

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON AUGUST 23, 2017

Members Present: Cynthia Callow, Chairman
Jeff Doubrava, Vice Chairman
Joel Hartley, Member
Kristen St. Don, Member
Lawrence B. Dorman, Associate

Members Absent: Shaun P. Walsh, Member

Admin. Assistant: Lissa Magauran

Others Present: Brian Grady, GAF Engineering; Debbie Ewing, Landis Major,
Michael Meachen, Warren Ferguson

Meeting convened at 7:02 PM on Wednesday, August 23, 2017 in the Marion Music Hall, 164 Front St., Marion, Massachusetts. Site visits were held on Saturday, August 19, 2017 by Cindy Callow, Joel Hartley, 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 Curtis, Harry and Alice, Request for Determination of Applicability, File No. 41D-1657, to raze an existing dwelling and construct a new single family dwelling, driveway, utilities and perform associated site grading at 28 Holmes St (further identified as Lot 128 on Map 16. Brian Grady from GAF explained that the site is mapped in a flood zone, but only a small portion of the work will actually be in the flood zone. There is currently a LOMA on the property, removing the structure from the flood zone. They will refile a LOMA when the new house has been finished. J. Doubrava asked if the garage was going to remain. B. Grady replied that all of the out buildings were to remain. J. Doubrava asked if you have to build as if the house will be in the flood zone. B. Grady replied that this is a gray area and that he had spoken to the architects regarding this and had also spoken to Scott Shippey (the Marion Building Inspector) letting him know that they would be applying for a LOMA as soon as the house was complete. J. Doubrava asked if the house would be sitting on grade and B. Grady said that there would be a crawl space, not a full basement. There was some discussion regarding the installation of flood vents in the crawl space if the house were not granted the LOMA and Grady said that would be a bit ridiculous because they would have to lower the grade in

42 order to install them properly. L. Dorman asked about the roof run off and B. Grady said
43 that it would be the same as what is currently there now. L. Dorman said that this would
44 be a new house and some sort of dry well installation would be appropriate. B. Grady said
45 he would talk to the architect. L. Dorman asked if the garage would be the same and B.
46 Grady said that it would and the only work occurring in the flood zone had to do with a
47 small corner of the driveway. There were no further questions so J. Doubrava made a
48 motion to close the hearing, seconded by J. Hartley and it was approved by unanimous
49 vote.

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51 7:10 **The Cove/Debra Ewing**, Request for Determination of
52 Applicability, File No. 41D-1659 to eradicate invasives (phragmites and knotweed) growing
53 on Town land that includes the Turtle Garden at The Cove Condominiums off of Jenney
54 Lane (further identified as Lot 40 on Map 8). D. Ewing explained that they would like to
55 eradicate the invasives because there are many turtles using this as a nesting site and the
56 turtle garden has been very successful. She noticed that the phragmites had jumped over
57 from town land to the other side of The Cove's dock and that they want to control them.
58 D. Ewing brought maps showing the lot boundaries and showing that most of the land that
59 the turtle garden is in is town land. The Cove wants to remove the phragmites and have
60 hired a professional (Ned Crawford) to do the work. They would like to start in the fall and
61 it can take 3 to 4 years. She also said that the knotweed is encroaching and is actually
62 more invasive than the phragmites. J. Doubrava asked who will pay for the eradication.
63 D. Ewing said that the Cove would pay because of their vested interest in the turtle
64 garden. L. Dorman asked how far back the eradication would go and that he would need
65 to see a definition of how much will be done. D. Ewing replied that they would go to the
66 AJ Boatworks Line. K. St. Don asked if we needed permission from the town and J.
67 Hartley replied that we can give permission because one neighbor will do work on another
68 neighbor's land (with that neighbor's permission). C. Callow said that she has notified the
69 selectmen and Paul Dawson (the Town Manager) and that this town land is under the
70 ConCom's jurisdiction. L. Dorman recommended that we approve this eradication subject
71 to the agreement of the town. D. Ewing said that because of the invasive nature of these
72 plants, this eradication is a protection to the homeowners. She will provide information
73 about Nick Crawford. L. Major identified himself as the president of The Cove Trust. He
74 wanted to add that this eradication is not just for the turtles. He said that the knotweed is
75 growing aggressively and very quickly and it is in the town's interest to control it before it
76 becomes a monstrous problem. It is to our collective advantage to nip it in the bud. He
77 then said that the 1st nest of turtles should be hatching on Friday (8/25). J. Hartley asked
78 how far the eradication would go. D. Ewing replied that she wants to see if AJ Boats will

