

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON June 28, 2017

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4 Members Present: Cynthia Callow, Chairman
5 Jeffrey J. Doubrava, Vice Chairman
6 Joel D. Hartley, Member
7 Shaun P. Walsh, Member
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9 Members Absent: Lawrence B. Dorman, Associate
10 Kristen Saint Don-Campbell
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12 Admin. Assistant: Lissa Magauran
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14 Others Present: David Davignon, N. Douglas Schneider & Associates; Catherine
15 M. Stone, Great Hill Farm, LLC; Coco Mueller, Great Hill Farm,
16 LLC; Brian & Jennifer Dupras, Shoreline Holdings, LLC; Chris
17 Welch, Ted North, Ben MacGlaskin, William Wareham
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19 Meeting convened at 7:00 PM on Wednesday, June 28, 2017 in the Marion Music
20 Hall, 164 Front St., Marion, Massachusetts. Site visits were held on Saturday, June 22,
21 2017 by C. Callow and J. Doubrava. This meeting was televised and video recorded by Old
22 Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.
23

24 7:00pm **Brian Dupras**, Request for Determination of Applicability, File No.
25 41D-1647, to determine what resource areas exist on the lot at 13 Card Drive. Previous
26 filing under 41D-1156 (Continued from June 14, 2017). The Site Visit was done on June
27 24, by Cindy Callow and Jeff Doubrava. Everything is in order, the neighbor is fine with
28 the project. Jeff and Cindy were satisfied and Shaun said there had been a previous
29 negative Determination of Applicability which had expired (no wetlands). Joel commented
30 that nothing has changed since the original negative D of A. The hearing was closed at
31 7:09 PM.
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33 7:10pm **N. George & Laurie Host**, Request for Determination of
34 Applicability, File No. 41D-1645 for plantings at 456 Point Rd, (Continued from June 14,
35 2017). This Hearing was asked to be tabled until 8 PM because Dave Davignon couldn't
36 attend the hearing until after 7:50pm. Shaun made a motion to table the hearing until
37 8pm, seconded by Joel Hartley. Voted unanimously.
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39 7:10pm The Wanderer invoice # 7160 for \$20.00 was approved for
40 payment

41 The Wanderer invoice # 7170 for \$40.00 was approved for
42 payment

43 The Wanderer invoice # 7175 for \$20.00 was approved for
44 payment

45
46 7:12 Cindy read a letter from the USGS inviting us to a Flood Risk
47 Review Meeting in Dartmouth on Tuesday July 11, 2017 at 9:00 am. Each town will get a
48 set of work maps. A repeat session will be held in Kingston at 1 pm the same day. We are
49 asked to RSVP. There was discussion about who should go and it was decided that if
50 either Scott Shippey or someone from the Planning Board can go, no one from ConCom
51 will need to go; however, if not, someone from ConCom should attend. Joel thought that
52 this may be regarding river reaches, not coastal, so perhaps it ust applies to the Sippican
53 or Wewiantic Rivers.

54
55 7:17pm Request for Comment from the Planning Board regarding the
56 Application for Minor Site Plan Review and Special Permit (Applicant Brian Kelly). Cindy
57 and the Commission decided that this area is not in our jurisdiction as there are no
58 wetlands.

59
60 7:25 **Chris Welch** Discussion. Jeff and Cindy had done a site visit on
61 June 24, 2017 at 2 Lady Slipper Lane to see whether or not he would need to file a
62 Request for Determination. After much discussion from the commission, they determined
63 that this project is out of our jurisdiction. Chris brought out stamped plans from 2014
64 showing the location of the wetlands and showing that at most, the buffer zone will be
65 greater than 75' away from where the fence will go. It was decided between Chris and the
66 Conservation Commission that he would come back before us if anything changes.

