

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 11, 2015

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

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

Admin. Assistant: Donna M. Hemphill

Others Present: Mark Robinson, Rid Bullerjahn, Lea Watson, Molly Hawley- Wildlands Trust; Ken Steen- Bay Watch; Ed Gless- Existing Grade, Inc.; Stevie Carvalho- Thompson Farland, Inc.; Laura & Dale Briggs, Timothy Briggs-512 County Road; Dave Davignon-Schneider & Associates, Inc.; Derrick E. Maloney-Turowski² Architects; Heidi Kostin, 167 Cross Neck Road

Meeting convened at 7:00 PM on Wednesday, February 11, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. The site inspections were on Saturday, January 24, 2015 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 Town of Marion, c/o JC Engineering, Inc. – Notice of Intent (File No. SE 041-1222), for reconstruction of a 337’ long, 4’ high stone seawall. (Continued from December 10, 2014). The applicant has requested to continue the hearing to March 11, 2015 at 7:00pm. N. Hills motioned to continue; J. Hartley seconded; voted unanimously.

MINUTES: N. Hills motioned that the minutes from the January 14, 2015 meeting be accepted as revised; J. Hartley seconded; voted unanimously.

41 **CORRESPONDENCE:** N. Hills noted that there have a number of items under
42 correspondence and asked if the members had any questions in regards to the letters. There were no
43 questions.

44 **ANNUAL REPORT:** The draft of the Annual Report was reviewed. N. Hills asked if the
45 board had any changes. N. Hills motioned that the Annual Report be approved as drafted and
46 submitted to the Town Administrator; J. Hartley seconded; voted unanimously.

47
48 7:10 PM **Wildlands Trust, Inc.** , c/o Mark Robinson – Request for Determination of
49 Applicability (File No. 41D-1560), for house demolition and eco-restoration at 105 Allens Point
50 Road. Mark Robinson representing Wildlands Trust as well as the Watson and Bullerjahn families.
51 M. Robinson noted that at the end of December they donated the property to Wildlands Trust. As
52 part of the project, the house will be coming down in the spring and the lot will be naturalized with
53 native plants. The demo work would be near to the coastal bank. He presented a stamped full size
54 plan to the board. He noted that they would like to get the demolition permit this winter and begin
55 work in the spring. M. Robinson said he would be happy to answer any questions. N. Hills asked
56 what will be done with the septic system. M. Robinson said the system will be taken up and filled
57 with clean sand, etc. He also mentioned that they will install some type of siltation barrier between
58 the work and the bank. N. Hills asked if they will be stockpiling material on site or will it be taken
59 up and removed. M. Robinson said that the demolition crew has plans for that. He said he didn't
60 believe there would be much stored on site. N. Hills asked if there was a full foundation. The
61 Watsons said yes, it is a full basement. N. Hills noted that if there was any stockpile to put it in the
62 driveway or up beyond the septic so there will not be run off into the harbor. J. Hartley was curious
63 if the Board of Health needed to be notified of the septic system removal. N. Hills stated it was a
64 good question. M. Robinson said he is sure the contractors are aware and will comply with local
65 regulations but he will mention it to them. N. Hills asked if all the work is just to be done on this
66 property and not onto the adjacent property. M. Robinson said that is correct. J. Hartley asked if this
67 project was just for the demolition and not for anything else. M. Robinson said that is correct. N.
68 Hills asked if there were any questions from the audience or the board. There were none. He said he
69 would entertain a motion to close the hearing; J. Hartley motioned; C. Trinidad seconded; voted
70 unanimously.

71
72 **Wildlands Trust, Inc.** – N. Hills drafted the Determination for File No. 41D-1560. Negative
73 Determination #3 with the following conditions: 1. Install siltation barrier, 2. All deconstruction
74 material will be moved off site. N. Hills motioned to accept; J. Hartley seconded; voted
75 unanimously.

