need to come to the hearing every two weeks. N. Hills said that if they are going to ask to continue again, he would ask that it would be for at least a month. N. Hills motioned to continue the hearing as requested; S. Gonsalves second; voted unanimously.

MINUTES: Minutes from the December 10, 2014 meetings were discussed. Comments had been supplied. N. Hills asked if there were any additional comments at this time. No

42 additional comments received. N. Hills motioned that the minutes as last modified be approved; S.
43 Gonsalves seconded; voted unanimously.

44

45 **DISCUSSION:**

46 • Correspondence to A. Solomon: Mr. Solomon had sent a letter regarding
47 potential runoff down Spinnaker Lane. Members did a site inspection and spoke
48 to the property owner at that time. It didn't seem to be a concern at this time.
49 Based on the visit and conversation, this letter was drafted. N. Hills asked the
50 board if any changes were necessary in the draft letter. No changes were made. N.
51 Hills motioned to approve the letter as written; C. Trinidad seconded; voted
52 unanimously.

53 • Correspondence to R. Sylvia: Regarding the Bayberry Lane post that had been
54 requested to be removed. Mr. Sylvia had misinterpreted what the Commission had
55 said in regards to removing the post. This letter points out what we asked him to
56 do and that we expect him to do what we asked last time, and if he has any
57 questions to get back to us. N. Hills asked the board if there were any changes to
58 be made to the letter. No changes were made. Neighbor Richard Giberti said that
59 he agreed with the removal of the post and always asked about keeping the brush
60 and rocks out of the way also. N. Hills stated that the board is specifically
61 addressing the post because that is what R. Sylvia came back and countered with.
62 He didn't say that he wasn't going to do the other things. N. Hills stated that he
63 assumes he is going to comply with that. R. Giberti said that there isn't any brush
64 there right now, but the rocks are still in place. N. Hills noted that perhaps the
65 board should have another site visit. He motioned to accept the letter; C. Trinidad
66 seconded; voted unanimously.

67 • **Fiscal Year Budget 2016:** Members reviewed the budget form. N. Hills said that
68 there are no significant changes. He asked if any members had comments or
69 suggestions. \$2,952.00 would be approved. He motioned to approve and submit
70 the Draft Budget; J. Doubrava seconded; voted unanimously.

71 • **2015 Meeting Schedule:** Members reviewed the tentative meeting/site inspection
72 schedule for 2015. There are some dates that will be determined as we get closer
73 to them. J. Doubrava asked if the schedule gets posted. N. Hills said, yes it is
74 posted electronically. He then made a motion to approve the schedule subject to
75 the changes that will need to be made when we get closer to the dates; S.
76 Gonsalves seconded; voted unanimously.

