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FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 25, 2015

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

Members Absent: Stephen C. Gonsalves, Member

Admin. Assistant: Donna M. Hemphill

Others Present: Jean Perry, The Wanderer; Dan Crete, Saltworks Marine; Dave Davignon, Schneider & Associates, Inc.; Bernie & Eileen Bowers, 14 Bayview Rd; Nick Dufresne, Thompson Farland; Anthi Frangiadis, Frangiadis Associates

Meeting convened at 7:00 PM on Wednesday, February 25, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. The site inspections (drive by) were on Saturday, February 21, 2015 by N. Hills, J. Doubrava and Cindy 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 LEC Environmental Consultants, c/o Robert Korff, Request for Determination of Applicability (File No. 41D-1548), for 345 & 390 Wareham Street, to confirm boundaries of Wetland Resource Areas protected under the Massachusetts Protection Act and its implementing Regulations. (Continued from January 28, 2015). With the applicant's approval, the hearing was continued to March 25, 2015 at 7:00PM. N. Hills motioned; J. Hartley seconded; voted unanimously.

MINUTES: Minutes from February 11, 2015 were discussed. N. Hills motioned to accept as corrected by previous comments; L. Dorman seconded; voted unanimously.

TO DISCUSS: Requests for comments from the Zoning Board and Planning Board were briefly discussed. Both requests were for applications that were on the Conservation agenda.

43 L. Dorman asked about the property at 105 Allens Point Road and the
44 Conservation Restriction that had been presented to the town. It was not approved by the Selectmen.
45 The property was then donated to the Wildlands Trust. Members discussed the Determination that
46 was approved at the last meeting. L. Dorman said that the homeowners association had some
47 concerns regarding access to the property. There was a brief discussion. It was recommended that
48 the homeowners association contact Wildlands Trust for more information.

49

50 7:10 PM Saltworks Marine, LLC, Notice of Intent (SE 041-1226), for 291
51 Wareham Street, to redevelop an existing contractor's yard into a permanent home for Boat Storage
52 and Maintenance. N. Hills said that due to the snow cover the board was unable to see the property.
53 D. Davignon of Schneider & Associates was there to represent Saltworks Marine, LLC. Dan Crete of
54 Saltworks Marine was also present. D. Davignon gave the history of Saltworks Marine, LLC. The
55 project is for the redevelopment of a contractor's yard. He described the current and past use of the
56 property. He mentioned that the plans submitted have five sheets. Sheet One, is the existing
57 conditions plan. D. Davignon pointed out various items on the plan including the Quonset structure.
58 N. Hills noted that the Quonset structure is the one time only permit that is for this winter. D.
59 Davignon agreed. J. Doubrava said that he would like to see on this plan the Quonset structure be
60 listed as a "tent" on this plan instead of "structure", since the permit granted this fall was for a
61 "tent". D. Davignon noted that they have language on the plan on Sheet Three. The proposal is for it
62 to become a permanent structure pending a request to designate the portion of the lot that is a
63 Velocity Zone. The current property owner has engaged a firm to do a letter of map amendment. The
64 short term plan is what is shown on Sheet Two which is Phase 1. Under Phase 1, they are proposing
65 a permanent building (4,000 sq. ft.) to be located outside of the Velocity Zone. It will be the
66 workshop and will be located behind the existing Marion Fence building. Phase 1 proposes to
67 relocate the current Quonset tent to the West side of the property. On the plans they do designate the
68 Quonset tent will go back into place if the flood zone change. It will be removed in May, they are
69 hopeful that the flood zones will have changed by the fall. Phase 1 is to construct a permanent
70 building in the AE Flood Zone. It would be a 4,000 sq. ft. building on a slab foundation. The boat
71 storage shelter would be located further upland, within the AE 15 Zone. This would be placed on
72 storage containers which are 8 ft. wide and 35 ft long. D. Davignon also described the concrete
73 wash down area and how it works. The water would run off into a catch basin area and the contents
74 would be removed to an off-site location. This is noted on Sheet Four of the plan. He said that the
75 catch basin within the wash down area would collect over land flow and discharge it into a
76 Stormwater Management System. He showed on the plans where the numerous Stormwater
77 Management Systems will be located. D. Davignon referred back to Sheet Two to show where the
78 structures are proposed. J. Hartley asked D. Davignon to describe the different color lines on the
79 plan. C. Trinidad asked if the flood zones on the plan are the existing or the anticipated flood lines.

