

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 13, 2011

Members Present: Joel D. Hartley, Chairman
Sherman E. Briggs, Jr., Vice Chairman
Norman A. Hills, Secretary and Treasurer
Wendy L. Carreau

Members Absent: Lawrence B. Dorman
Jeffrey W. Oakes, Associate
Bruce C. Hebbel, Associate (resigned March 30, 2011)

Secretary: Diane R. Drake

Others Present: Michael Campagnone, John and Nancy Mills, John Chaffin, Kevin W. Forgue, Jack Hubbard, Chris Martin, Stacey Frates, Helen Hills, Lee Gunschel, John Beck, Robert Luchetti, Mary Coolidge, Will Saltonstall and Don Wing.

Meeting convened at 7:00 PM on Wednesday, April 13, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 9, 2011 by J. Hartley and W. Carreau.

7:00 PM **ELLEN BOWLER** - NOI (SE 041-1155) to repair the stone supports and replace the stringers, deck and railing of the pier at 33 East Avenue, Planting Island. Michael Campagnone represented Ms. Bowler and submitted revised plans addressing the Commission Members' comments from the site inspection. He described the project which includes a new 30' x 15' float. He said the Harbormaster has approved a larger float which is not shown on the plan. J. Hartley questioned the fences which prohibit public access across the pier; M. Campagnone said Chapter 91 only required a sign saying lateral passage is under the pier which has a 3-1/2' clearance. The ramp is longer to make it flatter. but the float is the same size. J. Hartley moved to close the hearing; S. Briggs seconded; voted unanimously.

7:11 PM **JOHN MILLS** - RFD (41D-1443) to replace a rotted shed at 88 Water Street with a 12' x 16' wooden shed in the same location. Mr. and Mrs. Mills were present and said the shed is 25 years old and rotted, and just sitting on cinder blocks. The new shed will be bolted to cinder blocks. N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously.

7:15 PM **JOHN R. HUBBARD, JR.** - NOI (SE 041-1152) to construct a single-family dwelling, a sewage disposal system and a driveway, with associated grading/filling/excavating at Lot 5A Front Street (continued from March 23, 2011). N. Hills left the room. Mr. Hubbard was present with his engineer, Kevin W. Forgue of G.A.F. Engineering. K. Forgue said the elevations of

the site were surveyed in relation to the corner of the shed. He found the centerline of the road at Benson Brook at 12.04' and the shed corner at 12.03'. The water on March 15, 2011 was at 8.8'. He said the impact of 29,700 cubic feet of fill on the lot in relation to the magnitude of Bear Swamp would result in an immeasurable 0.002" elevation change. K. Forgue said if the Commission determines the land is bordering land subject to flooding, then compensatory storage will be required and there is no way to do that and meet the performance standards of the Wetlands Protection Act. Mr. Hubbard said he bought the house and land in 1977 and Arthur Thompson told him at the time that this lot was buildable. He said the 2006 real estate tax bill skyrocketed because the Assessors deemed it a buildable lot. Stacey Frates, abutter to this property, submitted a letter with photographs taken today at 6:00 PM after an approximate 5" rainstorm. She said there is no blockage under the road and the flooding will be worse over the next few days. She said she has not been approached to approve constructing the driveway less than 10' from her property line, and will deny permission to build it less than 10' away. She also said she was not served properly for the Board of Health hearing. She said the septic system will have to be very high and will still be underwater. K. Forgue said the system will not be underwater and will only be 2-1/2' above grade. Abutter Helen Hills said she was concerned with where the sewage will leach, because it will be on an island. K. Forgue said that at a certain point (12") the water will crest the road and that will be the worst case scenario, but he believes there is going to be a coastal storm someday resulting in the water level reaching 3' higher. K. Forgue said if there is a formal denial of this project, Mr. Hubbard can request a tax abatement. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously. N. Hills returned to the table.

