

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON JUNE 14, 2017

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4 Members Present: Cynthia Callow, Chairman
5 Jeffrey J. Doubrava, Vice Chairman
6 Joel D. Hartley, Member
7 Kristen St. Don-Campbell, Member
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10 Members Absent: Shaun P. Walsh, Associate
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12 Admin. Assistant:
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14 Others Present: Dana Pickup, Carefree Homes; Liz Fredericks; Sandy Dawson,
15 Suzanne Peterson, Mary Lucas, Little Neck Village; Brian Dupras,
16 Shoreline Development; John Rockwell, MOSAC; Will Saltonstall
17 for Tabor Academy
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19 Meeting convened at 7:00 PM on Wednesday, June 14, 2017 in the conference room
20 of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held
21 on Saturday, June 10, 2017 by C. Callow and J. Doubrava. This meeting was televised and
22 video recorded by Old Rochester Community Television (ORCTV), and audio recorded by
23 Town of Marion staff.
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25 7:00pm **Mark and Elizabeth Fredericks**, Request for Determination of
26 Applicability, (File No. 41D-1646), 11 Bass Point Road to remove an existing 10' x 16' deck,
27 stairs and landing and build new 12' x 22' deck with stairs and landing along with 10 new
28 footings. C. Callow explained that they wanted to remove an existing deck and put up a
29 bigger one. D. Pickup explained that they were going to add 6' in length to the deck and a
30 little more width, but not go out farther than the projection of the house. He also said that
31 they would be adding more supports using Sonotubes. J. Doubrava asked if there was going
32 to be any grading with this project. D. Pickup explained that they place a tarp on the
33 ground, dig the hole to the exact width of the Sonotube, placing the dirt on the tarp, back
34 fill the hole around the tube and then place the remainder of the dirt into the dumpster or
35 otherwise remove it from the jobsite. J. Hartley asked if there would be stairs and D. Pickup
36 said there would be stairs running toward the front of the house (the street). J. Doubrava
37 made a motion, seconded by J. Hartley to close the hearing. The motion passed
38 unanimously.
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40 C. Callow stated that she had gone out to Little Neck Village today to look at the
41 retention ponds because it's been very dry. She hasn't had a chance to write a letter to the

42 maintenance people and is going to leave a hand written note and ask the new person (who
43 is starting on June 19) to do it. Basically, she is going to ask for a maintenance schedule.
44 She then said that there were 3 ladies here from LNV who brought "this" (photos?) and have
45 sent us a letter and have been in front of the planning board as well. J. Hartley said that
46 he and N. Hills had gone out to look at the ponds and they looked fine to them as well and
47 seemed to be working. Cindy asked if the drains were plugged up and J. Hartley said that
48 it was full, but that we've had a very wet month.

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50 C. Callow said that she also did a site visit on Monday at Great Hill as they would
51 like to take down a bush and some trees. Because they are on the beach, C. Callow thought
52 that the ConCom should do another visit to make sure that they will be allowed to do it so
53 she asked that it be put on the next Site Visit List (June 24).

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55 C. Callow announced that starting with the next meeting thru at least August, the
56 meetings were going to be held at the Music Hall because it's air-conditioned.

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58 **Correspondence:** C. Callow read a letter (sent certified mail) from Eversource saying
59 they will be applying herbicides in powerline rights of way that pass thru Marion. This
60 treatment is a component of an integrated vegetation management program as described
61 in their 2013-2017 Integrated Vegetative Management Plan. They asked that the ConCom
62 let them know if there are any additional regulated sensitive areas located on or near the
63 rights of way.

64
65 **Correspondence:** C. Callow shared a Notice of Intent of a Forest Cutting Plan sent
66 to Margie Baldwin for the property on Route 6, next to the police station. J. Hartley asked
67 if because it was a Notice of Intent the Forest Cutting Plan would have to go thru a hearing.

