

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JUNE 10, 2015

Members Present: Norman A. Hills, Chairman  
Jeffrey J. Doubrava, Clerk  
Stephen C. Gonsalves, Member

Members Absent: Joel D. Hartley, Vice Chairman  
Lawrence B. Dorman, Member  
Cynthia C. Trinidad, Associate

Admin. Assistant: Donna M. Hemphill

Others Present: Daryl Murphy; Matt Farrell; Bob Rogers, G.A.F. Engineering; Richie Patten for John Vaccaro; Nick Dufresne, TFI; David Klenert, Collins Civil Engineering Group; Bart Nourse; Tom Quinlan, South Coast Improvement; Dave Davignon, Schneider & Associates; Sal Giglia.

Meeting convened at 7:00 PM on Wednesday, June 10, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, June 6, 2015 by J. Doubrava and N. Hills. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

**7:00 PM**

**Margaret Weymouth**, Request for Determination of Applicability

(File No. 41D-1573) to replace an existing concrete paver patio with a wood deck having the same dimensions at 120 Bullivant Farm Road. Nick Dufresne of Thompson Farland, Inc. present representing Ms. Weymouth. N. Dufresne said that the Weymouths recently purchased the property and they do not care for the existing patio. The plan is to remove the existing pavers and replace with a wood deck. N. Dufresne noted that the property is in the flood zone. N Hills said that the property is also in a riverfront resource area J. Doubrava asked if the entire patio will be replaced. N. Dufresne said that just the area next to the house will be. The pool area will not be disturbed. The retaining wall will remain in place also. Elevation will be slightly higher in order for the deck to be flush with the doorway. N. Hills asked if the current stones were cemented down. N. Dufresne said no they are interlocking pavers most likely set on stone dust. J. Doubrava motioned to close the hearing; S. Gonsavles seconded; voted unanimously.

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**MISCELLANEOUS:** Invoice for \$60.00 from M.a.D. Signs in Wareham for the beach and no dog signs on Planting Island. N. Hills motioned to sign the invoice for payment; S. Gonsalves seconded; voted unanimously.

**MINUTES:** From May 27, 2015. N.Hills motioned to accept as written; J. Doubrava seconded; voted unanimously.

**7:05 PM** **Ryan Correia**, Abbreviated Notice of Resource Area Delineation (File No. SE 041-1230), to confirm the delineation of a Boarding Vegetated Wetlands at 439 Wareham Street. Bob Rogers of G.A.F. Engineering was there to represent Ryan Correia. B. Rogers said that the property was originally delineated in 2006. They recently had it surveyed by Brad Holmes, Environmental Consultant. He provided the data sheets that were received with the application. J. Doubrava asked if it were lot 48A. B. Rogers said yes and that the property was recently subdivided but the Assessors still show it as one lot. It was two lots, 48 and 48 A. Now it is 48, 48A1 & 48A2. B. Rogers said they need to establish no activity and buffer zones. J. Doubrava asked for clarification that they are looking to confirm lot 48A2. B. Rogers said yes. He also said that they are working on a site plan and that this is the first step. J. Doubrava asked who owns lot 48A2. B. Rogers did not know. The intent for lot 48A1 is to reopen the gas station. N. Hills said that 48A1 has a buffer zone, marginal where the line is on the lot. He asked B. Rogers about the equipment in the woods on the property. B. Rogers said that they were digging shallow test pits for groundwater confirmation for the future drainage analysis. N. Hills asked B. Rogers that if they are going to build anything, will they come back with another filing. B. Rogers said yes, it would be a full Notice of Intent. J. Doubrava motioned to close the hearing; S. Gonsalves seconded; voted unanimously.

