

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 22, 2017

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4 Members Present: Norman A. Hills, Clerk
5 Joel D. Hartley, Member
6 Kristen Saint Don, Member
7 Shaun P. Walsh, Associate
8

9 Members Absent: Cynthia Callow, Chairman
10 Jeffrey J. Doubrava, Vice Chairman
11 Lawrence B. Dorman, Associate
12

13 Admin. Assistant: Donna Hemphill
14

15 Others Present: Nick Dufresne, Farland Corp.; Jean Maher, 330 Front Street;
16 Robert Maher, 330 Front Street; Mike Popitz, 64 Indian Cove
17 Road; Pam Oliveira, 85 Dexter Road
18

19 Meeting convened at 7:00 PM on Wednesday, February 22, 2017 in the conference
20 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
21 held on Saturday, February 18, 2017 by C. Callow, N. Hills, J. Doubrava, J. Hartley and
22 S. Walsh. This meeting was televised and video recorded by Old Rochester Community
23 Television (ORCTV), and audio recorded by Town of Marion staff.
24

25 7:00pm **Robert C. & Virginia C. Beams**, Request for Amended Order of
26 Conditions for File No. SE 041-1236 and File No. SE 041-1246, for changes to the house
27 footprint, additions of subsurface propane tanks, landscape designs as well as septic
28 system repair at 35 Holly Road. Dave Davignon of Schneider & Associates on behalf of the
29 Beams requested to continue the hearing to Wednesday, March 8, 2017 at 7:00pm. N.
30 Hills moved to continue the hearing as requested; J. Hartley seconded; voted
31 unanimously.
32

33 N. Hills moved to issue the requested Partial Certificate of Compliance for Michael
34 Caron, 101 Bullivant Farm Road, (File No. SE 041-177); K. Saint Don seconded.
35

36 7:05pm **James Tomlinson**, Notice of Intent, (File No. SE 041-1263), to
37 construct a new single family dwelling. Proposed work relative to the Wetlands Protection
38 Act includes associated grading within bordering land subject to coastal flooding and 100'
39 buffer zone of a coastal bank at 1 West Drive. (Continued from February 8, 2017). N.
40 Dufresne of Farland Corp. was present on behalf of J. Tomlinson. N. Dufresne explained
41 that since the last meeting the old stakes had been removed and new/accurate stakes

42 had been placed on site. He also mentioned that the current gravel driveway that is
43 around the back of the current home will be removed as well as the retaining wall. This
44 area will be returned to a pervious state. Members did a site visit on the previous
45 Saturday. There was a brief discussion about the slight changes in grading. There were no
46 further questions from the audience or members. S. Walsh moved to close the hearing; K.
47 Saint Don seconded; voted unanimously.

48

49 7:10pm **Mike Popitz, M.D.**, Notice of Intent, (File No. SE 041-1264), for
50 the construction of a new driveway with associated grading at Indian Cove Road (Map 18,
51 Lot 123) (Continued from February 8, 2017) N. Dufresne of Farland Corp. was present as
52 was Dr. Popitz. N. Dufresne reviewed the proposed new gravel driveway to be connected to
53 the current driveway and its location through the wetlands. He said the wetland
54 disturbance (approximately 1,300 square feet) will be replicated with a 2 to 1 ratio. N.
55 Dufresne said that the installation and monitoring of the replicated area will be done by a
56 wetlands specialist. N. Hills said that the Notice of Intent had an error. It is marked
57 "Bordering Land Subject To Flooding" when it should be listed as "Land Subject To
58 Coastal Storm Flowage" due to the fact that it is in a Velocity Zone. He stated that there is
59 a current approved wetland line on this property. The current Order of Conditions does
60 not expire until March 2017 due to the Permit Extension Act. He said that the current
61 approved line does not match the line on the proposed plan. N. Hills also mentioned that
62 at the site visit the Commission noticed a ditch dug out parallel to the existing driveway
63 and that is not noted on the proposed plan. Dr. Popitz explained the Plymouth County
64 Mosquito Control had dug the ditch back in 2008 or 2009 in response to a request to
65 alleviate some of the standing water and to control the mosquito population. He said he
66 has the records at home. Dr. Popitz said that possibly the change in the wetlands would
67 have to do with the ditch draining the water. S. Walsh asked if Ecosystem Solutions was
68 aware at the time of their delineation that a current wetland line was still valid. N.
69 Dufresne said he was not sure if they had that information. There were no flags on site
70 from any previous flagging. S. Walsh noted that he had reviewed the current Final Order
71 of Conditions and the current wetland line associated with that Order. He said that the
72 proposed replication area on the NOI plan is in an area where a wetland exists on the
73 current approved plan. There was as discussion about the current approved line and
74 significant difference of the location of the wetland line on the proposed plan. There was
75 also a discussion about the location of the proposed replication area. The wetland line
76 that was approved with the Final Order of Conditions is in effect until that Final Order
77 expires. There was a brief discussion regarding the raised gravel driveway. N. Dufresne
78 said that the gravel will be spread out along the grade and they will not be adding to the

