

**MARION CONSERVATION COMMISSION**

**MINUTES OF THE REGULAR MEETING HELD ON JANUARY 11, 2017**

- Members Present: Cynthia Callow, Chairman  
Jeffrey J. Doubrava, Vice Chairman  
Norman A. Hills, Clerk  
Joel D. Hartley, Member  
Kristen Saint Don, Member
- Members Absent: Shaun Walsh, Associate  
Lawrence B. Dorman, Associate
- Admin. Assistant: Donna Hemphill
- Others Present: Chad & Cheryl Santos, 17 Giffords Corner Road; Doug Thackeray, 120 Converse Road; Jeff Oakes, CLE Engineering, Inc.; Jamie Bissonnette, Zenith Engineering; Nick Dufresne, Farland Corp.; Brandon Faneuf, Ecosystem Solutions, Inc.; Rick Charon, CAI, Rochester.

Meeting convened at 7:00 PM on Wednesday, January 11, 2017 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, January 7, 2017 by N. Hills, J. Hartley and C. Callow. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00pm **Chad T. Santos**, Request for Determination of Applicability, (File No. 41D-1637), to use the existing road to the back of the property to stock pile loam at 17 Giffords Corner Road. (Continued from December 14, 2016). Chad and Cheryl Santos were present. N. Hills said that another site visit was done on the previous Saturday but it was snowing. There was a discussion about reestablishing the wetland line and placing permanent markers. They can reference previous plans to help reestablish the BVW line. N. Hills motioned to continue the hearing to Wednesday, January 25, 2017 at 7:05pm; J. Doubrava seconded; voted unanimously.

7:05pm **Gale Runnells**, Request for Certificate of Compliance for Order of Conditions SE 041-1208, 17 Reservation Way (Continued from December 14, 2016) Rick Charon of Charon Associates asked to table this to 7:50pm. C. Callow motioned to table as requested; N. Hills seconded; voted unanimously.

Minutes from December 14, 2016 were approved.

The draft of the 2016 Annual Report was approved and will be submitted.

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The MACC Annual Conference to be held in March was discussed. Members will decide what courses they want to take and have D. Hemphill register them.

7:10pm **Doug Thackeray**, Notice of Intent, (File No. SE 041-1239), to construct and maintain an aquaculture project east of Stewart's Island. (Continued from December 14, 2016) Doug Thackeray was present. He has received the information from the U.S. Army Corps of Engineers that he had been waiting for. There were no further questions from the members. J. Doubrava motioned to close the hearing; N. Hills seconded; voted unanimously.

7:15pm **Burr Brothers Boatyard**, Request for Partial Certificate of Compliance for SE 041-1112, for construction of a boat shed and drainage system at 309 Front Street. Jeff Oakes of CLE Engineering, Inc. was present on behalf of Burr Brothers Boatyard. C. Callow read aloud the letter that was submitted along with the request. There was a discussion regarding the BMP (Best Management Practices). This is a Partial request since they are waiting for the vegetation to establish and the pavement to be completed. Mr. Burr was present and explained that the General Contractor has asked for the Partial Certificate. N. Hills mentioned that he had spoken with the Building Commissioner regarding the engineered plans and it does comply with flood standards. There were no questions from the audience and no further questions from the Commission. N. Hills motioned to issue a Partial Certificate of Compliance for the boat shed, drainage system and the location of the BMP; J. Hartley seconded; voted unanimously.

7:20pm Appointment for discussion with **Bryan Beakes** regarding 102 Quails Crossing Road. B. Beakes asked to continue the discussion to the next hearing so he may be present. N. Hills motioned to continue the hearing as requested to Wednesday, January 25, 2017 at 7:10pm; K. Saint Don seconded; voted unanimously.

Correspondence from Eversource regarding their Yearly Operational Plan was briefly mentioned as was the email from MACC regarding a letter to Governor Baker.

7:25pm **120 Front Street LLC**, Notice of Intent (File No. SE 041-1260), for the construction of a residential dwelling with associated pool, pool building, driveway, patios, retaining wall, utilities and grading at 120 Front Street. Jamie Bissonette of ZCE was present as was home owner Christian Loranger. J. Bissonnette explained the