77

78

79 7:10 PM Caroline & Joseph Sheehan, 17 Nokomis Road – Notice of Intent (File No. SE
80 041-1224), to remove phragmites in front of 17 Nokomis Road property line in marsh. (Continued
81 from December 10, 2014). Neither the Sheehans nor their representative was not present at the start
82 of the hearing. N. Hills reviewed the Habitat Management Plan submitted by Chris Polatin of Polatin
83 Ecological. N Hills noted that they did the site inspection in the rain, stood on the deck and looked
84 down to see the phragmites. The plan proposes to remove the standing material over the winter so
85 they will have the accessibility to get the new growth when it comes up. S. Gonsalves asked if this is
86 the project that is right up against the wall. N. Hills said yes, and that it is on the neighbor's property.
87 N. Hills listed the timeline that is in the plan. J. Doubrava asked about the process given that they
88 will be treating phragmites that are on his property as well as his neighbors. N. Hills noted that they
89 will have to have the neighbor's permission. J. Doubrava asked if we need something in writing
90 from the neighbor. N. Hills said he believed the permission is in the file. He reviewed the
91 paperwork. C. Trinidad noted that in the second paragraph of the introduction that it mentioned the
92 adjacent property. N. Hills recommended the board hold off until the permission is verified,
93 something in writing. J. Hartley said that it is not up to the board to make sure they have approval,
94 it's up to them. He said the board is just looking at the wetlands approval for this. S. Gonsalves
95 asked that if the board approves it and then if they encroach, that's between them and the neighbor.
96 J. Hartley said yes. N. Hills asked if anyone was present for this hearing. Chris Polatin had just
97 arrived. C. Polatin said he cannot represent the Notice of Intent but he can represent the Habitat
98 Management Plan. N. Hills asked C. Polatin to summarize the project. C. Polatin said they are
99 proposing to control the phragmites, can reduce them by 99% in 3 years. In 3-6 years they can
100 restore native plants without having to introduce any new plants in the process. He described the
101 steps in the removal process. They will cut and remove during the winter. In June, they will apply
102 herbicides (approved for wetlands use). Careful handwork will be done around native plants. He said
103 that herbicide is not needed after the first 3 years. C. Polatin noted that they are aware that the permit
104 would expire in three years. N. Hills told him that it can be extended. N. Hills asked if they started to
105 come back around the natural vegetation after the three year period, how would they be taken care
106 of. C. Polatin said that they could go in with a shovel and remove individual shoots. He also
107 described application of herbicide by hand. S. Gonsalves asked if they ever get to 100%. C. Polatin
108 said in some cases, yes. He did note that the surrounding areas have phragmites also. J. Hartley
109 asked about requirements if the phragmites are in water. N. Hills said that these are not, they are
110 above the tide line. C. Trinidad asked for clarification on the initial application. C. Polatin said the
111 the June application will be done by spraying. In August, they will do hand wiping of the plants. He
112 also noted that they will map the area to be sure to preserve the native plants. C. Trinidad asked if
113 the native plants have any way of fighting off the phragmites or do we need to help them. C. Polatin
114 said that yes, we need to help them. The phragmites take over. J. Hartley asked if they will be
115 delineating the vegetation in the field or just mapping it on a plan. He also asked if there would be

116 ribbons out in the field so the person applying the herbicide would know where the work will be
117 done. C. Polatin said he would personally do the flagging in the field and it would be his crew doing
118 the work. C. Trinidad asked if Japanese Knotweed would be susceptible to the same herbicide. C.
119 Polatin said yes, just a slightly different method. C. Trinidad asked about the type of herbicide. C.
120 Polatin described the use of Rodeo which is a wetlands version of Roundup. C. Trinidad asked for
121 clarification regarding the homeowners being able to treat after the 3 year period. C. Polatin said
122 they certainly could. N. Hills asked if anyone else was present, there was not. He asked the board if
123 they had any further questions, there were none. J. Doubrava motioned to close; S. Gonsavles
124 seconded; voted unanimously.

125

126 7:20 PM **Town of Marion**, c/o JC Engineering, Inc. – Notice of Intent (File No. SE 041-
127 1222), for reconstruction of a 337’ long, 4’ high stone seawall. (Continued from December 10,
128 2014). The applicant has requested to continue the hearing to February 11, 2015 at 7:00pm. N. Hills
129 motioned to continue; S. Gonsalves seconded; voted unanimously.

130

131 7:30 PM **Susan Wright**, 25 River Road – Notice of Intent (File No. SE 041-1223), to
132 remove existing cesspool. Install septic tank, distribution box and soil absorption system that will
133 require removing top and subsoil, add fill, install SAS and regrade with existing stockpiled top and
134 subsoil (Continued from December 10, 2014). Gary Russell, Gateway Survey Associates,
135 representing Ms. Wright. He said that the hearing was continued because the file number has not
136 been issued and they needed to add information to the plan. J. Doubrava asked if this will be opened
137 and closed within a couple of days. G. Russell said yes, this project should be done within a couple
138 of days. J. Doubrava motioned to close the hearing; C. Trinidad seconded; voted unanimously.

139

140 7:40 PM **Gerald Devlin**, 15 Hiller Street – Request for Determination of Applicability (File
141 No. 41D-1555), for proposed 2’x8’ window “bumpout” projection on east side of existing cottage
142 and proposed landing with steps and screen/fence on east side of new location of entry door, with the
143 Flood Zone VE (El. 17). Legare Cuyler representing the Devlins. He stated that he came before the
144 board last month for guidance. He noted that there isn’t a masonry foundation. The 4x4 landing will
145 be pressure treated wood on sonotubes. N. Hills reconfirmed that the landing itself would be wood
146 construction. L. Cuyler said yes. N. Hills asked if they will be taking off the existing front porch. L.
147 Cuyler said yes. N. Hills asked the board if they had any further questions, there were none. N. Hills
148 said he would entertain a motion to close the hearing; C. Trinidad motioned; S. Gonsalves seconded;
149 voted unanimously.