80 D. Davignon said that these are the existing flood lines. He said if FEMA were to agree with the
81 consultant doing the study, they would send a letter of map amendment and it would define a new
82 flood zone line for that area of the map. At that time, D. Davignon would then prepare a revised plan
83 and come back to the board. Then he described the Stormwater Management System on Sheet Four
84 of the plan. He noted the larger building has a subsurface recharge system which would take the run
85 off from just that building. Also, they are proposing a pit to handle overland flow. He also said there
86 will be a leaching trench shown along the east side of the Quonset tent. That would only be installed
87 if the Quonset tent were to remain in place. He mentioned that the Stormwater Management Plan
88 had been submitted with the application and he believes that another consultant will be reviewing it,
89 paid for by the applicant through the Planning Board process. N. Hills asked about the overflow pipe
90 and where it will flow. D. Davignon said that there will be a basin that will accept pipes from
91 various directions. There will be a basin recessed into the ground, trap rock, shallow basin. N. Hills
92 asked about the two phases and if Saltworks is asking for approval of one phase or both. D.
93 Davignon said that they are seeking approval of what is shown on Sheet Four; it shows all of the
94 layers of what they are proposing. He also mentioned they are asking for utilities as well, water
95 main, etc. He said that the site is graded to where they want to be for the most part. There will be
96 only minor grading changes toward the uphill side of the property. There will be some minor fill, not
97 proposing major changes. He said that when the new permanent building is constructed they are
98 proposing that the storage containers (that were holding up the Quonset tent) remain on site and
99 placed on either side of the building. He also noted on the plan where the erosion control will be.
100 There will be landscaping, a chain link security fence, a screening row of trees and shrubs abutting
101 both residential properties. J. Doubrava asked what the time frame was to complete the entire
102 project. D. Crete said Phase 1 would start right away and hopefully they would have the 4,000 sq. ft.
103 barn up by next winter. Phase 2 depends on finances, 3 to 5 years. D. Crete also mentioned that they
104 may have an option to purchase the property to the West. J. Doubrava asked given the time frame,
105 why are we putting all of this into one application. If it were approved, there would be a lot of "if
106 this happens, etc". He suggested rather than having one grand application, splitting it into different
107 phases of the application. D. Davignon said that the applicant needs to generate revenue to get to
108 Phase 2, Phase 2 is the ultimate goal. He said Saltworks did not want to purchase the property unless
109 he knew he could build it out. In order to purchase the property they need to know what full build
110 out can be. They are applying to the Planning Board for Phase 2. Phase 1 is what Saltworks can
111 afford now but they need to know if Phase 2 is possible. He mentioned the grading that will be done
112 during Phase 1 and how it will ready the area for Phase 2, the construction of the permanent building
113 or the moving of Quonset hut. J. Doubrava said he had questions on the contingencies regarding the
114 flood zone line being changed. D. Crete said that the idea of putting the Quonset hut up on the
115 eastern side was so they could do the necessary site work on the western side without having a
116 building in the way. He said that Phase 2 is instrumental to everything that goes on in Phase 1. N.