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69 7:10 **Brian Dupras**, Request for Determination of Applicability, File No.
70 41D-1647, 13 Card Drive to determine what resource areas exist on the lot. There was a
71 previous filing under 41D-1156. Brian Dupras said that he was requesting to build a single
72 family dwelling on this lot and that it is served by town water and sewer. Both C. Callow
73 and J. Doubrava said that they didn't know where he was going to put the house because
74 they had no plans to look at and when they went on the site visit, there were some flags in
75 the trees, but they didn't know what they meant. B. Dupras said that he didn't bother
76 marking the lot because of the previous filing done under a different owner and he thought
77 that since the ConCom had been there (in 2004) that they would know where things were.

78 C. Callow asked if he had ever had the wetlands delineated and he said he had not. He
79 added that he had gotten the previous file from D. Hemphill before he bought the lot and
80 she had suggested re-filing an RDA with the ConCom which is what he did. He was hoping
81 to get a determination and then have house plans drawn. J. Hartley was one of the original
82 signers of the first determination which was negative (not under the protection of the act
83 and not in the buffer zone). J. Hartley said that the only thing which might be a concern is
84 that the flood zone maps had changed since 2004. B. Dupras said he would supply an
85 elevation certificate if the ConCom wanted one. J. Hartley wants to look at our current flood
86 map to determine if any part of the lot is in the flood zone. J. Doubrava asked what the
87 flags were supposed to designate and B. Dupras said that the front two were to show where
88 the property lines were on the front/street side and the back ones were just to show the
89 lines that were even with the back lines of the neighbors' lots. J. Hartley clarified that B.
90 Dupras was just trying to get a determination of whether or not the lot was within the
91 ConCom's jurisdiction, not whether or not he could do the work. The first determination
92 said that the lot was out of the ConCom's jurisdiction. C. Callow suggested that we continue
93 the hearing to June 28th so that they could do a proper site visit on June 24. She hoped
94 that B. Dupras would be able to meet them out there. J. Doubrava made a motion to
95 continue the hearing until June 28th seconded by J. Hartley. The motion passed
96 unanimously.

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98 7:20 N. George & Laurie Host, Request for Determination of
99 Applicability, File No. 41D-1645, 456 Point Rd. for plantings (Continued from May 24,
100 2017). J. Doubrava explained that this filing was because the original Order of Conditions
101 expired and they wanted to plant bayberry bushes in front of the wetlands line. S. Davis
102 was going to talk to them and their engineer regarding alternative plant selections (bayberry
103 bushes don't like wet feet). No one came to the hearing so, J. Hartley made a motion
104 seconded by J. Doubrava to continue the hearing on June 28 at 7:10. The motion passed
105 unanimously.

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107 **Correspondence:** Forest Cutting Plan (continued). J. Hartley and K. St. Don asked
108 whether or not there needed to be a formal hearing with the ConCom. J. Doubrava thought
109 that it had been decided at a prior meeting that a hearing wasn't needed, but he wasn't
110 exactly sure what the decision was, so there will be a hearing at the next meeting and J.
111 Doubrava suggested that we find the documentation from the prior meeting.

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113 **Correspondence:** C. Callow referred to a letter that had been received from the DEP
114 regarding a property in Indian Cove and what needed to be done in order for the Order of

115 Conditions to be issued. There was no discussion among the members other than to say
116 that they had seen the letter.