67
68 7:30 **Great Hill Farm, LLC (Cathy Stone)** Discussion. Jeff and Cindy
69 had done a site visit on June 24, 2017 at Great Hill Farm to look at several areas where
70 invasive plants were growing in order to make an invasive control plan. They also looked
71 at a tree that Great Hill would like to do some vista pruning on. The tree and the invasive
72 shrubs are on the coastal bank which Cindy says are within our jurisdiction. Cathy was
73 asking for recommendations on who she could get to remove the Phragmites and Shaun
74 said that the committee really does not make any recommendations, but that she may
75 want to talk to the Sippican Lands Trust because they are having some work done at
76 Brainard Marsh. The hearing was closed at 7:36 with a motion by XXX and seconded by
77 XXX.

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7:38 Margherita Baldwin (NOI for Forest Cutting Plan prepared by Benjamin Forestry Services, Inc.). Margherita Baldwin was not present, so a site visit will be made on Saturday July 8 by members of the Conservation Commission.

7:45 **Diane Bondi-Pickles**, Request for Determination of Applicability, file No. 41D-1649, to construct a new garage and associated work at 29 Cove Street. Mr. Rick Charon attended the meeting on behalf of his client Diane Bondi-Pickles. He showed a drawing of the garage which showed a shed dormer. Mr. Benjamin MacGlashin is very concerned that the upstairs of the garage will be used as an apartment. He wanted to know where the driveway will go off of Beach Street, and what the finished upstairs of the building would be used for. He also commented on how the lot is currently very unkempt which is upsetting to him as it is in his direct line of vision when he looks at the water. He stated that the Pickles' are good neighbors but is afraid that this is going to be an apartment and that they won't "keep it up" because they can't really see it. Mr. Wareham is a neighbor who lives at 27 Beach Street opposite from where the garage will be placed. He said that the condition of the current lot is an eyesore to them due to no effort being put into its upkeep. He is wondering why they are putting in utilities and is concerned that it will be an occupied building. He is also afraid that his property value will drop because of the crammed buildings. Cindy stated that the entire site is under our jurisdiction and that they might want to take their complaints to the Planning Board and the Building Department because we can only regulate what comes under our jurisdiction as it pertains to the Wetlands Protection Act. Ben wanted to know if we can put in stipulations for maintenance and cleanup. Shaun replied that he understands his difficulty, but that the Conservation Commission doesn't regulate aesthetics. Jeff asked if the project had gone to the ZBA yet and Rick Charon said that he thinks that it will go thru the building inspector. Jeff also observed that moving/retrofitting is more expensive than building new. Rick Charon said that Diane has stated several times that she is going to use the space above the garage as a yoga studio. Joel asked if it was a one car garage and Rick Charon replied yes. The hearing was closed at 8:12 with a motion by Cindy, seconded by Shaun. It passed unanimously.

8:13 **N. George & Laurie Host**, Request for Determination of Applicability, File No. 041-1645, for plantings at 456 Point Road, (Continued from June 14, 2017). This hearing was tabled a second time in order to hear the Klapinsky case.

114 8:15 **Christopher Klapinsky**, Notice of Intent, (File No. SE 041-1270)
115 for pier/float replacement and improvement at 41 East Avenue. Dave Davignon
116 (Representative for Klapinsky) described the existing structure stating that at low tide, the
117 floats rest on the bottom and the gangway goes just above the eel grass now. Joel asked
118 about salt marsh restoration. Dave stated that the current deck that sits on the edge of
119 the lawn leading to the gangway will be gone which will allow more light, promoting better
120 growth. The eel grass was delineated but a 25' setback isn't practical due to lot lines with
121 the neighbor. Klapinski got a letter from his abutter neighbor granting him permission for
122 a 22' setback. Jeff Doubrava stated that the current set-up is so shallow, that only
123 kayaks can use it now. Dave stated that the new float won't touch bottom and the boat
124 will be in 32" at low tide. The Army Corps said that they don't want the float to be able to
125 impact the bottom, so 4 float piles and a float stop are needed so that the float can
126 support itself. Marine Fisheries suggested that the accessory kayak float also be anchored
127 with pilings. The owner just wants 4 pilings with a ½ pin hinge to the larger float. It will
128 be about 20' from the eel grass (the area of the boats) and the NE float corner will be 15'
129 from the eelgrass. The project plan has been sent to Natural Heritage and they said there
130 were no problems. Dave sent a letter by certified mail to the Harbor Master but he hasn't
131 heard back from him. The Chapter 91 license cannot be issued until the Order of
132 Conditions has been issued by the Conservation Commission. The DMF Letter was issued
133 prior to the 4 float piles. At 8:28 a motion was made by Cindy to close the hearing,
134 seconded by Shaun. It passed unanimously.