76

77 7:20 PM **Bay Watch Realty Trust (Sippican Woods & Marion Village Estates)**,
78 Amendment to Order of Conditions (File No. SE 041-1145) for the following changes to Field Stone
79 Lane: 1. Field Stone Lane is proposed to be lowered starting at Station 11+00 to 5.5' at the end and
80 is to include the fire truck turn around; 2. A Stormceptor discharging to a flared end and stone flow
81 diffuser is also being proposed at the southeast corner of the fire turn around. Ed Gless of Existing
82 Grade, Inc. on behalf of Bay Watch Realty presented the plans to the board. The reason they are
83 asking for the Amended Order is for the re-grading the end of this road. He described the project.
84 There was a remediation area proposed initially for the end of this road due to a prior proposal which
85 involved a wetlands crossing. Since they were able to reshape the road the remediation area was
86 removed. Due to that fact, now at the end of this road, there is about 175' that drops and eliminated
87 about 5.5' of fill at the far end. That has allowed them to remove almost 140' of retaining walls
88 including one that was on the 15' buffer. They were also able to pull the fill back from the work line
89 that they had before. In some cases that fill has been pulled back from the work line by almost 15'.
90 There is still quite a bit off fill but they have been able to eliminate that extra 5.5'. E. Gless said that
91 to accommodate the drainage on that end, they will install a Stormceptor at the south end corner of
92 the turnaround to discharge to a flow diffuser. The flow diffuser is at the end of where the original
93 grading was proposed. There is now 175' from the flow line to the wetland line now. E. Gless asked
94 if there were any questions. N. Hills asked for clarification on the drainage direction. E. Gless noted
95 the highpoint on the plans and showed the direction of the flow. E. Gless mentioned that the hay bale
96 line remains where it was. N. Hills asked if there were any questions from the audience or the board.
97 There were none. N. Hills said he would entertain a motion to close the hearing; J. Hartley motioned;
98 C. Trinidad seconded; voted unanimously.

99
100 7:30 PM **Peter J. Turowski, NCARB**, Request for Determination of Applicability (File
101 No. 41D-1559), for 94 Piney Point Road, for construction of a 1.560 s.f. garage/workshop and
102 associated grading. Stevie Carvalho from Thompson Farland representing the home owner. Also
103 present was Derrick Maloney of Turowski2 Architects. S. Carvalho stated that this filing was to
104 build a garage/workshop in place of one that burned down. The structure is within Zone AE. J.
105 Hartley asked if it will be built on an existing foundation. D. Maloney noted that it will be built in
106 the same location of the foundation. The fire damaged the foundation so that it could not be reused
107 and it will be removed. J. Hartley asked if was about the same shape and size. D. Maloney said yes.
108 N. Hills asked if it was physically the same size as what was there. S. Carvalho said that it is slightly
109 larger but on the same location. It will not be any closer to any of the property lines and will be
110 constructed in conformance within the flood zone regulations. J. Hartley asked about the excavation
111 that was going on behind or under the house. D. Maloney said that it was the electric line that went
112 to the garage and that is where it needed to be disconnected. N. Hills asked if this will be one story.
113 S. Carvalho said it will be two stories. The owners will use the space as a studio, painting, sculpture,

114 etc. N. Hills noted that it will need to have the flow through in the design. S. Carvalho said it does.
115 They have not submitted the architectural plans with this submittal but they have been submitted to
116 the Building Department. N. Hills noted that the smart vent is on the current plan. D. Maloney
117 pointed out the flow through vents on the plan for the board. He also noted the elevation listed on the
118 plans. J. Hartley asked about the concrete pad in the back. D. Maloney said that is where the air
119 conditioning units will be. N. Hills if there were any questions from the audience or the board. There
120 were none. J. Hartley motioned to close the hearing; C. Trinidad seconded; voted unanimously.

121
122 **Peter J. Turowski, NCARB** – N. Hills drafted the Determination for File No. 41D-1559.
123 Negative #2, no conditions. N. Hills motioned to accept; J. Hartley seconded; voted unanimously.

124
125 7:40 PM **Dale C. & Laura A. Briggs**, Notice of Intent (File No. SE 041-1225), for 23
126 Dexter Road, to reconstruct a Licensed Pier to improve access to the waters of the Weweantic River
127 and Buzzards Bay and to reconstruct a Licensed Revetment to improve storm damage preventions
128 for the existing single family dwelling. Dave Davignon of Schneider and Associates representing the
129 Mr. & Mrs. Briggs. He described the project. N. Hills asked about the Chapter 91 license. D.
130 Davignon said that both the pier and the revetment have an amnesty license issued in 2001. It is
131 listed on the filing. Before filing the Notice of Intent, he sent a smaller set of the plans to the DEP
132 for a determination if this would fit under a minor modification. They received a letter from the DEP
133 authorizing the work based on this plan. There is a copy with the Notice of Intent. D. Davignon
134 described 23 Dexter Road as being an island property containing the house. The pier has a 4' wide
135 timber walkway with concrete abutments. He described the current conditions. The dimensions of
136 the pier will remain the same. They are not proposing any work to the gangway or float at this time.
137 For the pier, they are proposing to remove the concrete abutments and replace them with granite
138 blocks, the footprint remains the same but the height will be different. Currently the pier is removed
139 every winter. The new pier will be a permanent structure. D. Davignon noted that the end of the pier
140 is currently at 5.2' and the new elevation will be 8'. Right now, the pier has a 15" decline going to
141 the end. The new elevation of the deck will be level from the beginning to the end of the pier. N.
142 Hills asked how the concrete abutments will be removed. D. Davignon described the process using a
143 barge and an excavator. N. Hills asked if they knew how far the abutments are buried. D. Davignon
144 said they did not know for sure but did not appear to go very deep. The intent is to recess the new
145 abutments deeper than the current ones. J. Hartley asked if there were any requirements to maintain
146 access around the pier. D. Davignon said no since it is a pre-existing license. J. Hartley asked if the
147 new seawall will be the new seawall without any fill behind it. D. Davignon said they will take the
148 high points of the rocks for the new wall. They have a set elevation so the wall will be level and the
149 total height will be 31". They are proposing a small amount of fill where the pier begins. D.
150 Davignon mentioned the stone survey that had been done this past fall. The footprint was traced off

