

FINAL

**MARION CONSERVATION COMMISSION**

MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 2015

Members Present: Norman A. Hills, Chairman  
Jeffrey J. Doubrava, Clerk  
Cynthia C. Trinidad, Member  
Stephen C. Gonsalves, Member  
Lawrence B. Dorman, Associate

Members Absent: Joel D. Hartley, Vice Chairman

Admin. Assistant: Donna M. Hemphill

Others Present: Bill Long, 16 Bass Point Road; Steve Goodman, 8 Olde Meadow Road; Bob Rogers, G.A.F. Engineering; John Nardullo, Nardullo General Contracting; Dale M. Allison, 371 Delano Road; Mark Arnold, Tucker Lane; Susan Nilson, CLE Engineering; Chuong Pham, 22 Bass Point Road; Rick Charon, 323 Neck Road, Rochester; Greg Carey, CEC

Meeting convened at 7:00 PM on Wednesday, September 9, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Tuesday, September 8, 2015 by N. Hills and J. Doubrava. This meeting was audio recorded by Town of Marion staff.

7:00 PM **Steve Goodman**, Request for Determination of Applicability (File No. 41D-1586), for isolated tree removal to address encroaching vegetation at 8 Ole Meadow Road. Steve Goodman was present and explained the project. The house was built close to wetlands. He gave an updated plan to the Commission. S. Goodman said that on the north side of the house there are multiple trees that are encroaching on the front door and is causing \$1,000's in damage. He wants to remove the trees that are immediately in front of the house. He has received several quotes from professionals and plans on using minimally invasive techniques and stumps will be left intact. Most of the trees that will be removed are maple trees and one holly tree. S. Goodman offered to plant blueberry bushes or other plantings if needed. N. Hills said the Commission did a site inspection on Tuesday, September 8, 2015. He said the plot layout showed the wetlands line was beyond the retaining wall, and the trees in question would be in the buffer zone. J. Doubrava asked if any vehicles driving in to remove the trees. S. Goodman said no, it would be manual removal. The underbrush will remain intact. It was stated that letting the

43 natural vegetation grow back would be preferable to new plantings. S. Gonsalves  
44 suggested that a condition be written into the Determination that allows the applicant to  
45 keep the tree cropped back and do maintenance as necessary. N. Hills asked if the  
46 audience or the Commission had any questions; there were none. L. Dorman motioned to  
47 close the hearing; J. Doubrava seconded; voted unanimously.

48

49 7:05PM (7:10PM) **Chuong Pham**, Request for Determination of Applicability (File No.  
50 41D-1579), for an addition on sonotubes at 22 Bass Point Road. (Continued from August 12,  
51 2015). C. Pham was present. N. Hills noted that at the last meeting the Commission asked  
52 that the resource areas and the deck on the rear of the property be included on a plan.  
53 The new plan was submitted. C. Pham said he has been talking with the Building  
54 Commissioner regarding the deck and that he will be inspecting it in the near future. N. Hills  
55 said that since the RDA is for the addition on sonotubes, wording should be added to the  
56 Determination regarding the deck as well. If any changes will need to be made to the  
57 deck footings C. Pham will need to file a new application. There were no questions from  
58 the audience or the Commission. J. Doubrava motioned to close the hearing; C. Trinidad  
59 seconded; voted unanimously.

60

61 7:10 PM (7:15PM) **Dale M. Allison**, Request for Determination of Applicability (File No.  
62 41D-1587), for demolition of an existing house and garage; placement of approximately  
63 150 cu. yds. of fill and construction of a new house and garage at 359 Delano Road. Rick  
64 Charon of Charon Associates was present as was Dale Allison. R. Charon explained the  
65 project. The existing house is outside of the flood plane. The new house is proposed to be  
66 slightly bigger and closer to street. He said they are proposing fill around it from 16 ft.  
67 contour, approximately 75 yards of fill within the flood zone. They will be filing a conditional  
68 Letter of Map Revision based on fill from FEMA. This will allow them to go in before anything  
69 is demolished and rebuilt and place the fill. Then they will file for a LOMR-F which is done  
70 after the fill is placed. It is a two-step process with FEMA. The house is on town water and  
71 town sewer. J. Doubrava asked what happens if FEMA does not approve the fill. R. Charon  
72 said they would have to reconfigure the house to get it back behind the flood line. First  
73 floor elevation would be 20.8'. D. Allison mentioned that the front of the house has an  
74 extensive porch area. The front of the house is set back approximately 155' from the street.  
75 R. Charon said that they have also applied to the Zoning Board of Appeals for a Special  
76 Permit. There was discussion regarding possible water runoff due to the contours created  
77 from the added fill. It was noted that the majority of that area is within the 500 year flood  
78 zone. L. Dorman asked if the neighbor to the south should be aware of the project. D.  
79 Allison said the neighbor is aware, she has spoken to him. The neighbor had a couple of

80 concerns mainly placement of an air conditioner and outside lights. The neighbor will be  
81 present at the upcoming ZBA meeting. All abutters within 300' are notified for the ZBA  
82 application. There were no further questions from the audience or the Commission; S.  
83 Gonsalves motioned to close the hearing; C. Trinidad seconded; voted unanimously.