79 elevation. N. Hills asked if they had taken into consideration the D.E.P. comments asking
80 if an alternative location of the new driveway had been explored. N. Hills mentioned the
81 suggestion that was made at the previous meeting to expand the existing driveway to
82 accommodate the boat trailer and delivery trucks. There was a discussion about the
83 different alternatives. Dr. Popitz said that he is happy to explore all possibilities. He also
84 said that he continually improves the property to make it more valuable in case he wants
85 to sell it in the future. Dr. Popitz felt that a driveway will help with that. There was a
86 discussion about the D.E.P.'s comments that a driveway through the wetlands is not
87 necessary since Dr. Popitz has access from the lot he owns next door. If the lot in
88 question was to be sold and the new owners wanted to build a house, they would have to
89 come before the Commission for the construction of a proposed house and driveway.
90 There was a discussion about the different wetland lines on the previously approved plan
91 and the proposed plan. Prior to the next hearing the applicant will correct the Notice of
92 Intent as mentioned earlier, the wetland line will be reviewed against the approved plan,
93 alternatives will be explored and the mosquito drainage ditch will be added to the
94 proposed plan. With the applicant's permission, N. Hills moved to continue the hearing to
95 Wednesday, March 22, 2017 at 7:00pm; S. Walsh seconded; voted unanimously.

96
97 N. Hills moved to issue a Complete Certificate of Compliance for **Pamela Oliveira**,
98 85 Dexter Road, Order of Conditions File No. SE 041-1219. N. Hills commented that all
99 but one downspout into a drywell/drip strip. P. Oliveira said that she would make sure
100 that is corrected. J. Hartley seconded; voted unanimously.

101
102 Minutes from February 8, 2017 were tabled to the next meeting. Minutes from the
103 Special Meeting - February 15, 2017 were approved.

104
105 Invoice #7097 for \$20.00 from The Wanderer was approved for payment.

106
107 N. Hills moved to issue the three year Extension Permit as requested by **Rosemary**
108 **Grey**, 6 Shawondasse Road, Order of Conditions File No. SE 041-1209. J. Hartley
109 seconded; voted unanimously.

110
111 There was a discussion about a potential donation of land on Front Street, Map 23,
112 Lot 85C. It is a small parcel that abuts land owned by the Town for water supply
113 purposes. Members would like to visit the lot before deciding to accept the donation,
114 which is subject to Board of Selectmen approval. The owner will be contacted to set up a
115 visit.

116

117 The Commission decided to hold the next site visits on Sunday, March 5, 2017
118 instead of Saturday, March 4, 2017 due to the attendance at the annual M.A.C.C.
119 Conference.

120

121 The Commission reviewed the draft of the findings for 120 Front Street LLC, File
122 No. SE 041-1260, and the final signatures were added.

123

124 Chad and Cheryl Santos had notified the office that the permanent stakes have
125 been installed at 17 Giffords Corner Road. The Commission will view these at an
126 upcoming site visit.

127

128 A site visit was done at 133 Wareham Street with owner Jim Miranda. J. Miranda
129 will be hiring an engineer. The Commission advised him that he will probably need a
130 wetlands delineation and that will determine whether he will need a Request for
131 Determination of Applicability or a Notice of Intent.

132

133 N. Hills moved to issue Order of Conditions File No. SE 041-1263 for **James**
134 **Tomlinson**, 1 West Drive. K. Saint Don seconded; voted unanimously.

135

136 Meeting adjourned at 8:05pm.

137

138 Submitted by Donna M. Hemphill, Administrative Assistant

139 Approved: March 8, 2017

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