117 Hills said that question is that you may not be able to do all of Phase 2 as it is presented right now.
118 D. Crete said that the only variable in his mind is if the Velocity Zone can't be changed, then the
119 Quonset hut just goes away. J. Doubrava said that it is his opinion to take that part out of the
120 application so as to avoid confusion. D. Davignon noted that the problem with that is they are trying
121 to be upfront with the Planning Board and show full build out. The plan is based on the best case
122 scenario. N. Hills noted that part the concrete pad on the plan is in the Velocity Zone. D. Davignon
123 felt that the concrete pad is no different than pavement or driveway. He said they are looking to
124 build that even if the Quonset hut is removed. It will serve as a ramp up to get boats around the
125 corner. N. Hills noted the town by-law that states that nothing can be built in a Velocity Zone. J.
126 Doubrava asked about the power washing of the boats and the collection of the waste water. D. Crete
127 explained the collection process with the catch basin. It is a removable basin that is only in place
128 when they are washing boats. He also said that since they are inland they usually haul the smaller
129 boats to the location. The amount of power washing they do is quite limited. The larger boats are
130 subcontracted out so washing of those boats are done on site. C. Trinidad asked about sanding of the
131 boats. D. Crete said that everything is done with dust collection. C. Trinidad if that work was done
132 outside. D. Crete said very limited. C. Trinidad also asked if any work will be done on fiberglass. D.
133 Crete said very limited or minor repairs. C. Trinidad asked how many boats they have. D. Crete said
134 this winter they have about 40 and the largest is 50'. C. Trinidad asked about what kind of ground
135 surface they will be using. D. Crete said gravel and clam shells. He said no dust producing work will
136 be done over a perious area. C. Trinidad asked if boat owners are allowed to work on their boats on
137 site. D. Crete said he will show owner how to make minor repairs and he teaches classes sometimes
138 but no more than minor tinkering on their own boats. C. Trinidad asked how the boats are transferred
139 from the water to the site. D. Crete said that they have a few trailers that are able to haul up to 30'.
140 Anything bigger than that they sub out to a local boat yard. C. Trinidad asked where the main
141 entrance will be. D. Crete said they will be using both entrances (Wareham Street and Parkway
142 Lane), depending on the boat and the traffic flow. He said it has been working well so far. J. Hartley
143 asked about the entry way shown on the plan and if they are existing. D. Davignon said yes and he
144 described the existing driveways. He also mentioned that part of the project is to not displace the
145 Marion Fence Company. They will be making a new gravel drive and parking area around the back
146 of that building. There will also be a small area for them to store the fence materials. C. Trinidad
147 asked for clarification about the concrete pad and what kind of construction needs to go on for that to
148 happen. D. Davignon described the process. C. Trinidad asked if the boat storage will be inside,
149 outside or both. D. Crete said they will be primarily inside but there will be some shrink wrapped
150 boats outside in the winter. C. Trinidad asked where they would be on the property. D. Davignon
151 showed on the plan that they will be to the east of the Velocity Zone. L. Dorman asked about the
152 downspouts on the workshop building. He said he noticed they were located toward the rear of the
153 building and not in the front. D. Davignon said the first third of the building will run back to the first

154 downspout and so on. He also described the second floor loft and how it is a high pitched roof. L.
155 Dorman asked if the Marion Fence will be leasing the space. D. Crete said yes, they will be a tenant
156 of Saltworks. L. Dorman asked where their material will be stored. D. Crete said they will have a
157 little bit of area under the lean to. He said their storage is "on demand". D. Davignon showed on the
158 plan where it will be located. L. Dorman asked that since the Marion Fence is a tenant does that
159 mean that the renovations will be done by Saltworks. D. Crete said yes. L. Dorman asked if any
160 downspouts are proposed. D. Davignon said they did not propose any. He described the upgrades,
161 but there will not be any additions. L. Dorman asked about the parking spots, there are only 11
162 noted. D. Crete said that they have a small staff. He said in the winter they will probably average less
163 than 1 car per day. Customer visits are very limited especially in the winter. N. Hills asked if the
164 parking includes the spots for Marion Fence. D. Crete said they have their spots designated behind
165 their building. L. Dorman asked if trailers will be stored on site during the summer. D. Crete said
166 just a handful. They will go inside of the buildings. C. Trinidad asked where materials (such as
167 varnish, paint, etc.) are stored. D. Crete said they try to do as much on time delivery as possible but
168 they have flammable paint lockers. J. Hartley noted that he agreed with J. Doubrava in that he would
169 feel more comfortable approving things based on the present conditions and not on something that
170 doesn't exist yet. D. Davignon said they would come back for either an Amendment or a new RDA
171 for the Quonset hut if needed. D. Crete said that they are trying to be upfront about everything. L.
172 Dorman said he thinks that is appropriate to be upfront and transparent in what they are asking for.
173 N. Hills asked if anyone in the audience had questions. There were none. N. Hills mentioned the
174 Stormwater Management Report in the application. D. Davignon mentioned that the Planning Board
175 is having a peer review done for this report. D. Davignon asked for the hearing to be continued since
176 they are awaiting information regarding the peer review and will be meeting with the Planning
177 Board on March 2, 2015. N. Hills motioned to continue the hearing with the applicant's approval to
178 March 25, 2015 at 7:10pm.