84  
85 7:15 PM (7:30PM) **Mooring QPRT**, Notice of Intent (File No. SE041-1235), for the  
86 relocation of existing utility services consisting of a water main, and  
87 electrical/telephone/cable conduits throughout the site, as well as site improvements at 99  
88 & 100 Moorings Road. Susan Nilson of CLE Engineering was present. She said the existing  
89 water line is approximately 100 years old. They are proposing to replace the section from  
90 just behind 99 Moorings Road into the service for 100 Moorings Road. It is a 6" water line  
91 and will be changed to an 8" water line. She said they have been working with the DPW so  
92 anything they do now can be incorporated into any work that needed to be done in the  
93 future. The owners were planning on repaving the roads so they want to get the utilities in  
94 before they repave. She presented the Commission with updated plans. S. Nilson noted on  
95 the plan where the erosion control which is on the edge of the road before the coastal  
96 bank. They will trench cut for the utilities in the roadway and then resurface what they  
97 have for existing pavement. N. Hills asked about the trenches and how deep they will be. S.  
98 Nilson said that the water line needs to have 5' of cover and the conduit needs 4'. He  
99 asked if there would be problem with water. S. Nilson said they hope to do the work next  
100 month when the water table will be low. The fill from the trenching that will not be used will  
101 be removed from site. If needed they will stockpile in a designated area most likely along  
102 the interior side of the road as work goes on. There will be material brought in since they will  
103 want to use clean fill for the project. N. Hills asked how long the project will take. S. Nilson  
104 said they hope to go out to bid by the end of September. Work should start by mid to late  
105 October. It will take a month at most. L. Dorman asked about the change from a 6" to an  
106 8" water main. S. Nilson said there will not be a difference in water service. In the future the  
107 trust will replace the system with the 8" water main. At this point, only the Converse,  
108 Stenberg and the associate pier are part of the replacement. There were no further  
109 questions from the audience or the Commission. J. Doubrava motioned to close the  
110 hearing; C. Trinidad seconded; voted unanimously.

111  
112 7:20PM (7:42PM) **Norman Hills**, Notice of Intent (File No. SE 041-1234), to construct a  
113 24'x24' garage and related grading; also to construct a 16' x 17' patio within the 100'  
114 setback to a Bordering Vegetated Wetland; and removal of one tree within the Delineated  
115 Wetland at 680 Front Street. Bob Rogers of G.A.F. Engineering was present to represent  
116 Norman Hills. N. Hills recused himself from the table. B. Rogers described the project. There is

117 a pine tree that is just inside the wetland line. The plan stated that the entire tree would be  
118 removed. The tree will be cut and then left on site with the stump remaining in place. There  
119 is no vehicle access to the area so this will be a manual removal. The second part of the  
120 project is the stone patio. This will be constructed with granite stones, filled with crushed  
121 stone and the service will be either slate or pavers. The third part of the project is the  
122 storage garage. It is located south side of the existing septic system. B. Rogers said there  
123 would be erosion control. There will be some fill on the south side of the garage which will  
124 be primarily the excavated material and treated with loam and seed. J. Doubrava asked  
125 about the wetland line. B. Rogers said that the wetland line was originally delineated in  
126 2004. Their surveyors reflagged the lines so they would be visible but the line was not  
127 officially updated. There was a discussion regarding the location of the wetland line.  
128 Members felt that the location of the line seemed reasonable. However, J. Doubrava said  
129 that they would not be able to formally accept the line as part of the Order. Members  
130 agreed. L. Dorman asked why the structure is called a storage garage. It does not have a  
131 driveway. B. Rogers said that there is no plan to construct a driveway but if that changes  
132 they would file a Request for Determination of Applicability. N. Hills said it will be used to  
133 store a 1936 Ford. C. Trinidad motioned to close the hearing; S. Gonsalves seconded; voted  
134 unanimously (N. Hills abstained from voting).

