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2 **MARION CONSERVATION COMMISSION**  
3 MINUTES OF THE REGULAR MEETING HELD ON APRIL 27, 2016  
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6 Members Present: Norman A. Hills, Chairman  
7 Joel D. Hartley, Vice Chairman  
8 Jeffrey J. Doubrava, Clerk  
9 Stephen C. Gonsalves, Member  
10 Cynthia Callow, Member  
11 Kristen Saint Don, Associate  
12  
13 Members Absent: Lawrence B. Dorman, Associate  
14  
15 Admin. Assistant: Donna M. Hemphill  
16  
17 Others Present: Jeff Oakes, CLE Engineering Inc.; Michael & Kristen Weber, 65 Front  
18 Street; Dave Davignon, Schneider & Associates; Eric Aubrey,  
19 Gehrlicher; Jay Myrto, CEC.; Yelena Sheynin, Sippican Lands Trust;  
20 Scott Hobson, Caputo & Wick.  
21  
22

23 Meeting convened at 7:00 PM on Wednesday, April 27, 2016 in the conference  
24 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were  
25 held on Saturday, April 23, 2016 by C. Callow, J. Doubrava, and N. Hills. This meeting was  
26 televised and video recorded by Old Rochester Community Television (ORCTV), and audio  
27 recorded by Town of Marion staff.  
28

29 7:00 PM **Sippican Lands Trust, c/o Robin Shields** – Request for Determination  
30 of Applicability (File No. 41D-1607) for the control of invasive Japanese knotweed via  
31 selective herbicide treatment. Yelena Sheynin of Sippican Lands Trust and Scott Hobson of  
32 Caputo & Wick were present. S. Hobson described the Osprey Marsh parcel is  
33 approximately 19 acres. They are proposing to control a 5,000 square foot stand of  
34 Japanese knotweed that is a few hundred feet in from the road. He said they will knock the  
35 Japanese knotweed down then treat the sprouts with an herbicide called Aquaneat. S.  
36 Hobson said there will be follow up treatments throughout the year and over three years.  
37 The intent is to let the natural vegetation return. N. Hills noted that at their site visit the  
38 members noted that the knotweed expands across neighboring properties. Y. Sheynin said  
39 she said the idea is to mow the area now and apply the herbicide in August. In the  
40 following years she would prefer to cut back on the spraying. J. Doubrava said he was  
41 concerned with spraying in August given the foot traffic increase in the summer. Y. Sheynin

42 said that they would most likely shut the property down during spraying and she assured  
43 the Commission that the public would be informed of any spraying that will occur. There  
44 were no further questions from the board or the audience. J. Doubrava motioned to close  
45 the hearing; C. Callow seconded; voted unanimously.

46

47 7:05 PM (7:07PM) **Town of Marion**, c/o JC Engineering, Inc. – Notice of Intent (File No.  
48 SE 041-1222), for reconstruction for the seawall at Sprague's Cove (continued from  
49 February 24, 2016). The applicant requested to continue the hearing to Wednesday, May  
50 25, 2016 at 7:05pm. N. Hills motioned to continue; J. Doubrava seconded; voted  
51 unanimously.

52

53 7:10 PM **Village Way Realty Trust**, c/o David E. & Holly M. Nilson, Trustees,  
54 Request for Determination of Applicability (File No. 41D-1606), for the continuation of the  
55 development of the site previously approved under Order of Conditions File No. SE 041-  
56 1102 at Holly Pond Road, Map 18, Lots 44 & 44B. At the request of the engineer, N. Hills  
57 motioned to continue the hearing until 7:35pm the same evening; J. Doubrava seconded;  
58 voted unanimously.

59

60 Minutes from April 13, 2016 were approved.

61

62 Request for comments from the ZBA for Case # 713, Gorraiz, 444 Front Street: No  
63 recommendations from the Commission.

64

65 7:15 PM **Blankenship Trust LLC, c/o Prospectus LLC**, - Notice of Intent (File  
66 No. SE 041-1245), for repairs on the existing stone/concrete abutments and to upgrade the  
67 existing gangway and float anchor system for a Licensed Residential Pier Facility at 468  
68 Point Road. The applicant has requested to continue the hearing to May 11, 2016 at  
69 7:15pm. N Hills motioned to continue; J. Doubrava seconded; voted unanimously.

70

71 **Discussion Item:** Members did a site visit at 161 Wareham Street at the request of the  
72 owner. There is a problem with water behind the house that is possibly coming from a  
73 nearby stream or a possible blockage in a nearby culvert. The DPW will be contacted to  
74 pursue the issue.

75

76 7:20 PM **Ann Iannuzzi**, Notice of Intent (File No. SE 041-1244) for minimal  
77 grading and the planting of indigenous wetland vegetation to replace stands of invasive  
78 Phragmites and Japanese Knotweed that were removed in compliance with Order of

79 Conditions SE 041-1202, at 9 Shell Heap Road. (Continued from April 13, 2016). Jeff Oakes of  
80 CLE Engineering was present to represent Ms. Iannuzzi. The hearing had been continued to  
81 be sure all abutting neighbors had been notified. J. Oakes submitted the certified green  
82 cards for the file. There were no further questions from the board or the audience. N. Hills  
83 motioned to close the hearing; C. Callow seconded; voted unanimously.