150

151 **DISCUSSION:**

152 • Correspondence to Marion Open Space Acquisition Commission: N. Hills said that
153 since the board has not heard back from MOSAC regarding their plan, he thought the
154 board could ask for an update. Also, there is a concern about the dike at Washburn
155 Park. N. Hills presented pictures to the board of the damage. J. Doubrava asked if
156 MOSAC is responsible for the maintenance of Washburn Park. N. Hills said that they
157 are responsible for that piece of property. S. Gonsalves noted that the only thing that
158 seems to be holding the area together is the tree roots. N. Hills proposed that the
159 board send this letter and ask for a plan. He also mentioned that the retaining wall for
160 the pond is getting worse over time. He has seen ATV's going through the area. C.
161 Trinidad asked about the other section of Washburn Park. N. Hills stated that they are
162 work is being done. He said if there are not any further questions or comments, he
163 motioned to send the letter, copied to the Town Administrator; J. Doubrava seconded;
164 voted unanimously.

165
166 7:50 PM David V. & Linda C. Nielsen, 203 Front Street – Request for Determination of
167 Applicability (File No. 41D-1556), to perform maintenance on the existing vertical stone/concrete
168 seawall. Dave Davignon representing the Niensens. D. Davignon described past projects that were
169 approved at this property. Several months ago the board approved work on a drain pipe and that
170 work was recently completed. During the work on the drain pipe he and the homeowners discussed
171 maintenance of the seawall. N. Hills asked if the wall was dry laid right now. D. Davignon said yes,
172 nothing is cemented. They are proposing to cement the holes and use small stones to fill the voids.
173 D. Davignon said the length of the wall can be walked at low tide. They would lay plywood down
174 along the shore line. N. Hills noted the erosion along the backside of the wall. J. Doubrava asked if
175 this project will be done at the same time as the proposed Tabor Academy project. D. Davignon
176 states yes, he believes they are planning on doing them at the same time. He mentioned work that
177 had been done on the paved walkway at Tabor Academy. J. Doubrava asked if the intent is to fill
178 every void there is with cement so essentially when the project is done it will be a wet laid wall. D.
179 Davignon said, where the voids are, yes. He noted that most of the stones are very large. J. Doubrava
180 asked about if all of the work will be done when the tide is out. D. Davignon said once they make
181 their way half way up the wall they can work in skiffs. C. Trinidad asked how long the concrete
182 takes to dry. D. Davignon said it will solidify quick enough before the tide comes in. N. Hills asked
183 about the back of the wall and what will be there. D. Davignon said loam and seed. N. Hills asked if
184 anyone else was present for this item, there were none. He asked if there were any further questions
185 or comments, there were none. N. Hills said he would entertain a motion to close the hearing. C.
186 Trinidad motioned to close; S. Gonsalves seconded; voted unanimously.

187
188

189

190 8:00 PM Tabor Academy, 215 Front Street – Request for Determination of Applicability
191 (File No. 41D-1557), to maintain the existing vertical stone/concrete seawall and solid/concrete pier.
192 D. Davignon representing Tabor Academy. This is a similar project to the project that was just
193 discussed. It is just north of 203 Front Street. This will be the same maintenance as the Nielsen
194 project. The work will continue around the pier itself. N. Hills asked if there was any intent of
195 pulling stones out. D. Davignon said no, they are trying to prevent the stones from falling out. N.
196 Hills asked if the board saw a filing for this area before. D. Davignon said yes, some years ago there
197 was a filing for drain pipe and walkway work. C. Trinidad asked if this project is for the walkway
198 also. D. Davignon said no, just the seawall. N. Hills asked if there were any questions from the
199 board, there were none. He asked if anyone in the audience was present for this hearing. J. Hartley
200 asked if this work would be similar to the work next door. D. Davignon said it would be exactly the
201 same. N. Hills said he would entertain a motion to close the hearing. J. Doubrava motioned to close;
202 C. Trinidad seconded; voted unanimously.