135  
136 7:25PM (7:58PM) **Clean Energy Collective**, Notice of Intent (File No. SE 041-1232), for  
137 construction of a new photovoltaic generating facility, stormwater drainage basins and  
138 utility crossing off Tucker Lane. (Continued from August 26, 2015). Mark Arnold from  
139 Goddard Consulting was present and described the updates made since the last meeting.  
140 He said that the Marion Planning Board closed their hearing the day before. Minor  
141 changes were the number of trees were increased and there minor changes outside of the  
142 100' buffer zone having to do with the drainage structure. Bob Rogers of G.A.F. Engineering  
143 was also present. He said that they worked together with the engineers at Coneco. The  
144 Planning Board was satisfied with the minor modifications to the drainage basin and that  
145 they are 100% compliant with the DEP stormwater management regulations. He said the  
146 basins are very shallow and hard to spot. N. Hills said that members received a copy in their  
147 packet of the peer review that was presented to the Planning Board. M. Arnold reviewed  
148 the access that will be through the wetlands. A maintenance plan was submitted on July  
149 30, 2015. There were no further questions from the audience or the Commission. J.  
150 Doubrava motioned to continue the hearing; C. Trinidad seconded; voted unanimously.

151  
152 7:30PM (8:07PM) **Shea Doonan**, Notice of Intent (File No. SE 041-1233), to construct  
153 and maintain an aquaculture project off of Ram Island. (Continued from August 26, 2015).

154 The applicant requested to continue the hearing. N. Hills motioned to continue the hearing  
155 to September 23, 2015 at 7:05pm; C. Trinidad seconded; voted unanimously.

156

157 **MINUTES:** Minutes from August 26, 2015 were approved.

158

159 **CORRESPONDENCE:** Request for comments from ZBA for case #711. The project was  
160 approved by the Commission at this meeting.

161

162 **Moorings QRPT,** J. Doubrava motioned to issue Order of Conditions for File No. SE  
163 041-1235, 99 & 100 Moorings Road. Special Conditions: all stockpiled material should be  
164 upland of the erosion control and that all excess material shall be removed from the site. S.  
165 Gonsalves seconded; voted unanimously.

166

167 **Steve Goodman,** N. Hills motioned to issue Determination of Applicability for File No.  
168 41D-1586, 8 Olde Meadow Road. Negative boxes 2 and 3. Special Conditions: Eight  
169 marked trees shall be removed, stumps remain. Continuing condition that new growth on  
170 the stumps not be allowed to grow more than 4' tall as needed. J. Doubrava seconded;  
171 voted unanimously.

172

173 **Norman Hills,** L. Dorman motioned to issue the Order of Conditions for File No. SE  
174 041-1234, 680 Front Street. The Commission accepts the BVW line as flagged but does not  
175 formally accept the wetland line. Special Conditions: The 30" diameter pine tree will be cut  
176 and remain in the wetlands (not removed as stated on the plan of record). J. Doubrava  
177 seconded; voted unanimously (N. Hills abstained from voting).

178

179 **Chuong Pham,** C. Trinidad motioned to issue Determination of Applicability for File  
180 No. 41D-1579, 22 Bass Point Road. Negative box #3. Special Condition: Deck is to remain on  
181 existing footing. If different then existing footing applicant must submit a new Request for  
182 Determination of Applicability. L. Dorman seconded; voted unanimously.

183

184 **Dale M. Allison,** S. Gonsalves motioned to issue Determination of Applicability for File  
185 No. 41D-1587. Positive box # 3. Special Condition: Notice of Intent is not required if  
186 applicant receives approval of Conditional LOMR-F from FEMA and approval from Zoning  
187 Board of Appeals. C. Trinidad seconded; voted unanimously.

188

189 **Clean Energy Collective,** N. Hills motioned to issue the Order of Conditions for File  
190 No. SE 041-1232, off Tucker Lane. Special Conditions: 1. Minimum of 50' of siltation fencing

191 shall be used, 2. Maintenance per plan submitted on July 30, 2015. J. Doubrava seconded;  
192 voted unanimously.

193

194 N. Hills received a call from Michael Cormier, Harbormaster regarding the Bird Island  
195 project (File No. SE 041-1231). M. Cormier questioned the fence that was written into the  
196 Order of Conditions. The Order states there is to be a fence around the staging/storage  
197 area near the bandstand at Island Wharf. He said the only thing that will be stored there  
198 are a couple of trailers and that a fence would not be necessary. The members had a brief  
199 discussion and N. Hills said he would look into it further before the Commission takes action.

200

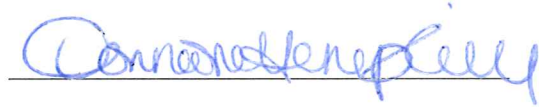
201 **CORRESPONDENCE:** Members received a copy for their information of the Buzzards  
202 Bay Water Quality Management Grant Opportunity.

203

204 Meeting adjourned at 8:52pm.

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206



207

Donna M. Hemphill, Administrative Assistant

208

209 Approved: September 23, 2015

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