151 the original waterways plan. He said they are within the original waterways license. D. Davignon
152 described the seawall work. C. Trinidad asked about the float at the end of the pier, if it stays there
153 all year or removed. D. Davignon said they are not proposing to change that unless there is a
154 potential of getting a Harbormaster permit for another float. There will be another filing in the future
155 but the permitting takes time. D. Davignon noted that this is grandfathered under the Army Corps of
156 Engineers because it has an amnesty license and now that they have gone through the waterways
157 program for a minor modification they are approved at state and federal levels. Once the Order of
158 Conditions is received, work can begin this spring. N. Hills noted there is a float that is currently on
159 the beach area. He said it cannot be pulled across the eel grass. D. Davignon said future plans for
160 next winter once this portion is permitted, would be to take the entire float out using the boat ramp
161 the association has. D. Davignon mentioned to the board that other documents were in the file; the
162 DEP file number; a memo from Department of Marine Fisheries and a memo from Natural Heritage
163 & Endangered Species. N. Hills asked about working off mats and not working off the barge. D.
164 Davignon described the barge may be used to load some of the rubble at the end of the pier, the pile
165 of rock before it is rebuilt. Mr. Briggs said the area is accessible all the way around at low tide. J.
166 Hartley asked about the purpose of the rubble. D. Davignon said that it is to stabilize the last
167 abutment, it protects it. He noted there is a very strong current there. N. Hills said that the
168 Harbormaster had no comment on this application. N. Hills asked if there were any questions from
169 the audience or the board. There were none. N. Hills said he would entertain a motion to close the
170 hearing; J. Hartley motioned to close; C. Trinidad seconded; voted unanimously.

171
172 7:50 PM **Appointment for Discussion**, with Dan Cosby of Dartmouth Pools & Spas
173 regarding a project at 167 Cross Neck Road. Heidi Kostin, homeowner was present. They are
174 interested in installing an in ground pool on an existing where there is a cement slab where the
175 previous homeowner had a jacuzzi. She presented a plan and rough drawing as to where the pool
176 will be to the board. She asked what would they need to submit with an application. N. Hills noted
177 that the plan was from 2003 and that wetlands lines are only good for three years. A wetland
178 scientist would need to determine where the wetland line is and an engineer would have to then put
179 that on a plan. Based on that, they would submit what they would like to do, the board would do a
180 site visit to if it is something the board can permit or not. The key is the wetland line. J. Hartley
181 noted a discrepancy regarding the 15' no activity zone on the 2003 plan and the drawing. H. Kostin
182 said they had an informal analysis by an environmental scientist. He seemed to think the line had not
183 changed from the line on the 2003 plan. H. Kostin asked if a letter from the environmental scientist
184 be sufficient. N. Hills said the scientist would need to flag the line, it would have to be put on a new
185 plan and the board would have to look at it. J. Hartley mentioned the boulders and asked if the pool
186 will fit. H. Kostin said yes and it doesn't appear that it would not encroach on the wetland area. J.
187 Hartley asked if they could update the current plan. N. Hills said if they do that it would have to be

188 an amended plan with the current date and information. N. Hills said if the scientist goes out and
189 flags it then an engineer took this plan and said they were the same spots. J. Hartley noted they could
190 then bring it to the board saying that they think the lines look the same as the 2003 plan. The board
191 would then go look to see if they agree. H. Kostin asked if she could start with the environmental
192 scientist coming out and flagging the wetland lines. The board said yes. H. Kostin thanked the board
193 for their time.

194
195 **Bay Watch Realty Trust (Sippican Woods & Marion Village Estates)**: J. Hartley drafted
196 the Amendment to Order of Conditions File No. SE 041-1145. He motioned to accept as written; C.
197 Trinidad seconded; voted unanimously.

198
199 **Dale C. & Laura A. Briggs**: N. Hills and C. Trinidad drafted the Order of Conditions for
200 File No. SE 041-1225. Special conditions: 1. Notes from the Department of Marine Fisheries to be
201 included in Order, 2. Float not to be dragged over salt marsh. N. Hills motioned to accept as drafted;
202 J. Hartley seconded; voted unanimously.

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205 Meeting adjourned at 8:23pm

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Donna M .Hemphill, Administrative Assistant

Approved February 25, 2015