

1
2 **MARION CONSERVATION COMMISSION**

3 MINUTES OF THE REGULAR MEETING HELD ON JANUARY 13, 2016

- 4
5
6 Members Present: Norman A. Hills, Chairman
7 Stephen C. Gonsalves, Member
8 Jeffrey J. Doubrava, Clerk
9 Cynthia C. Trinidad, Member
10 Kristen Saint Don, Associate
11
12 Members Absent: Joel D. Hartley, Vice Chairman
13 Lawrence B. Dorman, Associate
14
15 Admin. Assistant: Donna M. Hemphill
16
17 Others Present: Kevin E. O'Gara, 565 Delano Road; Peter Wallace, 167 Converse
18 Road; Peter Lyons, Collins Engineering; Brian Grady, G.A.F.
19 Engineering
20

21 Meeting convened at 7:00 PM on Wednesday, January 13, 2016 in the conference
22 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
23 held on Saturday, January 9, 2016 by J. Hartley, J. Doubrava, N. Hills, C. Trinidad and K.
24 Saint Don. This meeting was televised and video recorded by Old Rochester Community
25 Television (ORCTV), and audio recorded by Town of Marion staff.
26

27 **7:00 PM** Marion Recreation Department. Update on Enforcement Order for
28 File No. 41D-1488 for work at Washburn Park. The Commission has requested engineered
29 plans from the Town Administrator's office. As of the meeting date the plans have not
30 been received. Since the Commission was still waiting on the plans N. Hills motioned to
31 continue the appointment to January 27, 2016; J. Doubrava seconded; voted
32 unanimously.
33

34 Minutes from December 9, 2015 were approved.
35

36 The 2015 Annual Report was approved.
37

38 **7:05 PM** Doug Thackeray. Notice of Intent, (File No. SE 041-1239), to
39 construct and maintain an aquaculture project east of Stewart's Island at Sippican Harbor.
40 The applicant requested to continue the hearing to February 10, 2016 at 7:00pm. N. Hills
41 motioned to continue; S. Gonsalves seconded; voted unanimously.

42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77

There was a brief discussion regarding the upcoming M.A.C.C. conference that will be held in March. Members agreed that it is an excellent event to attend.

J. Doubrava mentioned that the Bird Island Restoration project is under way. The Commission will schedule a site visit for the beginning of April.

The Washburn Park Pond and the erosion concern were briefly discussed. N. Hills said he has spoken to the DEP regarding the situation. Eagle Holt Company is responsible for maintenance and repairs. They are aware of the repairs that will need to be made and are intending on doing so in the spring. N. Hills will draft a letter with the Commission's concerns to send to Eagle Holt Company.

7:10 PM **Dennis Luttrell**, Request for Determination Applicability (File No. 41D-1596), to upgrade a failed sewage disposal system with a conforming Title V system at 25 Rocky Knook Lane. Brain Grady of G.A.F. Engineering explained the project. He said the work is within the lawn area outside of the main tree site. Several boulders will need to be removed. N. Hills asked if the system will be level with the existing terrain. B. Grady said that it will be raised one to two feet but will work into the existing slope. The existing leaching field will be abandoned in place. The tank will be pumped and filled. C. Trinidad asked about the wetland flags that they saw on their site inspection. The wetland line was flagged in August 2015 and is off property. There were no further questions from the audience or the Commission. N. Hills motioned to close the hearing; J. Doubrava; seconded; voted unanimously.

7:15 PM **Irene Roszkiewicz**, Request for Determination of Applicability (File No. 41D-1597), for the upgrade of a residential septic system for the existing home at 6 Ichabod Lane. Peter Lyons of Collins Civil Engineering Group. He described the project. There is an offsite BVW area to the north and to the southwest of the project. The field is approximately 150' to the BVW. Due to the existing plumbing and topography the tanks will be proposed to come out of the rear of the house just inside the 100' Buffer Zone, as close as 88' to a drainage way. Erosion control is proposed downhill of all work as close as 77' to the drainage way. The BVW line was done on December 15, 2015 and is noted on the plan. The old tank is proposed to be replaced. If the contractor finds it better to decommission and leave in place that would be a field change. However, on the plan it shows as being removed and replaced. There were no further questions from the audience or the

78 Commission. N. Hills motioned to close the hearing; J. Doubrava seconded; voted
79 unanimously.

80

81 **7:20 PM**

82 **Robert Duncan, III**, Notice of Intent (File No. SE 041-1238), to
83 upgrade a failed disposal system at 122 Register Road. (Continued from December 9,
84 2015). Brian Grady of G.A.F. Engineering was present to represent Mr. Duncan. He said that
85 since the last meeting he has submitted revised plans and the requested worksheets from
86 the wetlands specialist, Brad Holmes from Environmental Consulting and Restoration. They
87 collected additional data on the trees and soils. Based on the soil he has classified this as
88 an upland area. B. Grady said that they have shifted the leaching field in a westerly
89 directly upslope about 14'-15' as was previously discussed. He also noted that the shallow
90 well will be filled and the ditch will be filled as well. B. Grady noted that they had been
91 given approval from the Marion Board of Heath on January 12, 2016. There were no further
92 questions from the audience or the Commission. N. Hills motioned to close the hearing; C.
93 Trinidad seconded; voted unanimously.