179

180 7:20 PM **Harrison & Leslie Condon**, Request for Determination of Applicability
181 (File # 41D-1561), for 68 Holmes Street, for demolition of the existing screened porch, detached
182 garage and remove existing patio and then construct various additions, a new garage and patio. Dave
183 Davignon was representing the Condons. He presented the board with plans and described the
184 project. He said most of the property is an upland area. D. Davignon said that they had LEC
185 Environmental look at the property and the only wetland resource area they found was off site
186 toward the west on the neighbor's property. D. Davignon described how they marked the wetlands
187 on their plan based on a past plan the neighbor's property had. They did not want to mark wetlands
188 flags on the neighbor's property but did provide the Condon's with a sketch and a small description
189 of what he found. He described an intermittent stream that runs through the wetland system into a
190 culvert. He also mentioned that about half of the work they are proposing would be in the Buffer

191 Zone, but greater than 50ft from the wetlands system. They are proposing a silt fence along the
192 property line. N. Hills asked about the drainage ditch and if it ran across the road. D. Davignon said
193 yes there is a culvert that goes under the road. C. Trinidad asked if the property behind them is
194 wetlands. D. Davignon said no it is all upland. N. Hills also asked about elevation. D. Davignon said
195 that they didn't do extensive topography but elevations are noted on the plan. L. Dorman asked
196 about how much additional square footage is being added. D. Davignon did not have the square
197 footage information on hand but the project meets zoning setbacks and lot coverage requirements. N.
198 Hills asked if there were any questions from the audience. There were none. N. Hills motioned to
199 close the hearing; L. Dorman seconded; voted unanimously.

200

201 7:30 PM Appointment for Discussion, with the Bowers regarding changes to 14
202 Bayview Road, Determination 41D-1554. N. Dufresne of Thompson Farland and Anthi Frangidis of
203 Frangiadis Associates representing the Bowers. Mr. & Mrs. Bowers were also present. N. Dufresne
204 presented updated plans to the board. He described the change to the plan, addition to the size of the
205 deck and the change from patio to wood deck. N. Hills asked if it was an elevated deck. A.
206 Frangiadis said that the new deck is 6 inches lower than the first floor so it is one step down but it is
207 above grade. N. Hills asked if it were on posts. A. Frangiadis said yes, sonotubes. J. Doubrava asked
208 if the addition is 2' further to the water. A. Frangiadis said that is correct. C. Trinidad asked about
209 the sewer grinder pump and if it still needs to be moved. N. Dufresne said yes it will be moved. N.
210 Hills said a Determination had been granted but now the plan has changed. Discussion addressed
211 how to handle the change to the Plan of Record since there is not an Amended Determination. A.
212 Frangiadis mentioned that they will be going in front of the Zoning Board in March for an
213 amendment to the Special Permit. N. Hills said that if the board agrees we can send a letter noting
214 that the board agreed to a new Plan of Record showing the revised date of February 2, 2015. J.
215 Doubrava asked if they were compliant with the 50% rule. N. Dufresne said that they meet all flood
216 zone requirements. A. Frangiadis noted that the first floor is at elevation 18.7 and they are in an AE
217 15 Flood Zone. N. Hills asked if there were any questions from the audience. There were none. J.
218 Hartley asked if they have sent a copy of the revision to the DEP. N. Dufresne said not yet. J.
219 Hartley recommended they send one. N. Hills motioned to close the hearing; L. Dorman seconded;
220 voted unanimously.