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136 8:29 Host hearing was opened. Dave Davignon stated that he was told
137 to revise the planting plan to move it uphill by 10' so that she could use whichever plants
138 that she wanted out of the wetlands. There will be 4 clumps planted in a row in a series.
139 Boulders are to be placed at the wetlands line to act as a permanent boundary so that
140 landscaping doesn't happen beyond them. At 8:32 a motion was made by Shaun to close
141 the hearing, seconded by XXX. It passed unanimously.

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143 8:33 The reorganization discussion began. Cindy suggested rotating
144 the positions every year or 2 years in order to lessen the burden. Jeff likes the rotation
145 idea but thinks that 2 years is a better time frame. Shaun asked if the Chair had ever
146 rotated and Jeff and Cindy replied that it had. Cindy said she's willing to do 1 more year
147 as Chairman. Shaun commended, supported and thanked Cindy for her work. Jeff said
148 that he will stay on as Vice Chairman and Joel will be the Clerk. Cindy made a motion to
149 approve the slate of officers, seconded by Joel. It passed unanimously.

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151 The Site Plan Review for the new Tabor Dorm (across from the fire station) was
152 discussed – the Planning Board was asking about Storm Water. The question was
153 whether or not this is jurisdictional or not. It was decided that we need to locate this
154 project on a FEMA Map before any decisions can be made.

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156 Popitz Case: We are waiting on a response from the Attorney General's Office.

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158 Advent Camp Ground: They were issued a demo permit 2-3 years ago. They are
159 now ready to build and would like to lift the building (a new Mess Hall). Jeff Doubrava
160 would like to see the original file before making any decision.

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162 Gaffey/Singleton issue: Attorney Schaefer doesn't want it discussed tonight
163 because he was unable to attend so the site visit will be July 8 and the hearing will be
164 July 12. Jeff Doubrava would like us to pull the file so that he can review it prior to the
165 site visit.

166
167 S. Walsh moved to issue the Determination of Applicability for **Brian Dupras**, File
168 No. 41D-1647 (lot at 13 Card Drive) Negative, Box 1. Callow seconded, voted
169 unanimously.

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171 J. Doubrava moved to issue the Determination of Applicability for **N. George and**
172 **Laurie Host**, File No. 41D-1645 (456 Point Rd) Negative, Box 2 and Box 3. Box 2 was
173 amended by Shaun stating that According to the revised plan, they must plant 10' away
174 from the wetlands. J. Hartley seconded, voted unanimously.

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176 J. Hartley moved to issue the Determination of Applicability for **Diane Bondi-**
177 **Pickles**, File No. 41D-1649 (29 Cove St.) Negative, Box 2. S. Walsh seconded, voted
178 unanimously.

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180 C. Callow moved to issue an Order of Conditions and Appendix A to **Christopher**
181 **Kalpinski**, File No. SE 041-1270), seconded by Joel (or Shaun), 3 yes votes, 1 abstention
182 (J. Doubrava).

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184 Meeting adjourned at 9:15 pm.

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186 Submitted by: Lissa Magauran, Administrative Assistant

187 Approved: July 26, 2017