

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON July 12, 2017

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4 Members Present: Cynthia Callow, Chairman
5 Jeff Doubrava, Vice Chairman
6 Joel D. Hartley, Clerk
7 Kristen Saint Don-Campbell, Member
8 Shaun P. Walsh, Member
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10 Members Absent: Lawrence B. Dorman, Associate
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12 Admin. Assistant: Lissa Magauran
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14 Others Present: Joanne Singleton, homeowner; Richard Schaefer, Attorney;
15 Catherine M. Stone, Great Hill Farm, LLC; Mary Lucas, Sandy
16 Dawson, Suzanne Peterson
17

18 Meeting convened at 7:03 PM on Wednesday, July 12, 2017 in the Marion Music
19 Hall, 164 Front St., Marion, Massachusetts. Site visits were held on Saturday, July 8,
20 2017 by Jeff Doubrava, Joel Hartley and Shaun Walsh. This meeting was televised and
21 video recorded by Old Rochester Community Television (ORCTV), and audio recorded by
22 Town of Marion staff.
23

24 7:00pm **Nicholas and Rosemary Grey**, Request for Determination of
25 Applicability, File No. 41D-1650, to restore eroded sand and to add rocks to the buffer
26 area at 6 Shawondasse Rd. The Site Visit was done on July 8, by Jeff Doubrava, Shaun
27 Walsh and Joel Hartley. Kristen Saint Don-Campbell visited the site later on her own. Joel
28 and Jeff were leaning toward an NOI because sand replenishment would be ok (with an
29 NOI), but adding rocks would not be OK in an erosion area. They both commented that it
30 needs more study from an engineer or a geologist. Shaun said that they need an NOI
31 because it is within the resource area. The Greys decided not to come to the hearing
32 because they were told that more study was needed and that an NOI would probably be
33 required. The hearing was closed with the understanding that they would not be coming.
34 Jeff made a motion to close the hearing, seconded by Joel and approved by unanimous
35 vote. The hearing was closed at 7:08 PM.
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37 Correspondence: Cindy read the letter from DEP regarding **120 Front Street**. Jeff
38 asked if they were asking for a new NOI. Cindy and Joel said they would need a new filing
39 which would need to address the concerns that were noted in the original application.
40 Shaun noted that the new NOI needs to have more information. They can keep the same

41 project plan as long as they address the original issues and provide more and better
42 information. Jeff noted that the entire property is in a resource area.

43
44 Correspondence: Spring monitoring Report at **99 Perry's Lane**. This area was
45 inspected by Scott Goddard at Goddard Consulting, LLC on May 16 and showed good
46 spring growth. The new bushes were growing well. There was 75% plant cover and no
47 erosion was observed. The next inspection will be in the fall of 2017. Jeff asked that we
48 put this area on the Site Inspection List the next time that we have a "light" day.

49
50 Correspondence: **Tremont/Advent Camp Ground**: They were issued a permit 3
51 years ago (File 41D-1580) to rebuild their mess hall that was destroyed by snow. They are
52 now ready to re-build and would like to add 18" of fill around the perimeter of the
53 foundation of the building to raise the level. Jeff and Joel said they had no issue with the
54 fill because this building is not in the velocity zone. Shaun said there was no need to do
55 another filing and Jeff suggested that we accept the current plan as revised plan. ConCom
56 will email Nick Defresne and let him know that it is OK to proceed as long as the fill
57 doesn't go into the velocity zone.

58
59 Discussion: **Little Neck Village**: Cindy stated that she had asked Peabody
60 Management for a Maintenance Plan for the retention pond by July 1, 2017. We still
61 haven't received a response from them. She suggested that perhaps an Enforcement
62 Order would help as we need to do something. Jeff suggested sending a certified letter
63 asking if they have received our request for a maintenance plan. Shaun asked if LNV was
64 owned by the town. Suzanne Peterson responded that the town owns the land and that
65 EA Fish/Peabody built it and has a 99 year lease on the land. Suzanne also said that they
66 (Peabody) should be accountable and that they have tried many times to approach them,
67 but that generally the management is unresponsive to tenant requests. She also stated
68 that the pond is algae filled and has lots of mosquitoes. The landscaper was supposed to
69 (and sometimes does) clear out the in/out valves, but that he really isn't trained to
70 maintain the ponds and just mows the grass and does other landscaping type work.
71 Shaun asked if Peabody had an onsite manager and Suzanne replied that they do and her
72 name is Michelle but that she has not addressed this issue. She suggested that there
73 should be fines and penalties and likes the idea of us sending out an Enforcement Order.
74 Jeff and Joel suggested getting legal involved and Joel said we should get other town
75 board members involved. They also suggested sending a certified letter to both Braintree
76 headquarters and to the local property manager Michelle. Cindy said that she would draft
77 a letter, Lissa will send it to all of the members for comment and then the final letter