221

222 7:40 PM Douglas & Debra Breault, Request for Determination of Applicability
223 (File # 41D-1562), for 16 Rocky Knook Lane, to upgrade the existing septic system to Title 5
224 compliance by removing and replacing the leaching field; to remove and relocate the existing medal
225 shed and minor grading. Dave Davignon of Schneider & Associates represented the Breaults. He
226 described the current conditions and the proposed plan. He noted that the wetlands on the property
227 are on the far east side. The wetlands have been marked with flags #1 to #11. He noted that the

228 Buffer Zone takes up most of the lot. The leaching field will be 80 ft. from the wetland line. D.
229 Davignon also said that there is a flood zone to the east. He noted on the plan where the Natural
230 Heritage area is located. N. Hills asked if that is where the leaching field is going. D. Davignon said
231 yes, but it is exempt from Natural Heritage because of the existing septic system. The exemption is
232 attached to the Request for Determination. He noted item #5-Review in the exemption. The new
233 leaching field will be larger than the current one. He described how they would access the site for
234 the work to be done. A metal shed would need to be removed. They show the shed in a new
235 location on the plan but he is not sure of the Breaults are keeping the shed or removing it from the
236 property. J. Doubrava asked about a silt fence that is on the plan. D. Davignon said that is the silt
237 fence and noted where it is on the plan. He said they will have to clear out some woods, maybe 15'
238 to 20' to get the excavating equipment towards the back and maybe an another 10' into the woods to
239 the west of the leaching field. J. Hartley asked if the wetlands line had been approved on a previous
240 application. D. Davignon said they could not find any indication of a filing. The wetland line was
241 flagged back in August. N. Hills asked about the new location of the shed. D. Davignon said they
242 placed it away from the work area and that he is not sure that the Breaults want to save the shed or
243 not. N. Hills suggested putting it closer to the construction access instead of closer to the wetlands.
244 D. Davignon said it can be placed anywhere the board sees fit. Consensus was that it should be at
245 least 30 ft. from the BVW. J. Doubrava asked if the house is occupied. D. Davignon noted that they
246 are selling the house and they have moved to New Hampshire. N. Hills asked if there were any
247 questions from the audience. He also asked the board if they would be comfortable acting on this
248 given the fact they were not going to certify the line. J. Hartley noted that it is approximately 80'
249 from the wetland line. J. Doubrava asked if they are looking to move forward in order to put the
250 house on the market. D. Davignon noted that it had been on the market. J. Hartley asked if this is a
251 gravity system. D. Davignon said yes it is. He said they are going off the pipe of the existing septic
252 tank. It is really a removal and replacement of the leaching field. J. Doubrava asked if it is the 1,000
253 gallon tank meets the Title 5 standards. D. Davignon said unless it is leaking or structurally has
254 issues you can keep it in place under Title 5. J. Hartley asked if they were okay to be 3' above the
255 ground water. D. Davignon said it is a commonly approved variance by most Boards of Health. They
256 have a scheduled hearing with the Board of Health in a couple of weeks. N. Hills asked if there were
257 any other questions or comments. There were none. He motioned to close the hearing; L. Dorman
258 seconded; voted unanimously.

259

260 **Harrison & Leslie Condon:** N. Hills drafted the Determination for File # 41D-1561.
261 Negative Determination #2 and #3; Positive #2B regarding the wetland line on the neighbor's lot.
262 He motioned to accept as written; J. Doubrava seconded; voted unanimously.