**7:10 PM** **(7:12PM) Matthew Farrell**, Request for Determination of Applicability (File No. 41D-1574) to left the current structure 18" above the current flood level at 73 County Road. Matthew Farrell was present. He explained the project. Their intent is to lift the house out of the flood plane and to have a wooden floor instead of slab in the basement. They are proposing to remove the current deck which is within the buffer zone at the back of the house and would like to put one on the front. N. Hills asked how the house will be lifted. M. Farrell said that the flood plane is currently 18" above the slab and the design is to go 18" above that. He said all of the work for raising the house will be done inside. There will not be a lot of ground disturbance outside of the house. N. Hills said he didn't think there was a need for a siltation fence. N. Hills noted that the plans indicated a

80 fair amount of interior modifications. M. Farrell explained the plan for the interior work. He  
81 said they will have approximately a 3' crawlspace and two floors above. J. Doubrava  
82 motioned to close the hearing; S. Gonsalves seconded; voted unanimously.

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84 **7:15 PM (7:16PM) Harvey & Lily H. Goldfarb,** Request for Determination of  
85 Applicability (File No. 41D-1575) to repair and upgrade a residential septic system for the  
86 existing home at 98 Register Road. David Klenert of Collins Civil Engineering Group was  
87 there to represent the Goldfarbs. D. Klenert presented the board with plans. He described  
88 the markings on the plan. The wetland lines were delineated by Walter Hewitson. D. Klenert  
89 said that all work will be within 100' buffer zone. The septic system is located at the front of  
90 the house. The existing system will be removed and replaced with an updated system.  
91 There will be a siltation fence along Register Road. He noted that the Board of Health  
92 approved their application on June 9, 2015. There was a question on the wetland line and  
93 how it had been delineated. D. Klenert said it had been done by Walter Hewitson and  
94 based on soils and plant life. J. Doubrava said it was not clear where the line was. N. Hills  
95 said that they spoke to the homeowner during the site inspection and he was told that he  
96 could remove the flags. Only one flag remains up at this time. D. Klenert noted that there is  
97 a one page letter with the application. It states W. Hewitson was on site on April 20, 2015.  
98 There was a discussion regarding the soil worksheets that are typically submitted with an  
99 application and not in this package. S. Gonsalves asked if D. Klenert can give the board  
100 the soil worksheet. He also noted that it is clear that the system cannot go in another  
101 location. Board members agreed. N. Hills noted that they will not confirm the wetland line.  
102 He also said the BVW flags should be rehung. N. Hills said the silt fence will be the limit of  
103 work and asked if access to the property would be through the driveway. D. Klenert  
104 assumed so but may be some coming in from the street. He said material would be moved  
105 off-site, there will not be stockpiling. J. Doubrava motioned to close the hearing; S.  
106 Gonsalves seconded; voted unanimously.

107

108 **7:20 PM (7:26pm) John Vaccaro,** Request for Determination of Applicability,  
109 (File No. 41D-1576) to repair the terrace support by installing two new posts and supporting  
110 panel above at 1 Island Court. Richie Patten was asked by Jon Vaccaro to stand in for him  
111 since Mr. Vaccaro could not attend the hearing. There was a discussion regarding the  
112 posts and how they would be replaced. N. Hills said as long as they will not be digging he  
113 didn't see that it would be a problem. It appeared from the plans that they will be placing  
114 the posts on an existing steel post that comes out of the ground. Sal Giglia expressed  
115 concerns about the work that has been done and is being done at the property. The  
116 board listened to his concerns and recommended he contact the Building Commissioner.

117 With no other comments or questions, J. Doubrava motioned to close the hearing; S.  
118 Gonsaives seconded; voted unanimously.