78 would go out on Friday. Joel also suggested notifying town counsel and Paul Dawson.
79 Cindy said that the Planning Board wants to get the town involved. Shaun asked if we
80 had issued an Order of Conditions with an Operation and Maintenance Plan. Suzanne
81 replied that yes we did. She also said that the landscaper has no qualifications to perform
82 the maintenance and that it must be done by a professional. The maintenance plan was
83 sent to the housing authority in 2008.

84
85 7:20 **Great Hill Farm, LLC (Cathy Stone)**, Request for Determination
86 of Applicability, File No. 41D-1651. Jeff and Cindy had done a site visit on June 24, 2017
87 at Great Hill Farm to look at several areas where invasive plants were growing in order to
88 make an invasive control plan. They also looked at a tree that Great Hill would like to do
89 some vista pruning on. Joel commented that the Vista pruning has to meet wetlands
90 requirements. Cathy Stone replied that they were just pruning and lowering the top of the
91 Linden tree and wanted to take down the dead tree. Jeff said that taking the dead tree
92 was a good idea before it caused any damage. Shaun commented that the RDA was very
93 specific including photos and a map and that he had no problems with it. Shaun made a
94 motion to close the hearing, seconded by Joel and approved by unanimous vote.

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96 Discussion: **Gaffey/Singleton** issue: Attorney Schaefer and Joanne Singleton
97 came to discuss the drainage/flooding problem at 5 Parlowtown Rd. A site inspection was
98 done on Saturday July 8 by Jeff, Joel and Shaun. Atty. Schaefer said that the abutter
99 put 1-1/2 - 2 feet of fill on his property. He asked if this area was within our jurisdiction.
100 He also asked if the structure was within 100' of wetlands and what is the appropriate
101 way to proceed. Jeff replied that there is no doubt that there is water there. When the
102 house was built, the septic plan didn't go to the Conservation Commission, it went to the
103 Board of Health. The Conservation Commission was asked to comment on the plan and
104 found that it was not in our jurisdiction. Off to the north (Right of Way) fill appears to
105 have been put there as well. There is potential that this area may be under our
106 jurisdiction (Benson Brook). Joanne Singleton replied that 2 houses over, they do have
107 wetlands. Shaun said that we can look online to see if the filled area is within our
108 jurisdiction or a buffer zone. Even if it is, our role isn't to prevent/protect private property
109 unless it affects a resource area. Singleton asked that if it wasn't ConCom's jurisdiction,
110 where should they go for help. Shaun suggested the Board of Health and Town Counsel
111 as they permitted the septic. He also said to ask whether the Septic system as built, is the
112 same as the plan? Jeff noted that fill appears to have been put outside of the septic area.
113 He asked who owns the land that the Right of Way is on. Joel commented that it doesn't
114 seem like we could ask the owner to remove the fill. He also said that the Singletons could

115 request a determination to see where the wetlands are. Jeff replied that the property
116 owner (Gaffey) probably wouldn't want the engineer to come onto their land to do that.
117 Shaun said that we could look at a Mass GIS map with the wetlands overlay and try to
118 measure to get a general idea of where the wetlands are now. J. Singleton said that when
119 the house was build 21 years ago there were no wetlands, so she was assuming that there
120 were none now. Shaun replied that wetlands are very fluid. Jeff said that the wetland
121 lines are only good for 3 years. Shaun asked if we had spoken to Scott Shippey (the
122 Building Inspector) and Atty. Schaefer replied that he had, but not since gathering of all
123 of this information.

124
125 Issuances:
126 Shaun moved to issue the Determination of Applicability for **Great Hill,**
127 **LLC/Cathy Stone,** File No. 41D-1651 (Delano Rd) Negative, Box 2 and Box 3. Kristen
128 Saint Don-Campbell seconded, voted unanimously.

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130 Jeff moved to issue the Determination of Applicability for **Nicholas and Rosemary**
131 **Grey,** File No. 41D-1650 (6 Shawondasse Rd) Positive, Box 1 and Box 3. Shaun Walsh
132 seconded, voted unanimously that an NOI would be needed for any work to be done.

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134 Meeting adjourned at 8:03 pm.

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136 Submitted by:
137 Lissa Magauran, Administrative Assistant
138 Approved: July 26, 2017

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