263

264 **Douglas & Debra Breault:** J. Hartley drafted the Determination for File # 41D-1562.
265 Negative Determination #3 with special conditions that the shed be relocated no closer than 30' to
266 the wetland line as shown, the siltation fence will be the limit of work and no storage of soils on
267 site. Positive Determination #2B. He motioned to accept as written; J. Doubrava seconded; voted
268 unanimously.

269
270 **Comments** to Planning Board and Zoning Board of Appeals: That the applicants will need to
271 file with the Conservation Commission.

272
273 **Bowers, 14 Bayview Road:** The new plan is the new Plan of Record and a letter will be
274 drafted for the file.

275
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277
278 Meeting adjourned at 8:37pm

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282 
283 _____
284 Donna M. Hemphill, Administrative Assistant

285 Approved March 11, 2015

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Marion Conservation Commission

February 25, 2015 Meeting ~ File Contents:

File # 41D-1548 Korff, Robert (LEC Environmental): 345 & 390 Wareham Road

First file:

- Legal Notice date 10/8/14 (updated to show continuations)
- Two copies of letter from LEC explaining application. Dated 10/3/14
- Anonymous letters. One with no date, others date 10/5/14 & 11/1/14
- Quote from GAF for Flood Plain Delineation. Dated 10/29/14
- Copy of email sent to M. Mangello re: selection of engineer. Dated 10/31/14
- Two copies of RDA including maps. Dated 10/1/14
- Letter to GAF that they were selected to do delineation. Dated 10/31/14
- Copy of Marion Conservation Commission Statement of Work.
- List of engineers contacted for the Statement of Work
- Copy of email from M. Mangello re: updated plans sent overnight
- Copy of article in Sippican Week 10/29/14
- Copy of article in The Wanderer 10/30/14
- Two copies of the Property Owner List
- Letter from Control Point, arrived with the overnighted plans. Dated 10/23/14
- Copy of check on invoice for legal ad fee. Dated 10/8/14
- Prepared Determination to be completed

Second file:

- Five sets of signed & stamped plans. Dated 10/1/14
- Two sets of unstamped plans. Dated 8/1/14

File # SE 041-1226 Saltworks Marine, LLC: 291 Wareham Street

- Legal Notice dated 2/12/15
- Two copies of NOI with plans. Dated 1/29/15
- Two Stormwater Reports. Dated 1/19/15
- Copy of checks paid.
- Copy of Abutter Notification
- Copy of legal ad in Wanderer
- Copy of email from DEP with file number. Dated 2/5/15
- Order of Condition to be completed

File # 41D-1561 Condon, Harrison & Leslie: 68 Holmes Street

- Two copies of RDA and plans. Dated 2/6/15
- Copy of check paid. Dated 2/6/15
- Legal notice dated 2/12/15
- Determination to be completed
- Copy of ad in Wanderer. Dated 2/12/15

Marion Conservation Commission

February 25, 2015 Meeting ~ File Contents:

File # 41D-1554 Bowers, Bernard: 14 Bayview Road

- Legal Notice date 11/27/14
- Two copies of RDA. Dated 11/19/14
- Two copies of Site Plan. Dated 11/18/14
- Copy of check paid
- Copy of legal ad in the Wanderer dated 11/27/14
- Determination to be completed
- Letter to ZBA for comments
- Copy of ZBA decision
- Completed Determination. Dated 12/11/14

File # 41D-1562 Breault, Douglas & Debra

- Two copies of the RDA with plans. Dated 2/6/15
- Copy of check paid. Received 2/9/15
- Legal Ad dated 2/12/15
- Determination to be completed
- Copy of Legal Ad in Wanderer 2/12/15

Packets for Commission Members:

- Agenda for February 25, 2015
- Minutes to be approved
- Request for comments from Planning Board and Zoning Board of Appeals