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3 **MARION CONSERVATION COMMISSION**
4 MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 10, 2016
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6 Members Present: Norman A. Hills, Chairman
7 Joel D. Hartley, Vice Chairman
8 Stephen C. Gonsalves, Member
9 Jeffrey J. Doubrava, Clerk
10 Kristen Saint Don, Associate
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12 Members Absent: Cynthia C. Trinidad, Member
13 Lawrence B. Dorman, Associate
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15 Admin. Assistant: Donna M. Hemphill
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17 Others Present: Ginny & Rob Beams, 16 Tupola Ln, Mattapoisett; Dave Davignon,
18 Schneider & Associates, Inc.; Matthew Langelier, Gateway Survey
19 Associates
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21 Meeting convened at 7:00 PM on Wednesday, February 10, 2016 in the conference
22 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
23 held on Saturday, February 6, 2016 by J. Hartley, C. Trinidad, K. Saint Don, J. Doubrava and
24 N. Hills. This meeting was televised and video recorded by Old Rochester Community
25 Television (ORCTV), and audio recorded by Town of Marion staff.
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27 **7:00 PM** **Doug Thackeray**, Notice of Intent (File No. SE 041-1239), to construct
28 and maintain an aquaculture project east of Stewart's Island at Sippican Harbor. The
29 applicant requested to continue the hearing until Wednesday, May 11, 2016 at 7pm. Mr.
30 Thackeray is awaiting an inspection by the DMF to be held in April. N. Hills motioned to
31 continue the hearing as requested; J. Doubrava seconded; voted unanimously.
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33 Invoice in the amount of \$20.00 from The Wanderer regarding the Oliveira Request
34 for Determination of Applicability was approved for payment.
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36 **Correspondence:** Members briefly discussed the letter received from MassDEP
37 regarding a Water Management Act Permit Amendment, a handout regarding public
38 records and electronic documents and a letter received from Eversource Energy regarding
39 selective herbicide spraying to be conducted around power lines rights-of-way.
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41 **7:05 PM** **Robert C. & Virginia C. Beams**, Notice of Intent (File No. SE 041-1240), to
42 implement improvements to the pier facility at 35 Holly Road. Dave Davignon of Schneider
43 & Associates was present as were Robert & Virginia Beams. D. Davignon said that this
44 project is for a pier improvement. He also mentioned that Mr. & Mrs. Beams came before
45 the Commission before purchasing the property last year the upgrade of the septic system
46 was approved. The pier was built in approximately in 1984. He noted that the high tide line
47 has drastically changed over the years. Back then the pier was proposed as a walkway
48 over the saltmarsh and ended at the high tide line. He referred to pages two and three of
49 the plan submitted which showed the high tide line and that the pier is now in the
50 waterway. The first part of this project is to license the structure with a Chapter 91
51 Waterways License. D. Davignon said they have already submitted that application. He
52 said the current float which is permitted by the Harbormaster is 8x8. They are proposing to
53 upgrade the gangway and the float. The float would be increased to 10x20 and be
54 supported by four float piles. It will be equipped with chains so it can be hoisted in place
55 for easy storage. Other improvements proposed are an overhanging seating bench and a
56 kayak rack. Deck material will be stripped and replaced. This work would be manually
57 done. Signage required by the Waterways Program will be installed. D. Davignon referred
58 to page three of the plan. He also mentioned the Waterways Program requires stairs for
59 lateral public access up and over the structure. The float piles will be installed using a crane
60 on a barge within two hours of high tide. The barge would also bring in the gangway and
61 the float. He said the area was scoured for eel grass. D. Davignon submitted to the
62 Commission the report that was prepared by LEC Environmental. He said that no eel grass
63 was found in this area. N. Hills asked how much water would be there at high tide when the
64 work will be done. D. Davignon said that at low tide there is approximately 22"-23" and
65 nearly 6' of water at high tide. N. Hills mentioned that the Division of Marine Fisheries (DMF)
66 and Harbormaster had submitted comments. There was a brief discussion regarding the
67 original float permit that had been issued to Scott Parrot, the previous owner. The issue
68 date on permit #390 is April 1, 2005. N. Hills noted the Harbormaster's concern of the when
69 boats would be tied up due to the low water at low tide. The DMF comments mentioned
70 that they prefer a 30" separation and the height and width regarding light and
71 recommended graded decking. D. Davignon said that there isn't any evidence of
72 degradation of the saltmarsh from the existing deck material so there is no need to
73 upgrade to something to enhance additional sunlight. He referred to several photographs
74 that had been submitted as part of the application that showed healthy marsh grass. D.
75 Davignon addressed the question on the 30" separation. He said this is a preexisting float
76 but they are making it slightly larger and adding the float stops. He said these comments
77 are generally for new construction and this is an existing structure. S. Gonsalves asked if