79 want to hire Nick Crawford as well. L. Major marked the map with his pen to show where
80 the knotweed and phragmites are. The ConCom will keep the maps as part of the file. J.
81 Doubrava made a motion to close the hearing, seconded by J. Hartley and it was
82 approved by unanimous vote.
83

84 Discussion: Septic Permit Review/Comment for the Levenson project at Cross Neck
85 Road, Map 6, Lots 3 & 4. J. Doubrava, J. Hartley and L. Dorman all agreed that part of
86 the leaching field was within the buffer zone. It was determined that the applicant will
87 need to file an RDA for this septic system Subsequent to the meeting on August 23, it was
88 discovered that this septic had been approved on an Order of Conditions for file #SE 041-
89 1267.an Order of Conditions had been issued previously for the Notice of Intent file no.
90 SE 041-1267 which included the septic system.

91
92 Discussion: Septic Permit Review/Comment for the Bougas project at 51 Bay Rd.
93 J. Hartley said that based on the plans he didn't see any issue. J. Doubrava said he didn't
94 see a problem either. He also said that a neighboring property had wetlands but they were
95 far away. Larry Dorman asked if it was just a new septic system going in for an existing
96 house. C. Callow and the committee determined that there are no resources in the area
97 where the septic is going, so that it is not in the ConCom's jurisdiction.

98
99 Discussion: 5 Joanne Drive. The owner was sent a certified letter requesting
100 permission from the ConCom to do a site visit on the property because it appears that
101 some construction debris may have been dumped in an area that may be in the ConCom's
102 jurisdiction. The owner never claimed the letter and it was returned to the ConCom at 2
103 Spring St. J. Doubrava asked if the area was jurisdictional. L. Dorman suggested that we
104 ask the neighbors on either side if we can look at it from their property. C. Callow said
105 that we can see it from Point Road. K. St. Don suggested finding his property lines and
106 then L. Dorman suggested looking at wetlands maps. J. Doubrava said that the area
107 almost looks like a kettle hole lake. J. Hartley asked if it was solid waste and said that we
108 should ask the Board of Health if they think it's an issue. J. Doubrava responded that
109 there is some building debris in the area as well. L. Dorman said that we should ask J.
110 Whitten (Town Counsel) what happens if no one claims a certified letter. C. Callow said
111 that she will contact J. Whitten and the Board of Health.

112

113 Approval of Minutes: J. Doubrava made a motion, seconded by J. Hartley to accept
114 the minutes as written from the March 22, April 8, July 26 and August 9 meetings. The
115 motion passed unanimously.

116
117 Approvals for Payment: J. Hartley made a motion (seconded by J. Doubrava) to
118 approve the Wanderer Invoice #7215 in the amount of \$20.00 for a legal ad. The motion
119 was approved by unanimous vote.

120
121 Other Matters: C. Callow said that she went to the Buzzards Bay Coalition pre
122 construction meeting. She said the plans seemed OK from a ConCom standpoint and that
123 some changes would have to be made with the Planning Board because The BBC wants to
124 change the driveway from grass/pavers to shells and to cut down on the number of
125 sprinklers. The Fire Department will have to review the sprinkler change. The roof run-off
126 plan seems adequate. The representatives from the Planning Board and the Board of
127 Health and C. Callow are concerned with the size of the driveway because it can get
128 weighted down, collect water and get ruts etc. Eileen Marum (Chairman of the Planning
129 Board) was sending out an email to all of the different committees regarding her concerns
130 with the driveway.

131
132 Issuances:

133 J. Hartley moved to issue the Determination of Applicability for **The Cove/Debra**
134 **Ewing**, File No. 41D-1659 (The Cove Condominiums on Jenney Lane) Negative, Boxes 2
135 and 3 with the conditions that the eradication plan is subject to approval from the Marion
136 Board of Selectmen and the herbicide must be applied by a licensed applicator. K. St. Don
137 wanted to know if the pesticides will affect the turtles and J. Doubrava wanted to make
138 sure that conditions were placed on how the phragmites would be treated. J. Doubrava
139 seconded, and the motion passed unanimously.

140
141 J. Doubrava moved to issue the Determination of Applicability for **Harry and Alice**
142 **Curtis**, File No. 41D-1657 (28 Holmes St.) Negative, Box 2 with the condition that dry
143 wells will be installed for roof run-off. K. St. Don seconded, and the motion passed
144 unanimously.

145
146 C. Callow asked that Blue Salon be put on the next site visit list after J. Hartley
147 mentioned that there was still debris behind the building.

148
149 Meeting adjourned at 7:59 pm.

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151 Submitted by:

152 Lissa Magauran, Administrative Assistant

153 Approved: 9/13/2017

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