

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON AUGUST 9, 2017

- Members Present: Cynthia Callow, Chairman
Jeff Doubrava, Vice Chairman
Shaun P. Walsh, Member
- Members Absent: Joel Hartley, Member
Kristen St. Don, Member
Lawrence B. Dorman, Associate
- Admin. Assistant: Lissa Magauran
- Others Present: Michael Palmer, Will O'Leary, Alex Tolischus

Meeting convened at 7:03 PM on Wednesday, August 9, 2017 in the Marion Music Hall, 164 Front St., Marion, Massachusetts. Site visits were held on Saturday, August 5, 2017 by Jeff Doubrava, and Shaun Walsh. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00pm **O'Leary, Will**, Request for Determination of Applicability, File No. 41D-1655, to move/replace a retaining wall; replace and add to an existing deck and to add a new 8' x 15' deck at 45 Parkway Lane (further identified as Lot 46P on Map 11). This was an after the fact filing with 90% of the work having been completed per J. Doubrava. S. Walsh and J. Doubrava said that only barely a corner of the house is in the buffer zone. The grading has been done and the site is well stabilized. Nothing else is to be touched. J. Doubrava made a motion to close the hearing, seconded by S. Walsh and it was approved by unanimous vote.

Approval of Minutes: A motion was made by J. Doubrava, seconded by S. Walsh to approve the minutes from the April 26, 2017 meeting and the May 10, 2017 meeting. The motion passed unanimously and both sets of minutes were approved as written.

Correspondence: The Conservation Commission received a Notice of Public Hearing from the Rochester Conservation Commission and Town Forest Committee notifying us that a Notice of Intent had been filed by Rob Zora (Marion Department of Public Works) for repairs to be made to the existing Mary's Pond Wellfield groundwater supply source and pump station. C. Callow stated that the Town of Marion owns the property. J.

40 Doubrava agreed but said that it is not in the jurisdiction of the ConCom because it is
41 located in the town of Rochester.

42
43 Correspondence: The Conservation Commission received a Forestry Cutting Plan
44 from Catherine Stone for a lot that abuts a lot owned by the Town of Marion. S. Walsh
45 said that they were doing selective cutting and thinning only and this was just an
46 abutter's notice.

47
48 7:10 **Michael Palmer**, Request for Determination of Applicability, File
49 No. 41D-1656 to remove phragmites and regrade the area against the foundation for
50 drainage away from the house at 5 Edgewater Lane (further identified as Lot 119, Map 7).
51 M. Palmer explained that he just wanted to shave off some of the earth that had piled up
52 near the house, so that any storm water would flow away from the foundation (instead of
53 toward it as is the current situation). He also explained that he was going to do the
54 phragmites removal himself. S. Walsh asked what his plan was and M. Palmer said that
55 he would cut the phragmites by hand and then use an herbicide. J. Doubrava stated that
56 the state law says that for an owner occupied 1-3 unit dwelling the owner can do the
57 remediation. He also asked which herbicide Mr. Palmer was going to use and that Round-
58 up was not allowed. M. Palmer said he would use a water-friendly herbicide. He also said
59 that his neighbor was also interested in
60 phragmites removal and they would work together. C. Callow said that was a good idea
61 since if they didn't, the phragmites would just move from one lot to another. S. Walsh
62 made a motion to close the hearing, seconded by J. Doubrava and it was approved by
63 unanimous vote.

64
65 Discussion: Septic Permit Review/Comment for the Murphy/Edmonds project at
66 296 Delano Rd. C. Callow and the committee determined that while parts of this property
67 are in the flood zone, there are no resources in the area where the septic is going, so that
68 it is not in the ConCom's jurisdiction.

69
70 Discussion: Little Neck Village. It has been determined that the Order of Conditions
71 was issued to the Town of Marion so the town is ultimately responsible for the
72 maintenance of the ponds. S. Walsh stated that the town has leased the property to
73 another party (Peabody Properties); however, the town is responsible for ensuring that the
74 maintenance is done in a proper and timely manner by the lease. C. Callow asked what
75 the ConCom can do if the town isn't reaching out to Peabody and making sure that
76 everything is being done correctly. S. Walsh said that the ConCom should reach out to

77 the town if they (Peabody Properties) aren't doing it right. He said that the water might not
78 be percing as it should, but it is hard to tell because it has been dry. C. Callow said that
79 the leasing company is aware that things are not OK with the residents. S. Walsh said
80 that he wasn't exactly sure what the principal concern is with the residents. He said that
81 if it isn't percing and is causing mosquitos, we need to wait for a significant rain event
82 and then go over there to inspect it. S. Walsh told C. Callow to please ask the residents to
83 call the ConCom after the next rain event if the ponds aren't draining so that someone
84 from ConCom can go take a look.

85
86 Approvals for Payment: S. Walsh made a motion (seconded by J. Doubrava) to
87 approve the Sippican Week Invoice #29327 in the amount of \$28.00 for a legal ad. The
88 motion was approved by unanimous vote. J. Doubrava made a motion (seconded by S.
89 Walsh) to approve the Wanderer Invoice #7207 in the amount of \$40.00 for 2 legal ads.
90 The motion was approved by unanimous vote.

91
92 Issuances:

93 S. Walsh moved to issue the Determination of Applicability for **Michael Palmer**,
94 File No. 41D-1656 (5 Edgewater Lane) Negative, Boxes 2and 3 with the condition that the
95 herbicide used must be approved for use in wetlands areas. J. Doubrava seconded, and
96 the motion passed unanimously.

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98 J. Doubrava moved to issue the Determination of Applicability for **Will O'Leary**,
99 File No. 41D-1655 (45 Parkway Ln.) Negative, Box 3 with no conditions. S. Walsh
100 seconded, and the motion passed unanimously.

101
102 Other Issues: J. Doubrava doesn't want to have a key to the Town House but was
103 concerned about the availability of the site visit files if C. Callow were out of town. He and
104 C. Callow decided that they would speak the Thursday before the site visits were to be
105 done and if she were going to be out of town, J. Doubrava would pick up the files on
106 Friday. Also, J. Doubrava asked that the street addresses always be included in the legal
107 ad.

108 Meeting adjourned at 7:39 pm.

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110 Submitted by:
111 Lissa Magauran, Administrative Assistant

112 Approved: 8/23/17

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