7:37 PM **RUSSELL LEE GUNSCHER** - RFD (41D-1444) to construct an 18' x 90' shop/carport/office addition with breezeway at 415B County Road. R. Lee Gunschel was present and said the wetlands flagging shown on the plan was done by Brooke Monroe in 2005. J. Hartley said the pile of dirt in the wetlands needs to be removed; L. Gunschel said he will do that. He said NSTAR is just about finished with their site work. L. Gunschel said the foundation mostly won't be slab because it is mainly a carport with an open foundation. He said the carport will be single story but the office is an A-frame with a loft area. J. Hartley said it is a large structure and all the work is in the buffer zone, plus the driveway, and he would prefer a notice of intent filing for the project. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

7:45 PM **TABOR ACADEMY** - amendment to an order of conditions (SE 041-1154) for athletic fields improvements at Spring Street and Ryder Lane. The amendment is to install synthetic turf systems on three (rather than two) playing fields, relocate dugouts, make grading and drainage improvements, and make modifications to the proposed lighting (continued from March 23, 2011 due to the lack of a voting quorum). N. Hills left the room. As this is a time-sensitive project that had already been continued once due to the lack of a voting quorum, W. Carreau had filed a "Disclosure of Appearance of Conflict of Interest" form with the Town so that she could participate in the hearing and prevent another continuation until after L. Dorman returned from out of state. Tabor was represented by its head of operations Donald Wing, Will Saltonstall of Saltonstall Architects, and Mike Campagnone of CLE Engineering. M. Campagnone described the proposed changes and said the regraded field would take a year to grow well enough to be used, which is why Tabor decided to install synthetic turf instead. He said the drainage pipe will remain at 24", and the brook across the field will be redirected to accompany the pipe. The pipe carrying the stream under

the field will be sized at the time of construction to meet the size of the existing pipe. He said only Field #1 will be lighted, instead of Fields #1 and #2. W. Saltonstall said the lighting poles will be 80' high and Tabor is discussing that with the Town's attorney. W. Saltonstall said the proposed new flood maps will move the velocity zone delineation further down toward the harbor. J. Hartley moved to close the hearing; S. Briggs seconded; voted unanimously. N. Hills returned to the table.

7:55 PM **LEITA LUCHETTI** - RFD (41D-1445) for driveway maintenance and restoration at the 544, 546, 548 and 550 Point Road residential compound. Work includes restoring a gravel driveway, restoring and resurfacing a gravel and asphalt paved driveway, and regrading/adding gravel/landscaping a parking area. Robert Luchetti was present. W. Carreau questioned the supposed "existing asphalt" described on the plan; R. Luchetti said it was asphalt in the past but gravel has been added since then. He described the work and said some grading is needed at the pond to keep it flowing correctly. Regarding the repaving, he said some of the existing asphalt will be scraped off and taken away, definitely not kept on the site. S. Briggs said he prefers asphalt because it needs less maintenance. J. Hartley questioned whether the work should be done under a notice of intent rather than a request for determination of applicability. R. Luchetti said a hay bale line plus a siltation fence will be used. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

8:13 PM **MARY COOLIDGE** - RFD (41D-1446) for driveway maintenance and restoration at the 586, 596, 600 and 602 Point Road residential compound. Work includes restoring and resurfacing a paved driveway, replacing a portion of a driveway with a lawn, relocating a gravel parking area, and adding a gravel topcoat to a gravel driveway. Mary Coolidge was present with her representative, Robert Luchetti, who described the site and proposed work. He said these driveways have taken a beating with all the construction the last few years. J. Hartley said some of the trees are being killed by bittersweet and need to be removed. J. Hartley asked R. Luchetti to notify the Commission when the cutting will be done. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

8:25 PM **BAY WATCH REALTY TRUST** - NOI (SE 041-1145) to construct a 168-unit affordable housing complex under Chapter 40B with associated parking areas, on-site and off-site utility connections, storm water management infrastructure and related mitigation measures on Lots 27-29 off Front Street (Route 105) (continued from March 9, 2011). The Applicant's attorney has requested another continuation. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:30 PM on April 27, 2011; N. Hills seconded; voted unanimously.

8:26 PM **JOHN W. and SANDRA J. BECK** - (SE 041-1153) - the Becks' engineer, Richard Charon of Charon Associates, Inc., has requested permission to substitute Osmose, Inc. treated wood products for the proposed walkway over the marsh at 17 River Road instead of Greenheart products. Jack Beck was present and said the Osmose products are 90% cheaper than Greenheart products and are supposed to be much easier to work with. The Harbormaster had no comments concerning the substitution. N. Hills moved to issue a letter approving the proposed change without the need for a formal amendment to the order; J. Hartley seconded; voted unanimously.