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118 7:30 Marion Open Space Acquisition Commission, Notice of Intent, File
119 No. SE 041-1269, for invasive species management at Grassi Bog (Continued from May 24,
120 2017). J. Rockwell apologized for not being there for the last meeting. He said they got a
121 grant to control phragmites at Grassi Bog. They are mapped for invasive species so they
122 have a management plan that was drawn up by NRCS and approved by the Natural Heritage
123 Endangered Species "folks" and they also had a proposal from their low bidder which was
124 Chris Politan and they sent both of those reports to the ConCom along with a map which
125 showed where the invasives were. J. Hartley asked if the ConCom had had a chance to look
126 at the proposed area and J. Doubrava said that he had been to Grassi Bog enough times
127 to know which areas they were referring to. J. Hartley said that the plan showed that most
128 of the phragmites were along a road. J. Rockwell replied that most of them were along the
129 top dike and some of it is actually going in the pond and there's an upland area that has
130 about ½ dozen plants that C. Politan will spray. J. Rockwell and C. Politano walked around
131 and C. Politano had a GPS device which could identify the stands of phragmites. J. Hartley
132 commented that it was quite a large area. J. Rockwell said he used aerial photos and Map
133 GIS to try to determine the size of the area and he figures it's about 3,000 square feet. He
134 also said that there were many small spreads so this was a good time to eradicate them. J.
135 Doubrava confirmed that C. Politano would be using herbicide over a 3 year period. J
136 Rockwell explained that C. Politano uses the "bloody glove method" in which you put the
137 herbicide all over a glove and as the shoots come up from previously cut plants, you rub
138 the herbicide all over them which prevents over spraying and minimizes the amount of
139 herbicide used. J. Doubrava suggested that after the first "kill" they go in and clear it out
140 so that it is easier to identify what is new or regrowth the next year. J. Hartley asked if
141 there had been any discussion about where they were going to dispose of the phragmites.
142 J. Rockwell said that they were not as bad to get rid of as knotweed, but there was no place
143 in Marion to dump them. J. Doubrava made a motion to close the hearing, seconded by J.
144 Hartley. The motion passed unanimously. J. Rockwell also told the ConCom that he met
145 with the contractor on site and the big culvert is going in on Monday and the rest of the
146 work will be done in August when there is less water flowing through.

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148 7:40 **Tabor Academy**, Request for Determination of Applicability, File
149 No. 41D-1648, 215 Front Street for the addition of an underground grease trap structure,
150 two exit door locations, paved walkways, and to install a new electrical transformer with a
151 new trench. W. Saltonstall explained that this job was within an already improved area and

152 the flood zone AE15 and 16 wrapped around the water front side of the building but the
153 courtyard on the street side of the building was in AE13 zone and then parts of the building
154 "kissed" the VE zone. He explained that the jobs in this filing were part of a major dining
155 hall renovation which had already been approved by the Building Commissioner. These
156 exterior jobs were a part of that but need to be approved by the ConCom. The Grease Trap
157 is in an already improved area underneath the paving of a parking lot, and all of the work
158 proposed for the courtyard is in an existing grass improved planting bed area. W. Saltonstall
159 said the idea was to do the jobs in the most minimally invasive way possible. J. Hartley
160 asked if there was an existing grease trap and if the new one would be going in the same
161 space. He also asked about the size of the new one. W. Saltonstall replied that there was
162 an existing trap on the same side of the building that the new one will go on but they needed
163 a larger grease trap to meet the new Board of Health Standards. He also said that they don't
164 know exactly where the existing one is (on that side of the building) but that they will find
165 it replace it with the new one. He didn't know the size of the new one but it was sized by
166 the engineers and approved by the BOH. J. Doubrava commented that they would be jack-
167 hammering the driveway and W. Saltonstall said that they would be digging it up, removing
168 any debris and/or the old grease trap, installing the new one and re-filling and patching it.
169 He also said that they were still negotiating with EverSource on the exact size and location
170 of the new transformer. They are expecting an 8' x 8' pad mounted transformer and hope
171 to have an answer within the next month. They are thinking it will be smaller than 8' x 8'.
172 J. Hartley asked if it was a new line or an existing line. W. Saltonstall said that there is an
173 existing one but they are upsizing the line to serve the whole building but will put the line
174 in the same area as the existing one. There is a large gas line that runs parallel to the
175 walkway and they want to be sure to give that enough clearance. K. St. Don confirmed that
176 they would be doing this work over the summer and W. Saltonstall said that was correct.
177 They are planning on starting this work as soon as they are given the ConCom's approval
178 and hope to have it completed by August 24. Joel Hartley made a motion to close the
179 hearing, seconded by J. Doubrava. The motion passed unanimously.

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181 **Issuances:**

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183 **John P. & Mallory Waterman**, Request for Certificate of Compliance, File No. SE
184 041-1213, Water Street. J. Doubrava said that he and C. Callow visited the site and it was
185 98% complete. The grass hadn't completely taken, but other than that they were satisfied.
186 C. Callow made a motion to issue the Certificate of Compliance, seconded by J. Hartley.
187 The motion passed unanimously.