203

204 8:10 PM WATERSTREET91MARION, LLC 91 Water Street – Request for Determination
205 of Applicability (File No. 41D-1558), for a 15’ lateral (to the north) extension off the existing single
206 family cottage and an addition of a “farmer’s porch” across the front of the cottage. Jon Delli
207 Priscoli, the home owner and Brian Butler, wetlands specialist/botanist were present. J. Delli Priscoli
208 described the house, location and project. He said his goal is to live with the house and further
209 embellish the cottage atmosphere and to keep the house the size it is with very minimal expansion.
210 He showed pictures of existing conditions. He also showed the proposed plan of a very minor
211 addition. J. Delli Priscoli noted that the entire addition is only 250 sq. ft. The purpose for this is that
212 the hallways, ceiling heights are hard to maneuver around. He needs 36’ clearance in the event a
213 wheelchair is needed in the future. The master bed and bath are on the first floor. There will also be
214 other embellishments including a farmer’s porch on the front. The house, the elevation is being
215 slightly reconfigured by adding the dormers, farmer’s porch and shed dormers. They are keeping the
216 cottage and village look. Brian Butler then introduced himself to the board. He reviewed the plans
217 and photos submitted with the application. He said this is a very level lot, grass and a lot of
218 landscaping around the dwelling. B. Butler said there is not a lot of opportunity for erosion but they
219 do propose to outline the work area with wattles. He mentioned that in the application they provided
220 the breakdown of the cost in regards to the 50% rule. The entire lot is within the Velocity Zone, 17’
221 elevation. The project will not have any impact in the resource areas. J. Hartley asked for
222 clarification on one of the plans on the easel. It was the foundation for the patio. C. Trinidad asked
223 for clarification as to the location of the addition and if it is on the side of the Beverly Yacht Club. It
224 is. She also asked if the garage was attached to the house. J. Delli Priscoli said no, and that the
225 garage completely obscures this addition, from the road side. He also noted that they have an

226 existing Building Permit for some internal work. C. Trinidad commended J. Delli Priscoli for trying
227 to keep the character of the village. He said thank you and that is what they want to do. They are
228 looking for a nice cottage, traditional Cape look but he needs some physical updates to make it
229 practical for today's lifestyle. J. Doubrava asked if it was a crawl space. J. Delli Priscoli said yes it
230 is. N. Hills asked if there were any further questions or comments, there were none. He said he
231 would entertain a motion to close the hearing; J. Doubrava motioned; C. Trindad seconded; voted
232 unanimously.

233

234 **David V. & Linda C. Nielsen (File No. 41D-1556) & Tabor Academy (File No. 41D-**
235 **1557)**: J. Hartley drafted both Determinations. They are both the same. Negative Boxes 2 & 3. J.
236 Hartley motioned to accept both as written; C. Trinidad seconded; voted unanimously.

237

238 **Gerald Devlin (File No. 41D-1555)**: C. Trinidad drafted the Determination. Negative Boxes
239 2 & 3. C. Trinidad motioned to accept as written; S. Gonsalves seconded; voted unanimously.

240

241 **Susan Wright (File No. SE 041-1223)**: N. Hills drafted the Order of Conditions. He
242 motioned to accept as written; J. Doubrava seconded; voted unanimously.

243

244 **Caroline & Joseph Sheehan (File No. SE 041-1224)**: J. Doubrava drafted the Order of
245 Conditions. He noted that the Habitat Management Plan will be attached to the Order of Conditions.
246 J. Doubrava motioned to accept as written; S. Gonsalves seconded; voted unanimously.

247

248 **WATERSTREET91MARION, LLC (File No. SE 041-1224)**: N. Hills drafted the
249 Determination. Negative Box 2. He motioned to accept as written; C. Trinidad seconded; voted
250 unanimously.

251

252

253 Meeting adjourned at 8:40pm

254

255

256

257

Approved February 11 , 2015


Donna M .Hemphill, Administrative Assistant