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120 **7:25 PM (7:31pm) M. Linde, et al., c/o Bartley B. Nourse, Jr.** , Request for  
121 Determination of Applicability (File No. 41D-1577) to eradicate an aggressive bamboo  
122 stand by cutting and removing all above ground vegetation and then excavating all  
123 subsurface root systems at 20 Cottage Lane, 35 Spring Street and 41 Spring Street. Dave  
124 Davignon of Schneider & Associates was there to represent the applicants. Bartley Nourse  
125 was also present. D. Davignon said that this is a group effort between the neighbors and  
126 that the majority of the work will be done at 20 Cottage Lane. He said the bamboo is very  
127 extensive and it is growing fast. He described where the bamboo is located. D. Davignon  
128 also said the property owners have consulted an expert named Dennis Rogan. He is from  
129 Connecticut and has handled 24 bamboo eradication projects in the last 3 to 4 years and  
130 he claims to have 100% success with his projects. They have also brought on a "Project  
131 Manager" who will oversee the work, named Morgan Cecil. He is with Small Ax Tree Service  
132 in Rochester. The excavation will be done by Sherman Briggs Excavating. D. Davignon said  
133 it will be a multiphase project, from start to finish will take approximately 15 months. The  
134 majority of the work will occur within the next 3 to 4 weeks. They will start with the removal  
135 of the stockade fence. The second step would be to hand trench around the perimeter to  
136 decide where the limits of the bamboo are. He said they have an estimated limit of work  
137 noted on the plan. He described how the bamboo would be removed from the location  
138 and destroyed. He said that once they have determined the limits and cut down  
139 everything they will begin to excavate the root system. D. Davignon said they will be  
140 installing erosion control and they will not be stockpiling any soil on the site. The only thing  
141 that may be stockpiled there would be logs or pieces of the wall/stockade fence until they  
142 remove it from the site. Access to the site will be from the driveway of the Linde property.  
143 Once the excavation happens and everything has been removed the area will be back  
144 filled with sand. It will not be filled with loam and seeded at this time. The stone wall will  
145 have to be removed and multiple trees will have to be removed as well. They estimate as  
146 many as 12 trees may have to be removed. Once everything is removed and backfilled  
147 the area will be left until next spring when they will check and see if there is new growth. At  
148 that time the area will be restabilized. They will replace the privacy fence and privacy  
149 vegetation between the properties (with different vegetation). He said hopefully the  
150 project will be completed next Fall. D. Davignon said they would like to start work as soon  
151 as they can. He noted that LEC Environmental flagged the wetland lines two weeks ago.  
152 He mentioned the brook on site was determined to be intermittent for a previous project. J.  
153 Doubrava asked if this was all mechanical removal, there is not an alternative means to

154 remove such as herbicides. D. Davignon said that is correct, other methods have been  
155 tried but the most successful way is removal. Containment has been tried also, but that  
156 does not work either. The bamboo can continue to spread. N. Hills asked how far down  
157 does excavation need to go. D. Davignon said 3' down in the center of the area. J.  
158 Doubrava said that if the limit of work is larger than what is on the plan, the board should  
159 be notified and there should be conversation at that time. D. Davignon said they will come  
160 back immediately with a revised plan. J. Doubrava asked what happens if they find out  
161 that the roots have entered the neighboring accessory building. D. Davignon said they  
162 have talked about taking the building down. With no other questions or comments J.  
163 Doubrava motioned to close the hearing; S. Gonsalves seconded; voted unanimously.

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165 **Appointment with Tom Quinlan**, Regarding possible changes to Determination of  
166 Applicability File No. 41D-1569, 208 Wareham Road. Tom Quinlan was present. He said they  
167 would like to amend the drawing to cantilever the addition extending it 4' out. It will not  
168 change the footprint of the building foundation. N. Hills asked about roof run off. T. Quinlan  
169 said they have a gutter out, downspout to the sides. N. Hills said that we will write a letter  
170 stating that the new plan is accepted as the new Plan of Record.

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172 **Request for Certificate of Compliance, File No. SE 041-1125**, for Jessica Faria of 28  
173 Doran Way. N. Hills said the engineer submitted a letter for the request; he read aloud parts  
174 of the letter. The plan that was approved is not what was built. The house is smaller than  
175 was planned and the driveway is on the opposite side. He noticed that at least one of the  
176 downspouts do not go into a dripstrip or drywell. The original plan called for a line of  
177 boulders along the back of the property that was not complete. There was discussion  
178 about how to complete the wall, either with stone or fence. Also, there was discussion  
179 about how the dripstrip works. N. Hills motioned to issue a complete certification with 2 on  
180 going conditions; S. Gonsalves seconded; voted unanimously.

