

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 8, 2017

Members Present: Cynthia Callow, Chairman
Jeffrey J. Doubrava, Vice Chairman
Norman A. Hills, Clerk
Kristen Saint Don, Member

Members Absent: Joel D. Hartley, Member
Shaun Walsh, Associate
Lawrence B. Dorman, Associate

Admin. Assistant: Donna Hemphill

Others Present: Mike Popitz, 64 Indian Cove Road; Jamie Bissonette, Zenith Consulting Engineers, LLC; Jim Tomlinson, 1 West Drive; Eric Hansen, 320 Delano Road; Bernard Loranger; Christian Loranger, 80 Front Street; Nick Dufresne, Farland Corp.; John Rockwell, MOSAC; Chad & Cheryl Santos

Meeting convened at 7:00 PM on Wednesday, February 8, 2017 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, February 4, 2017 by N. Hills. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00pm **120 Front Street LLC**, Notice of Intent, (File No. SE 041-1260), for the driveway, patios, retaining wall, utilities and grading at 120 Front Street. (Continued from January 25, 2017). Jamie Bissonette of Zenith Consulting Engineers, LLC. At the last meeting the Commission had requested a couple of changes. The Wetlands Scientist did testing at the site and J. Bissonette submitted the field data sheets just prior to the meeting. He also submitted a revised plan that showed the 15' no disturb and 30' no build zones. The revised plan also included the addition of the roof drains. He described the two infiltration systems, one with a leaching trench in the back and one on the southerly side of the property. They have reduced the size of the pool and have modified some of the grading and the driveway. N. Hills mentioned that they just received the updated information at the meeting so members have not had time to review it. He said that another site visit will be needed. N. Hills also said that the pool and pool house are still within the 15' no disturb and 30' no build zones. J. Bissonette said that they have scaled back the design of the pool house and the pool as possible and that this is what the applicant wants. J. Doubrava expressed his concern that the pool and pool house are still shown on the plan within the no disturb and no build zones. J.

43 Bissonnette said that they have researched the history of the property and found that a
44 barn once stood where the pool house and pool are being proposed. N. Hills agreed that
45 yes the barn had been there at one point but it is not there any longer and stated that
46 this is a new project. C. Callow asked why the pool house and pool need to be within the
47 no disturb and no build zone. J. Bissonnette said that there is nowhere else to put them
48 on the site. J. Doubrava noted that he did not have an issue with the house; it is the
49 location of the pool house and pool that he is concerned with. The pool house is a 24x26
50 pool house, essentially the size of a two car garage building. C. Callow asked if there is
51 going to be multiple uses for the building. Christian Loranger, the property owner, stated
52 that the current dwelling is a two family and the proposed pool house will be connected to
53 the main house by way of a pergola and patio. He said that there will be an in-law
54 apartment, with a kitchen, in the pool house. Members wanted to continue the hearing
55 so that they could review the new information received that evening and do another site
56 inspection with the new information in hand. C. Loranger did not agree to a continuance
57 and asked them to make a vote that evening. He noted that they had reduced the size of
58 the pool since the last meeting. C. Loranger said that they have lined the pool up where
59 the old barn had once stood so it is no closer to the wetland than the barn had been.
60 They also have reduced the size of the driveway. There were no further questions. N. Hills
61 motioned to close the hearing; J. Doubrava seconded; voted unanimously.

62
63 7:05pm (7:11pm) **James Tomlinson**, Notice of Intent, (File No. SE 041-1263), to
64 construct a new single family dwelling. Proposed work relative to the Wetlands Protection
65 Act includes associated grading within bordering land subject to coastal flooding and 100'
66 buffer zone of a coastal bank at 1 West Drive. Nick Dufresne of Farland Corp. was present
67 on behalf of James Tomlinson, who was also present. N. Dufresne described the current
68 conditions. The plan is to raze the existing dwelling and to construct a new dwelling closer
69 to the water. Also proposed is a pool, a circular driveway and a new septic system. There
70 will be work in the resource area behind the pool and some grading. C. Callow asked how
71 the grading will be done and N. Dufresne said will be bulldozers or similar. The grading
72 that will be done will be evening out what is there and adding a little fill but not much at
73 all. N. Hills said he did a site visit on Saturday. The stakes that were on the property were
74 not accurate as to what is on the plan. N. Dufresne explained that the stakes have been
75 used as part of the design process. N. Hills said that some stakes were labeled "retaining
76 wall" and there isn't a retaining wall on the plan. N. Dufresne said that the pool will act as
77 a retaining wall. There was a discussion regarding the placement of the stakes on site.
78 After much discussion, the Commission asked that the old stakes be removed and
79 accurate stakes be placed before the next site inspection. N. Hills said that he noticed

80 some drains on the property. J. Tomlinson said that these are nonfunctional drains
81 belonged to an old house that was removed a long time ago. K. Saint Don asked what
82 kind of a filter will be used for the pool. J. Tomlinson said that they do not have specifics
83 for the pool design as of yet. N. Dufresne said they can get an answer for the next
84 meeting. N. Hills said he was concerned with fill in the Velocity Zone and will need to look
85 into it. N. Dufresne mentioned that it is allowable under the Act. There were no further
86 questions from the audience or the Commission. N. Hills motioned to continue the
87 hearing to Wednesday, February 22, 2017 at 7:05pm; K. Saint Don seconded; voted
88 unanimously.