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189 **Copper Medal LLC, W. Williamson, J. Paliotta**, Request for Certificate of
190 Compliance, File No. SE 041-1135 for 119, 121, 125 and 135 Converse Road. The ConCom
191 discussed that everything on the Enforcement Order had been completed and that they
192 were willing to issue the Certificate of Compliance. J. Doubrava made a motion to issue the
193 Certificate of Compliance, seconded by J. Hartley. The motion passed unanimously.

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195 **Warren and Lee Williamson**, Request for Extension Permit, File No. SE 041-1201,
196 121 Converse Rd. J. Doubrava said that the current extension would expire June 28, 2017.
197 J. Hartley made a motion to grant a one year extension, seconded by K. St. Don. The motion
198 passed unanimously.

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200 **Other Matters:**

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202 **Little Neck Village:** S. Peterson introduced herself, Sandy Dawson and Mary Lucas.
203 She wanted to clarify that a letter with the enclosures that they had provided would be sent
204 by the ConCom to the corporate management company in Braintree. C. Callow confirmed
205 that the letter would go to Braintree and that also when she drove by on Saturday, there
206 was a landscape truck there, but that he didn't do the work correctly as it related to the
207 retention ponds. S. Peterson stated that Peabody Properties did not know what they were
208 required to do as they did not have the required maintenance checklist (from the engineers
209 that designed the storm water management system). She said that they were required by
210 law to facilitate the maintenance requirements and to submit them to the ConCom in
211 monthly, bi-monthly and annual reports. C. Callow asked if the landscaper that she saw
212 on Saturday was from Corporate. S. Peterson said that Peabody hired contractors and that
213 they maintained other Peabody Properties as well, but they were only hired to maintain the
214 grass and landscaping. They have been asked to do some things in the retention ponds but
215 they haven't known what to do. They have to be aerated but S. Peterson said that they don't
216 have the equipment for that big of a job. She also said that proper maintenance hasn't been
217 done for years and that the ConCom also has an obligation to ensure that these reports are
218 filed on a regular basis. She cited many examples of problems with the larger pond that is
219 25' behind building #4 and said that they should be done by a company that is certified
220 and experienced in this type of maintenance. She would like to get a copy of the original
221 design documents that show where all of the storm water drains and pipes are. C. Callow
222 said that she could get that information at the Town House. S. Dawson's biggest concern
223 is mosquitos. She said that the pond is supposed to empty within 48 hours and it had been
224 8 days and it is standing water. There are no mosquito dunks in the water and it is a health
225 problem especially for the elderly.

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Issuances:

All of the Certificates of Completion and the 1 year extension were signed by the Commission (the motions for these were approved earlier in the meeting).

J. Hartley made a motion to issue the Determination of Applicability for **Tabor Academy**, File No. 41D-1648 (215 Front St, Lillard Hall) Negative, Boxes #2 and #3 with no conditions, seconded by K. St. Don. The motion passed unanimously.

K. St. Don made a motion to issue the Determination of Applicability for **Mark and Elizabeth Fredericks**, File No. 41D-1646 (11 Bass Point Rd) Negative Box 2, seconded by J. Doubrava. The motion passed unanimously.

C. Callow read her proposed letter to the Peabody Property Management Company to the ConCom for their approval. Terry Santos will type and send the letter along with the maintenance check list and the photographs.

J. Doubrava made a motion to issue the Order of Conditions for the **Marion Open Space Acquisition Commission**, File No. SE 041-1269 with the following special conditions: Dead invasive species may be mechanically removed to aid in subsequent pesticide applications. Dead plants shall be removed to a quarantined area. The motion was seconded by J. Hartley and approved unanimously.

Meeting adjourned at 8:25 pm

Submitted by: Lissa Magauran, Administrative Assistant
Approved on: September 27, 2017

Elizabeth Magauran
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TOWN CLERK OF MARION, MA
2017 SEP 28 A 9:21