181

182 **DISCUSSION:** There was a discussion regarding 17 East Avenue, Reinhart property.  
183 The board did a site inspection on Saturday, June 6, 2015 and was able to speak to the  
184 homeowners. There has been a delay in the work at the property. They are working on  
185 getting a new contractor. N. Hills said they told the Reinharts that they will need to reinstall  
186 the barely functioning silt fence. They also discussed the pile of rocks that are piled on the  
187 property. It was mentioned that if there will be work on the seawall that a new Notice of  
188 Intent will need to be filed. J. Doubrava recommended a letter be sent with reminders that  
189 they have an obligation to reinstall or repair the silt fence and that the pile of rocks should  
190 be removed if they are not going to file to work on the seawall. He noted that if they were

191 to come before the board today they would not have been allowed to stockpile the rocks  
192 onsite.

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194 **CORRESPONDENCE:** Request for comments from the ZBA regarding 16 Cottage  
195 Lane. N. Hills noted that the property is in the 500 year flood plan and they do have a  
196 LOMA in file so it is outside of the Commission's jurisdiction. He said as a board they would  
197 not have comments on this. Members agreed. N. Hills moved that the board has no  
198 recommendations and that it is not within the board's purview and that a memo be sent  
199 to the ZBA with such notation; S. Gonsalves seconded; voted unanimously.

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201 **Letter to LEC Environmental:** There was a discussion at the last meeting regarding the  
202 continuations and a letter was drafted. N. Hills motioned to sign the letter as drafted; J.  
203 Doubrava seconded; voted unanimously.

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205 **Margaret Weymouth:** Determination of Applicability (File No. 41D-1573), Negative  
206 Box # 2 and Negative Box # 3. S. Gonsalves motioned to issue the Determination; N. Hills  
207 seconded; voted unanimously.

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209 **John G. Vaccaro:** Determination of Applicability (File No. 41D-1576), Negative Box  
210 #2 and Negative Box #3. Special Conditions: Install on existing steel posts and no  
211 excavation. J. Doubrava motioned to issue the Determination; S. Gonsalves seconded;  
212 voted unanimously.

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214 **Matthew Farrell:** Determination of Applicability (File No. 41D-1574), Negative Box #  
215 2 and Negative Box # 3. N. Hills motioned to issue the Determination; S. Gonsalves  
216 seconded; voted unanimously.

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218 **M. Linde, et al., c/o Bartley B. Nourse, Jr.:**Determination of Applicability (File No. 41D-  
219 1577), Negative Box # 3. Special Conditions: 1. Notify the Commission if the limit of work  
220 expands beyond that shown on plan. 2. Stockpile does not include soils. N. Hills motioned  
221 to issue the Determination; S. Gonsalves seconded; voted unanimously.

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223 **Harvey & Lily H. Goldfarb:** Determination of Applicability (File No. 41D-1575), Positive  
224 Box # 2B. Negative Box # 3 with Special Conditions: 1. Wetlands line is not accepted, 2. No  
225 stockpiling of soils on site. J. Doubrava motioned to issue the Determination; N. Hills  
226 seconded; voted unanimously.

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228 **Ryan Correia:** Order of Resource Area Delineation (File No. SE 041-1230). N. Hills  
229 motioned to issue the Order stating that the board found the boundaries are accurate; J.  
230 Doubrava seconded; voted unanimously.

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232 **Tom Quinlan:** A letter will be sent to T. Quinlan stating that the board accepted  
233 the new Plan of Record. N. Hills motioned to draft the letter; J. Doubrava seconded; voted  
234 unanimously.

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236 **Reinhart, 17 East Avenue:** A letter will be drafted and sent to the Reinhardts. N. Hills  
237 motioned to send the letter; S. Gonsalves seconded; voted unanimously.

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239 **Saltworks Marine, LLC.:** There was a discussion regarding the Quonset hut that  
240 remains in place after the May 31, 2015 deadline. Dan Crete said there was a delay in site  
241 work that prevented the entire structure from coming down by the deadline. The roof has  
242 been removed; just the poles remain in place. Once they have completed the site work  
243 they will be able to move the poles off of the current location. The board will request a  
244 letter from D. Crete stating why the delay and the time frame for removing the remaining  
245 part of the hut.

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247 Meeting adjourned at 8:31pm

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252 Approved: June 24, 2015



Donna M. Hemphill, Administrative Assistant

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