

**MARION CONSERVATION COMMISSION**

MINUTES OF THE SPECIAL MEETING HELD ON FEBRUARY 15, 2017

- Members Present: Cynthia Callow, Chairman  
Jeffrey J. Doubrava, Vice Chairman  
Norman A. Hills, Clerk  
Kristen Saint Don, Member  
Joel D. Hartley, Member  
Shaun Walsh, Associate
- Members Absent: Lawrence B. Dorman, Associate
- Admin. Assistant: Donna Hemphill
- Others Present: Christian Loranger; Attorney John Mathieu

Meeting convened at 7:00 PM on Wednesday, February 15, 2017 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. 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). The public hearing was closed on Wednesday, February 8, 2017 and this special meeting was held to vote on the Order of Conditions. C. Callow opened the discussion with a brief description of the public hearing. N. Hills reviewed the Findings that would be marked on the Order of Conditions – Storm Damage Prevention, Protection of Wildlife Habitat and Flood Control. He read aloud the Denial paragraph under Findings (c) that would be marked off if the Commission decided to deny the Notice of Intent. N. Hills had prepared a draft of findings to accompany the denied Order and Town Counsel supplied comments. Members had reviewed this draft. S. Walsh stated that he was not voting on this project but he was present to supply input. After reviewing the information provided, S. Walsh said that there is a lack of sufficient information specifically on the retaining wall. He read aloud the notations from the top of the plan which states that the wall would be designed by a registered engineer and it also mentioned a fence. No further details on how the wall will be constructed are included on the plan. He reviewed the existing grades and slopes as presented on the plan. He also reviewed the proposed contours. S. Walsh also noted that the retaining wall shows to be right on the wetland line. There is a lack of information on the height, drainage and components of the wall. He said there is not enough information for the Commission to determine whether or not the wall would have an adverse impact to the BVW. S. Walsh read aloud a portion of 10.05 (6)(c). The process of the issuing of a denial Order was discussed. K. Saint Don said that she reviewed the

42 information since the last meeting and agreed with S. Walsh's comments. J. Doubrava  
43 also agreed with S. Walsh's comments and the draft as presented. J. Hartley reviewed the  
44 revised plan that had been submitted at the last meeting and noted that the pool is still  
45 very close to the wetland line. He commented that the Bordering Land of Subject to  
46 Flooding (BLSF) doesn't necessarily apply since the land does not immediately border a  
47 body of water or stream. After a brief discussion the Commission decided to remove the  
48 paragraph referencing BLSF from the draft. C. Callow said that the Commission has 21  
49 days in which to issue this Order. She agreed with S. Walsh's comments about the  
50 retaining wall. She said that at a previous meeting J. Bissonnette, Engineer, mentioned  
51 that the retaining wall is proposed to be 5' to 6' high in areas and it will vary depending  
52 on the grade. A fence was also mentioned but there is not enough detailed information  
53 included about a fence or the retaining wall. It was noted that none of the resource areas  
54 on this property have been approved. J. Hartley also noted that the plan appears to have  
55 an outlet structure for discharge directed into the wetlands. There was a brief discussion  
56 regarding the wording of Finding #1. A vote can be taken at this meeting and the issuing  
57 of the Order still has 21 days from of the closing of the hearing. C. Loranger, homeowner,  
58 said he was confused because at the previous meeting the denial was being discussed  
59 because of the 15' and 30' setbacks and now the discussion is including the retaining wall  
60 which was not part of the discussion last week. K. Saint Don said that last meeting the  
61 Commission was not able to look at the complete information and C. Loranger had asked  
62 for the hearing to be closed. There was a brief discussion about re-opening a previously  
63 closed hearing. Town Counsel would have to be consulted if that would be considered.  
64 Also, there was a brief discussion about the possible outcomes of an appeal of a denied  
65 Order. Once a denial is issued, the applicant has 10 business days to appeal to the D.E.P.  
66 Then the D.E.P. reviews the appeal and makes their decision which could be to uphold  
67 the Commission's denial or to issue a Superseding Order of Conditions. There were no  
68 further questions or comments. N. Hills motioned to issue the denial Order of Conditions  
69 and read aloud Block C from the Order; J. Hartley seconded; C. Callow, J. Doubrava, N.  
70 Hills, J. Hartley and K. Saint Don all voted in favor of the denial. 5-0.

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72 Meeting adjourned at 7:30pm.

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75 Approved: February 22, 2017



Donna M. Hemphill, Administrative Assistant

RECEIVED & FILED  
2/24/17 10:40 am  
DATE TIME  
MJB  
TOWN CLERK OF MARION