A. NEIL PAPPALARDO (SE 041-1127) - Mr. Pappalardo's engineer, Robert Rogers of Tibbetts Engineering, Inc., has requested a letter from the Commission accepting several proposed minor changes to the new dwelling project at 90 Moorings Road, without the need for a formal amendment to the order. J. Hartley moved to issue a letter approving the proposed changes without the need for a formal amendment to the order; N. Hills seconded; voted unanimously.

CYNTHIA SCHAEFER (SE 041-1029) - J. Hartley moved to issue a second three-year extension permit to Cynthia Schaefer for removing the existing dwelling at 14 Point Road and constructing a new dwelling on a new foundation in its place, with decks and a detached garage; W. Carreau seconded; voted unanimously.

DOLA STEMBERG (SE 041-1092) - N. Hills moved to issue a full certificate of compliance to Dola Stemberg for landscaping, reconfiguring a driveway, and other appurtenances associated with the existing dwelling at 99 Moorings Road; J. Hartley seconded; voted unanimously.

FRANCIS G. LEDWITH (SE 041-1095) - N. Hills moved to issue a full certificate of compliance to Francis G. Ledwith for constructing a timber pier, a transition ramp and platform, a gangway and a timber float at 384 Delano Road; W. Carreau seconded; voted unanimously.

J. Hartley asked S. Briggs to discuss the **JOSIAH and ELIZABETH HATCH** patio project at 68 Allens Point Road (41D-1442). S. Briggs said he is installing the patio now and another RFD (41D-1448) has been filed for the April 27, 2011 meeting to move a portion of the septic system that is in the way of the patio. S. Briggs explained that he had told J. Hartley that due to the location of the existing septic system with respect to the patio, he had done the septic work while he was building the patio and would be filing an after-the-fact Request for Determination for that work.

RUSSELL LEE GUNSCHER (41D-1444) - S. Briggs said L. Gunschel will do whatever the Commission asks him to do, and he would prefer to allow the work under a conditional negative determination rather than a notice of intent; W. Carreau agreed and moved to issue a negative determination for box #3 for the addition, with a letter asking him to remove the dirt pile from the wetlands; J. Hartley seconded; voted unanimously.

JOHN MILLS (41D-1443) - N. Hills moved to issue a negative determination for box #2 with a condition that the new shed shall be fastened to the sono tubes; J. Hartley seconded; voted unanimously.

ELLEN BOWLER (SE 041-1155) - N. Hills drafted an order of conditions for repairing the pier supports and replacing the strings/deck/railing of the pier at 33 East Avenue, Planting Island. N. Hills moved to issue it as written; J. Hartley seconded; voted unanimously.

JOHN R. HUBBARD, JR. (SE 041-1152) - S. Briggs moved to issue an order of conditions denying the new house and septic system project at Front Street, because the project cannot meet the compensatory flood requirements of the wetlands performance standards for bordering land subject to flooding; J. Hartley seconded the motion; voted by majority with N. Hills abstaining.

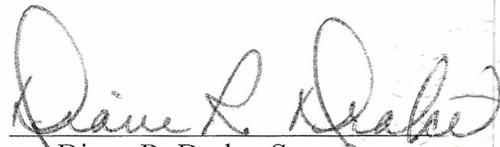
TABOR ACADEMY (SE 041-1154) - J. Hartley moved to issue an amended order of conditions as drafted for increasing the scope of work to install synthetic turf on a third playing field at Spring Street at Ryder Lane; S. Briggs seconded; voted by majority with N. Hills abstaining.

LEITA LUCHETTI (41D-1445) for driveway maintenance and restoration at the 544, 546, 548 and 550 Point Road residential compound. N. Hills moved to issue a conditional negative determination for box #3 with conditions that the siltation fencing shall be installed as shown on the plan before any further work takes place, debris shall be removed off site, and after the road work is complete the shoulders shall be loamed and seeded. W. Carreau seconded the motion; voted unanimously.

MARY COOLIDGE (41D-1446) for driveway maintenance and restoration at the 586, 596, 598, 600 and 602 Point Road residential compound. J. Hartley moved to issue a negative determination for boxes 2 and 3; W. Carreau seconded; voted unanimously.

Discussion followed regarding maintenance of the **TOWN OF MARION**'s Spragues Cove storm water remediation project at Silvershell Beach (SE 041-556). N. Hills will draft a memorandum to Robert Zora of the Department of Public Works regarding a group site inspection first thing on May 7, 2011.

Meeting adjourned at 9:30 PM.


Diane R. Drake, Secretary

Approved March 11, 2011