80 proposed plan. The work will be within the buffer zone to the BVW. He said work is close  
81 to the BVW itself. Some of the work is also within land subject to coastal flowage. J.  
82 Bissonnette said that their intent is to keep the foundation above the water table so  
83 testing had been done on site to determine it. The foundation will be 2' above the seasonal  
84 water table. There will be a retaining wall around the limit of work. C. Callow expressed  
85 her concern about the pool and the patio being very close to the resource area. She was  
86 also concerned about the delineation line. J. Bissonnette said they are working with the  
87 setbacks and everything does fit within the lot. J. Doubrava asked why the no build and  
88 no disturb lines were not on the plan. J. Bissonnette said that when the plans were done  
89 he was unaware of those limits until the last meeting that he had attended. At that time  
90 the plans for this project had already been submitted. J. Doubrava mentioned that there  
91 appears to be wetlands to the left of the house and it is not noted on the plan. J.  
92 Bissonnette said that their wetlands specials had not delineated that side of the property.  
93 N. Hills asked about the lots (74 & part of 63D) listed on the Notice of Intent. J.  
94 Bissonnette explained that C. Loranger purchased a portion of 63D and it had been  
95 endorsed by the Planning Board. N. Hills noted that soils reports had not been provided.  
96 J. Bissonnette said he will ask his specialist for a report and will also have the specialist  
97 address the left side of the property as well. There was a discussion about the existing  
98 driveway. After a brief discussion, J. Bissonnette said that the no disturb and no build  
99 lines will be added to the plan. Louis Coffin, Warden of St. Gabriel's Church which is the  
100 immediate abutter was present. He said the church's primary concern is the retaining  
101 wall and the potential for flooding at the church. He explained how their basement has  
102 had problems with flooding in the past and they are concerned that the retaining wall  
103 could cause further issues in their basement. J. Bissonnette explained that they have  
104 created swales and how the catch basins will work. N. Hills asked about roof run off. J.  
105 Bissonnette will go onto the ground and discharge. N. Hills said they generally look for  
106 drip strips or drywells. J. Bissonnette said they will look into that. The retaining wall will  
107 be made of precast concrete blocks. The height of the wall will vary due to the elevation  
108 changes on the property. The Commission requested that J. Bissonnette submit soil  
109 reports, replace the wetlands flags and add the no disturb and no build lines onto the  
110 plan. N. Hills expressed concern with the proposed work adjacent to the BVW, we have  
111 the setbacks to protect the resource area. The applicant has provided no information to  
112 convince the Commission that the work will not impact the resource area. The applicant  
113 should also consider a design change. N. Hills motioned to continue the hearing to  
114 Wednesday, January 25, 2017 at 7:20pm; K. Saint Don seconded; voted unanimously.

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116 7:30pm **Richard Costa**, Request for Certificate of Compliance for Order of  
117 Conditions File No. SE 041-1221 for phragmites eradication at 37 River Road. N. Hills  
118 motioned that a complete Certificate of Compliance be issued; J. Doubrava seconded;  
119 voted unanimously.

120 7:35pm(7:55pm) **George Silvestri**, Notice of Intent, (SE 041-1261), for vista  
121 pruning of undeveloped parcel within 100' Buffer Zone to the Bordering Vegetated  
122 Wetlands at Seaside Lane. Nick Dufrense of Farland Corp was present as was Brandon  
123 Faneuf of Ecosystem Solutions, Inc. N. Dufrense explained that the intent of the property  
124 owner is to clear some of the area in advance of future development. B. Faneuf described  
125 the current conditions. The property begins at Sippican Harbor, has a salt marsh, beach  
126 area, short dune and the BVW on the back side of the dune. They will comply with the 15'  
127 no touch zone. B. Faneuf said that this is considered a minor activity under the  
128 regulations and therefore allowed to be as close as 50' from the BVW. They would like to  
129 get as close to that 50' mark as possible. Soil reports/Data forms were submitted with the  
130 Notice of Intent. B. Faneuf described the vegetation in the area of the BVW. He explained  
131 that vista pruning is cutting of tree limbs and not the trees themselves. They may remove  
132 bushes, etc. from the understory outside of the 100' buffer zone. There was a discussion  
133 regarding the wetlands standards regarding vista pruning within or from 50' of a resource  
134 area. N. Dufresne said that this exempt since it is a minor activity. B. Faneuf described  
135 the difference between clear cutting and vista pruning. He said that clear cutting is  
136 cutting any and all woody vegetation in your way. Vista pruning is limbing of trees and at  
137 least 90% of the canopy must remain. B. Faneuf said that the trimming will be done by  
138 cherry picker from the truck path and the remaining will be done by climbers. N. Hills  
139 mentioned that when they were on site he noticed a lot of bittersweet and there was a  
140 discussion that removing it would make a big difference in the view. C. Callow expressed  
141 her concerns regarding excessive cutting. N. Dufresne suggested that it be conditioned  
142 that there is oversight of the work. N. Hills suggested that photographs be taken before  
143 and after. B. Faneuf reiterated that they will respect the wetlands standard and stay away  
144 from the 15' no disturb zone. They would like to remove invasives and understory (shrubs  
145 less than 20' in height) up to that 15' line. There were no questions from the audience  
146 and no further questions from the Commission. N. Hills motioned to close the hearing; J.  
147 Hartley seconded; voted unanimously.