84  
85 7:25 PM Michael & Kristen Weber, Request for Determination of  
86 Applicability, (File No. 41D-1609), for the demolition of the existing house and detached  
87 garage and new construction of a 4 bedroom, two story single family residence with  
88 basement and two car garage at 65 Front Street. Michael Weber briefly described the  
89 project. N. Hills asked where dirt would be stored. Bill Weber said he didn't anticipate much  
90 needing to be stored on site. He said that after excavating the area for the new house  
91 foundation they would use that material to back fill the area that will not be in use. C.  
92 Callow asked what will be done with the large tree near the garage. M. Weber said that it  
93 will be coming down. N. Hills asked if much fill will be brought in. M. Weber said that yes  
94 some will be brought in. There were no further questions from the board or the audience. J.  
95 Doubrava motioned to close the hearing; J. Hartley seconded; voted unanimously.

96  
97 7:30 PM Stephen Wynne, Request for Determination of Applicability, (File  
98 No. 41D-1610), to replace the existing wood deck with new deck made of a combination  
99 of wood and composite materials at 12 Blackhall Court. Stephen Wynne notified the  
100 Commission via email that he was unable to attend the hearing. N. Hills said members did  
101 a site visit on Saturday and he reviewed the information in the application. There is no  
102 footprint change at the ground level. There were no questions from the board or the  
103 audience. N. Hills motioned to close the hearing; J. Hartley seconded; voted unanimously.

104  
105 N. Hills motioned to reopen the hearing for File No. 41D-1606, **Village Way Realty**  
106 **Trust**, c/o David E. & Holly M. Nilson, Trustees; J. Hartley seconded; voted unanimously.  
107 Dave Davignon of Schneider & Associates was present to represent the applicants. N. Hills  
108 mentioned the discussion at the previous meeting regarding the question about whether or  
109 not to file a Request for Determination of Applicability (RDA) or a new Notice of Intent  
110 (NOI) for this project. He said by the time it was determined that a NOI would be necessary,  
111 the RDA has already been filed. The original Order of Conditions had expired so an  
112 extension was not possible. D. Davignon explained his reasons for filing the RDA as opposed  
113 to filing a new NOI. He felt that the owners would still be held responsible for all conditions  
114 in the original Order of Conditions and that this RDA would allow the work to be completed  
115 without the additional time and cost associated with a new NOI. N. Hills noted the

116 immense amount of work that is proposed. He also mentioned that the Commission asked  
117 Town Counsel and he said that a new NOI is required. D. Davignon did not agree. N. Hills  
118 read aloud the email response received from Town Counsel. There was further discussion  
119 regarding the process of filing. C. Callow also read aloud comments made by Town  
120 Counsel. J. Doubrava motioned to close the hearing; J. Hartley seconded; voted  
121 unanimously.

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123 **Discussion Item:** Clean Energy Collective (CEC), Order of Conditions SE 041-1232, 99  
124 Perry's Lane – Tree cutting that occurred off Tucker Lane was in violation of the Order of  
125 Conditions. There was a discussion regarding information including restoration and  
126 revegetation to be included in an Enforcement Order. J. Doubrava said that he responded  
127 to the initial complaint of tree cutting. The subcontractor on site did not have a copy of the  
128 Order of Conditions on hand. Jay Mytro of CEC said there may have been some confusion  
129 on the subcontractor's part with doing the tree cutting at Perry's Lane and then at Tucker  
130 Lane. He said that they will have a restoration plan ready for the next meeting on May 11,  
131 2016. N. Hills motioned to issue the Enforcement Order to Clean Energy Collective; J.  
132 Doubrava seconded; voted unanimously.

133  
134 J. Doubrava motioned to issue the Determination of Applicability, File No. 41D-1609,  
135 for **Michael & Kristen Weber**, 65 Front Street. Negative Box #2; S. Gonsalves seconded;  
136 voted unanimously.

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138 S. Gonsalves motioned to issue the Determination of Applicability, File No 41D-1610,  
139 for **Stephen Wynne**, 12 Blackhall Court. Negative Box #2; N. Hills seconded; voted  
140 unanimously.

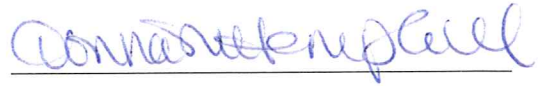
141  
142 C. Callow motioned to issue the Determination of Applicability, File No. 41D-1607, for  
143 **Sippican Lands Trust**, Osprey Marsh, Point Road. Negative Boxes #2 and #3; S. Gonsalves  
144 seconded; voted unanimously.

145  
146 N. Hills motioned to issue Determination of Applicability, File No. 41D-1606, for **Village**  
147 **Way Realty Trust**, c/o David E. & Holly M. Nilson, Trustees, Holly Pond Road. Positive  
148 Determination Box #4, this project will require the filing of a Notice of Intent. S. Gonsalves  
149 seconded; voted unanimously.

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151 J. Hartley motioned to issue Order of Conditions, File No. SE 041-1244, for **Ann**  
152 **Iannuzzi**, 9 Shell Heap Road. J. Doubrava seconded; voted unanimously.

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Meeting adjourned at 8:15pm.



Donna M. Hemphill, Administrative Assistant

Approved: May 11, 2016

APPROVED  
DONNA M. HEMPHILL  
MAY 12 2 11 PM '16