93

94 **TO ISSUE:**

95

96 **C. Kevin O'Gara**, Request for Certificate of Compliance for File No. SE 041-1037
97 for 565 Delano Road. S. Gonsalves recused himself and left the conference
98 room. N. Hills noted that the Commission decided that in the future they
99 would be specific in the type of boulders need for the boulder line. They
100 should not be able to be moved by hand, only by machinery. The
101 Commission said they would accept the line of boulders as they are now as
102 long as they stay in place. That will be noted as an ongoing condition. K.
103 O'Gara asked about hunters behind his property. N. Hills said that the
104 property may be privately owned and suggested K. O'Gara contact them
105 directly. K. O'Gara asked if any cutting or clean up could take place behind
106 the line of boulders. N. Hills said no because of the wetlands. N. Hills motioned
107 to issue the Certificate of Compliance with the ongoing condition; J.
108 Doubrava seconded; voted unanimously. (S. Gonsalves returned to the
109 conference room after the vote had been taken.) The Certificate was signed
110 by voting members at this time.

111

112 **A. Heidi Kostin**, Request for Certificate of Compliance for File No. SE 041-1227 for
113 167 Cross Neck Road. Members did a site inspection on January 9, 2016 and
114 noted that the grass has grown in. An ongoing condition will be that the line

115 of boulders is to be maintained. N. Hills motioned to issue the Certificate of
116 Compliance with the ongoing condition; J. Doubrava seconded; voted
117 unanimously.
118

119 **E. Theresa Barrington**, Request for Certificate of Compliance for File No. SE 041-
120 1177 at 222 Point Road for the concrete access planks. N. Hills motioned to
121 issue the Certificate of Compliance; J. Doubrava seconded; voted
122 unanimously.
123

124 **D.** Invoices for W.B. Mason and The Wanderer were approved to be paid.
125

126 **B. Emergency Certification** requested by CDM Smith on behalf of the Marion
127 Department of Public Works for repair at the Ryder Lane Outfall. Members
128 discussed the repairs that were needed. The Commission needed to act on
129 the Emergency Certification request within 24 hours of receiving the request.
130 Then members are to ratify it at the next scheduled meeting. Also, all repairs
131 are to be completed within 30 days of the issuance, which is January 17,
132 2016. N. Hills motioned that the members ratify the issuance of the Emergency
133 Certification; J. Doubrava seconded; voted unanimously.
134

135 **CORRESPONDENCE:**

136 **A.** Request for comments from the ZBA for Case #717, Tabor Academy. The
137 recommendation is that if any work that involves digging, etc. or removal of
138 the backstop needs to occur then Tabor Academy will need to file with the
139 Conservation Commission. Also, there was a request for comments for ZBA
140 Case #718, Jeffrey Barrett. This project is outside of the Commission's
141 jurisdiction.
142


143 **Irene Rosziewicz**, N. Hills motioned to issue the Determination of Applicability for File
144 No. 41D-1597, 6 Ichabod Lane, Positive Determination Box #2B, the wetlands line is not
145 confirmed and Negative Box #3; C. Trinidad seconded; voted unanimously.
146

147 **Dennis Luttrell**, C. Trinidad motioned to issue the Determination of Applicability for
148 File No. 41D-1596, 25 Rocky Knook Lane, Positive Determination Box #2B, the wetlands line is
149 not confirmed and Negative Determination Box #3; N. Hills seconded; voted unanimously.
150

151 **Robert Duncan, III**, J. Doubrava motioned to issue the Order of Conditions for File No.
152 SE 041-1238, 122 Register Road; N. Hills seconded; voted unanimously.

153
154 There was a brief discussion regarding new construction at 163 Cross Neck Road. A
155 letter will be sent to the homeowner advising them that there are wetlands beyond the silt
156 fence that is currently in place. The letter will also advise them that if the work were to
157 expand past the silt fence that a file with the Conservation Commission would be
158 necessary.

159
160 Meeting adjourned at 8:10pm.

161
162 
163 Donna M. Hemphill, Administrative Assistant

164
165 Approved: January 27, 2016

RECEIVED
TOWN CLERK OF HANSON, MA
2016 JAN 28 A 11:20