89

90 7:10pm (7:26pm) **Marion Open Space Acquisition Commission (MOSAC)**,
91 Request for Determination of Applicability, (File No. 41D-1640), for the extension of
92 existing drainage culvert and addition of fill to improve path safety and access at Joanne
93 Drive (Map 7B, Lot 69). John Rockwell of MOSAC was present and explained the current
94 conditions. There is a trail on an existing road. On this road, there is a retention basin
95 that was installed at the time the subdivision was built. There are some steep and
96 slippery slopes that MOSAC wants to even out so they are safer to use. He said they are
97 proposing to add an extra piece of pipe and wood chips so it looks like the rest of the trail.
98 N. Hills said that he did a site visit on the previous Saturday. He asked if the pipe need to
99 be sealed. J. Rockwell said that there is no pressure on the system so the pipe does not
100 need to be waterproofed. He described the type of pipe and fitting that will be used. J.
101 Rockwell said the work will be put out for bid so they do not have a time frame for
102 construction yet. N. Hills asked about the amount of fill needed. J. Rockwell did not have
103 an exact amount but he said they will be looking at using the minimum amount
104 necessary. There were no further questions from the audience or the Commission. C.
105 Callow motioned to close the hearing; J. Doubrava seconded; voted unanimously.

106

107 7:15pm (7:34pm) **Michael Popitz, M.D.**, Notice of Intent, (File No. SE 041-1264),
108 for the construction of a new driveway with associated grading at Indian Cove Road (Map
109 18, Lot 123). N. Dufresne of Farland Corp. was present of behalf of the applicant. Dr.
110 Popitz was also present. N. Hills mentioned that the Commission did not do a site visit on
111 the previous Saturday and will ask for a continuance. N. Dufresne described the current
112 conditions. Dr. Popitz is proposing to construct an addition gravel driveway to allow for
113 easy access when bringing his boat in and out of his property. This driveway will cross
114 the wetlands. A replication area of 1,332 square feet is proposed and shown on the plan.
115 No fill is proposed and the contours will be kept the same. There is a previous Order of
116 Conditions which expires this year for the construction of a garage which has not been

117 built. J. Doubrava asked about the wetlands flags and where the wetlands are on the
118 plan. N. Dufresne showed on the plan where they are located. Dr. Popitz told the
119 Commission that any time a heavy vehicle (such as a delivery truck or oil truck) enters
120 the existing driveway some of the swales and pipes have been crushed since it is such a
121 tight fit. Also, he is unable to make the turn with the boat and trailer and he would like to
122 store it on his property as opposed to storing it in an offsite facility. The boat is 28' and
123 with the trailer it is a total of 35' long. Dr. Popitz noted where he has planted vegetation to
124 improve the property and he would like to do the same on this lot. J. Doubrava asked if
125 these were two separate buildable lots and Dr. Popitz said yes. J. Doubrava questioned
126 the building of an accessory structure on a lot without a primary structure being present.
127 Dr. Popitz said that it had been permitted but he decided to not go ahead with the plan.
128 He said that the previous owner had received permission to build a house and driveway
129 on this lot but he appealed it and eventually bought the lot from that owner. There were
130 no further questions from the audience or the Commission. N. Hills motioned to continue
131 the hearing to Wednesday, February 22, 2017 at 7:10pm; K. Saint Don seconded; voted
132 unanimously.

133

134 7:20pm (7:43pm) **Chad T. Santos**, Request for Determination of Applicability, (File
135 No. 41D-1637), to use the existing road to the back of the property to stock pile loam at
136 17 Giffords Corner Road (Continued from January 25, 2017). Cheryl & Chad Santos were
137 present. N. Hills said that he visited the site on the previously Saturday. Flags and labels
138 have been placed in the yard. The Commission requested that they place permanent
139 markers. There were no further questions from the audience or members. C. Callow
140 motioned to close the hearing; J. Doubrava seconded; voted unanimously.

141

142 Minutes from January 11, 2017 and January 25, 2017 were approved.

143

144 Discussion regarding 320 Delano Road: At the previous meeting the Commission
145 approved the Order of Conditions for this property. However, there was a little confusion
146 regarding the placement of the boulders. After a brief discussion the Commission
147 corrected the Special Condition to now read that the excavated boulders shall be placed
148 on the face of the bank for no more than 100' from the south boundary. Boulders shall be
149 placed on top of existing grade (i.e., no excavation) and spaced a minimum of 3 feet
150 between each boulder in any direction. Boulders shall be no larger than four feet in any
151 size in any dimension. N. Hills motioned to accept this revision; K. Saint Don seconded;
152 voted unanimously.

153

154 Invoice #7093 from The Wanderer was approved for payment.

155

156 MACC Annual Conference invoice for \$115.00 for C. Callow's attendance was
157 approved for payment.

158

159 The Mirandas responded to a letter that was sent to them regarding 133 Wareham
160 Road. After a brief discussion the Commission decided to meet with the Mirandas on the
161 next scheduled site visit. They will be contacted to confirm.

162

163 C. Callow read aloud the correspondence from D.E.P. in reference to a site visit
164 they will be conducting on February 23, 2017 for a Certificate of Compliance request at
165 115 Bullivant Farm Road.

166

167 N. Hills motioned to issue the Determination of Applicability for **Chad T. Santos,**
168 (File No. 41D-1637), 17 Giffords Corner Road. Negative Boxes #2 & #3, Special Conditions
169 - Permanent BVW markers shall be installed 15' upland of the BVW flags. Notify
170 Conservation Commission when complete. K. Saint Don seconded; voted unanimously.

171

172 The Commission briefly discussed 120 Front Street LLC, Notice of Intent (File No.
173 SE 041-1260) and decided to hold a special meeting in order to vote the Order of
174 Conditions. The special meeting will be held on Wednesday, February 15, 2017 at 7pm at
175 the Marion Town House Conference room.

176

177 Meeting adjourned at 8:20pm.

178

179

180 Submitted by: Donna M. Hemphill, Administrative Assistant

181 Approved: March 22, 2017

RECEIVED
TOWN CLERK OF MARION, MA
2017 JUL 11 P 1:41