78 these are requirements from the DMF. N. Hills said that these are comments that the DMF
79 has made. Robert Beams addressed the question on the size of the boats that would be
80 tied to the dock. He said the intent is to tie dinghys, etc. all shallow, nothing large. There
81 was a discussion regarding the use of motorized vessels and special conditions that can be
82 listed in the Order of Conditions. N. Hills asked what size board will be used for the decking
83 replacement. D. Davignon said they generally use 2x6 with ¾" spacing. There was a
84 discussion regarding the 30" instead of 24". D. Davignon felt that the 30" separation is an
85 extreme. He explained that if the float were 30" at low tide the float looks like it is sitting on
86 the water like a table on legs and makes it harder to access. S. Gonsalves asked if there
87 had been any floats recently. D. Davignon said yes, the Baileys in the Dexter Beach area.
88 He said that was approved at 24". He also mentioned that the DEP pier regulations talks
89 about an 18" separation except in locations where the Shellfish Officer has deemed it
90 significant shellfish habitat. In that case they should be increased to 30". There were no
91 further questions from members or the audience. J. Doubrava motioned to close the
92 hearing; S. Gonsalves; voted unanimously.

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94 **7:10 PM** Kevin & Tristi Oliveira, Request for Determination of Applicability (file
95 No. 41D-1598), for construction of a wood frame two-story garage, in ground pool and
96 patio area at 28 Pawkechatt Way. Matt Langelier of Gateway Survey Associates was
97 present to represent the Oliveiras. M. Langelier described the project. He said that the
98 property is in the flood plain. They did a Letter of Map Amendment (LOMA) last year so the
99 main dwelling is not in the flood plain but the new construction is. N. Hills asked for a copy
100 of the LOMA for the file. J. Doubrava mentioned a stream on the far end of the adjacent
101 property. M. Langlier said that they did their field survey and covered the neighborhood
102 and didn't see anything. He also noted that there wasn't anything listed on the GIS maps
103 as well. M. Langelier and members reviewed the plan and the possible location of the
104 stream which appeared to be off the property. M. Langelier said that the garage will be
105 constructed with slab on grade. The architects for the project are Saltonstall Architects. N.
106 Hills where the dirt will be stored. M. Langelier said he felt that the rear of the property
107 would be used for storage if needed. He said there is a contour line that will take up some
108 of the excess and what is not used would most likely be trucked away. The Oliveiras are
109 interested in minimal impact. There were no further questions from members or the
110 audience. J. Doubrava motioned to close the hearing; S. Gonsalves seconded; voted
111 unanimously.

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113 Kevin & Tristi Oliveira: J. Doubrava motioned to issue Determination of Applicability
114 for File No. 41D-1568, Negative Box #2. J. Hartley seconded; voted unanimously.

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Robert C. & Virginia C. Beams: N. Hills motioned to issue the Order of Conditions for File No. SE 041-1240 with the following Special Conditions: 1. Decking on the pier shall be 2x6 lumber set ¾" apart; 2. Float stops shall be set so the bottom of the float is held 24" above the existing grade; 3. Boat traffic at the float shall be shallow draft with care taken at low tide to prevent prop wash. The Applicant shall meet with the Harbormaster to determine the specific size/draft of boat permitted. A copy of the Harbormaster letter shall be provided to the Marion Conservation Commission; 4. The Marion Conservation Commission is only approving the pier work and no other structures. S. Gonsalves seconded; voted unanimously.

J. Doubrava suggested that open Order of Conditions be investigated so that home owners can be notified and reminded that Certificates of Compliances must be requested when work has been completed.

Meeting adjourned at 7:58pm.



Donna M. Hemphill, Administrative Assistant

Approved: February 24, 2016

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