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149 7:40pm (8:15pm) **Eric Hansen**, Notice of Intent, (File No. SE 041-1262), to raze the  
150 existing dwelling and detached garage and replace with a new single family dwelling with  
151 attached garage at 320 Delano Road. N. Dufresne of Farland Corp was present on behalf  
152 of Eric Hansen who was also present. N. Dufresne began by apologizing since the existing

153 dwelling had already been taken down and the new one is in the process of being built.  
154 This past summer E. Hansen obtained the building permit and necessary permissions.  
155 However, the Riverfront resource area was missed so they are now doing an after the fact  
156 filing of a Notice of Intent. Also, the applicant is requesting some large boulders be placed  
157 along the top of bank to stabilize the area. N. Dufresne showed members photographs of  
158 the existing rocks in that area. The intent is just to place the boulders on top of the  
159 ground to create a natural rock barrier. When the Commission did the site visit the  
160 previous Saturday there was 6" of snow on the ground. Eric Hansen said with respect to  
161 the placement of the boulders he is not looking to expand the backyard but looking to  
162 stop any runoff or possible erosion and stabilize/protect the area. Members asked to  
163 continue the hearing so they may do another site visit without snow on the ground. E.  
164 Hansen agreed. N. Hills motioned to continue the hearing to Wednesday, January 25,  
165 2017 at 7:25pm; K. Saint Don seconded; voted unanimously.

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167 7:45pm (8:25pm) **JRCP Realty Trust**, Request for Determination of Applicability,  
168 (File No. 41D-1638), for home renovations including an enclosed entry and open-covered  
169 porch addition at 7 Vine Street. Dave Davignon of Schneider & Associates was present on  
170 behalf of the applicant. There are interior renovations planned and parts of the  
171 renovations are a front porch/bump out and open covered porch. There are no wetlands  
172 resource areas but the property falls within Flood Zone AE 15. N. Hills said that members  
173 did a site visit on the previous Saturday and there were no issues. There were no  
174 questions from the audience or the Commission. N. Hills motioned to close the hearing; J.  
175 Doubrava seconded; voted unanimously.

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177 8:30pm **Gale Runnells**, Request for Certificate of Compliance for Order of  
178 Conditions File No. SE 041-1208 (Tabled earlier in the evening). Rick Charon was present  
179 on behalf of Gale Runnells. R. Charon said at the last meeting there was a question about  
180 the 4" pipe under the pool area. A pipe was installed around the edge of the pool but  
181 underneath the stones and concrete. The intent is to collect the water that runs through  
182 the stones and discharge it so the concrete and stones do not freeze. There were no  
183 questions from the audience and no further questions from the Commission.

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185 7:35pm (8:35pm) **Priscilla Bill**, Request for Certificates of Compliance for 296  
186 Delano Road, Orders of Conditions File #s SE 041-1097 and SE 041-1191. Rick Charon  
187 was present on behalf of Priscilla Bill. Order of Conditions File No. SE 041-1097 was for  
188 the seawall work that was completed with the exception of the railings. Order of

189 Conditions File No. SE 041-1119 was to raze and rebuild the house and that work never  
190 commenced. Members will issue later in the evening.

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192 Invoice #7061 for \$20.00 from The Wanderer was approved.

193 Request from the ZBA Case #734, Scharnick, 82 Main Street. Not in the  
194 Commission's jurisdiction.

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196 J. Doubrava motioned to issue the Determination of Applicability for **JRCP Realty**  
197 **Trust**, Negative Box #2. J. Hartley seconded; voted unanimously.

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199 N. Hills motioned to issue the Certificate of Compliance for **Priscilla Bill**, 296  
200 Delano Road, Order of Conditions File No. SE 041-1119. No work was completed so it is  
201 listed as an "Invalid Order of Conditions". J. Doubrava seconded; voted unanimously.

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203 C. Callow motioned to issue the Order of Conditions File No. SE 041-1261, for  
204 **George Silvestri**, Seaside Lane with the following conditions: 1. Pictures to be taken  
205 before work and upon completion, 2. Mark the 15' no touch zone on site, 3. Wetlands  
206 Specialist to be on site. J. Doubrava seconded; voted unanimously.

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208 N. Hills motioned to issue the Partial Certificate of Compliance as requested for  
209 Order of Conditions File No. SE 041-1112, **Burr Brothers Boatyard**, 309 Front Street. J.  
210 Doubrava seconded; voted unanimously.

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212 J. Hartley motioned to issue Order of Conditions File No. SE 041-1239, **Doug**  
213 **Thackeray**, aquaculture off Stewart's Island. K. Saint Don seconded; voted unanimously.

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215 N. Hills motioned to issue the Certificate of Compliance for Order of Conditions File  
216 No. SE 041-1097 for **Priscilla Bill**, 296 Delano Road. Complete with the exception of the  
217 railings. C. Callow seconded; voted unanimously.

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219 N. Hills motioned to issue the Complete Certificate of Compliance for Order of  
220 Conditions File No. SE 041-1208, **Gale Runnells**, 17 Reservation Way, with ongoing  
221 conditions. K. Saint Don seconded; voted unanimously.

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223 Meeting adjourned at 9:12pm.

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225 Approved: February 8, 2017



Donna M. Hemphill, Administrative Assistant

RECEIVED & FILED  
2/10/17 3:13 pm  
DATE TIME  
TOWN CLERK OF MARION