

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 26, 2014

Members Present: Norman A. Hills, Vice Chairman
Joel D. Hartley, Treasurer
Jeffrey J. Doubrava, Member
Cynthia C. Trinidad, Associate

Members Absent: Lawrence B. Dorman, Chairman
Stephen C. Gonsalves, Clerk
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Brian Grady (G.A.F. Engineering), Matthew Vander Pol (Tabor Academy), David Dunn, Emmanuel da Costa (Inter-Fluve), David Davignon (N. Douglas Schneider & Associates), Susannah Davis (Susannah Davis Landscape Architect), Richard J. Charon (Charon Associates), Patricia A. McArdle (Patricia A. McArdle & Associates), Matthew Baltz, and Joan Hartnett-Barry (The Wanderer).

Meeting convened at 7:00 PM on Wednesday, March 26, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 22, 2014 by N. Hills, J. Hartley, J. Doubrava and C. Trinidad. This meeting was audio recorded by Town of Marion staff.

7:00 PM **N. GEORGE HOST and LAURIE A. HOST**, 456 Point Road - Request for Determination of Applicability (File No. 41D-1528) to anchor the float with two piles rather than with chains. David Davignon of N. Douglas Schneider & Associates represented the Hosts and explained that the Division of Marine Fisheries is requiring this change in order to protect the bottom from being scoured. J. Doubrava moved to close the hearing; J. Hartley seconded; voted unanimously.

7:05 PM **TABOR ACADEMY**, Ryder Lane – Appointment for discussion with Matthew vander Pol regarding removal of a portion of the stone wall along Ryder Lane. M. vander Pol said Tabor would like to remove approximately 230' of the deteriorated stone wall, grade where the wall is using a maximum of 15 cubic yards of fill, and seed the area. Tabor would like to finish the corner

41 of the rebuilt stone wall at the Rosiak property, possibly remove the stone house, and eventually
42 plant a low hedge along Ryder Lane. M. Vander Pol said the vast majority of the wall is on Tabor's
43 land, with a few inches on Town land. He said a portion of the wall is scheduled to be removed
44 anyway during the Town's Ryder Lane reconstruction project, and removal of the wall will help the
45 Town's contractor to maneuver in tight quarters. He said Robert Zora had Thompson Engineering
46 draw a site plan of Ryder Lane. The Building Commissioner would like the Conservation
47 Commission's approval for this work before allowing the project to proceed. Joan Hartnett-Barry
48 said she is on the Town's Historical Commission and was told there is a well under the stone
49 building that was used to by the ships at The Landing. J. Hartley preferred a Notice of Intent be filed
50 for this project so that the neighbors will be notified of the proposed work; everyone agreed.

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52 7:18 PM **DAVID DUNN**, 6 Shawondasse Road – Notice of Intent (File No. SE 041-1209) to
53 raise the existing dwelling onto a new concrete pier foundation, construct a new driveway, and
54 required grading. David Dunn was present with his engineer, Brian Grady of G.A.F. Engineering,
55 who described the proposed work. Work will take place in the 18' velocity zone and in the buffer
56 zone to a coastal bank and wetlands. The 12' x 2.5' addition will be raised. The house will remain
57 one story. The new deck will be supported with concrete piles. B. Grady said this home is in the
58 lower part of the road and minor grading is needed to prevent ponding. The concrete elevation will
59 be at 8'; N. Hills asked for that to be shown on the plan. The house will have nine piles, plus three
60 for the deck and five for the access stairs. N. Hills questioned where the dirt and materials will be
61 stored; B. Grady said he does not anticipate a pile of materials. D. Dunn said Arne Excavating will
62 do the work, so if material needs to be removed it won't have to go far (Arne's business site is just up
63 the road). B. Grady said the existing gravel driveway is presently over the property line and will be
64 moved. N. Hills said the existing shed will need to be fastened down or be removed; D. Dunn said
65 he will fasten it down. J. Hartley moved to close the hearing; J. Doubrava seconded; voted
66 unanimously.

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68 7:35 PM **GALE P. RUNNELLS**, 17 Reservation Road – Notice of Intent (File No.
69 SE 041-1208) to construct an in-ground swimming pool, a retaining wall and a patio (continued from
70 March 12, 2014). Richard J. Charon of Charon Engineering represented Ms. Runnells. He
71 submitted a revised plan showing the new wetland flag #7A, the 15' no-touch buffer zone to the
72 wetlands, and the one-to-three slope of the retaining wall with geo-fabric extending four feet into the
73 fill. The other side of the wall will have a one-to-two slope constructed the same way. N. Hills was
74 concerned that the gas supply extending above ground could accidentally be knocked off; R. Charon
75 said the the plumbing inspector approved the installation. Haybales aren't proposed because that is

76 the area where the work is being done. The shed has been removed from the plan. J. Hartley moved
77 to close the hearing; J. Doubrava seconded; voted unanimously.

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79 7:45 PM **SIPPICAN LANDS TRUST** – Appointment for discussion with Patricia McArdle,
80 legal counsel for the SLT, regarding the Commission's approval of the Conservation Restriction
81 ("CR") on Parcels C and E of the Bay Watch Realty Trust 40B site off Front Street (File No.
82 SE 041-1145). She submitted plans showing the locations of the easements. She said Town Counsel
83 Jon Witten has approved the CR, and now the Town Boards/Commissions and the Board of
84 Selectmen need to sign it. N. Hills said the Town's only certified vernal pool should be mentioned
85 on Page 2. N. Hills would like a list of the CRs the Conservation Commission owns. N. Hills
86 moved to sign the CR; J. Hartley seconded; voted unanimously.

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88 **DAVID V. and LINDA C. NIELSEN**, 203 Front Street – N. Hills moved to issue a full
89 Certificate of Compliance for construction of the pier, two floats and a gangway (File No.
90 SE 041-1189). The motion was duly seconded and voted unanimously.

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92 **MATTHEW and LISA BALTZ**, 114 Allens Point Road – The Baltz's engineer has verified
93 the size of the replication area and that it is heavily vegetated. J. Hartley and C. Trinidad were
94 disappointed that the 'report' wasn't more thorough, but everyone agreed that was not the Baltz's
95 fault. The full Certificate of Compliance has been issued and recorded. Nothing further is needed at
96 this time.

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98 **N. GEORGE HOST and LAURIE A. HOST** - J. Doubrava moved to issue a Positive
99 Determination for Box #1 to anchor the float at 456 Point Road with piles rather than chains;
100 N. Hills seconded; voted unanimously (File No. 41D-1528).

101
102 **DAVID DUNN** – N. Hills drafted and moved to issue the Order of Conditions to raise the
103 existing dwelling at 6 Shawondasse Road onto a new concrete pier foundation, construct a new
104 driveway, and perform required grading (File No. SE 041-1209). J. Doubrava seconded the motion;
105 voted unanimously.

106
107 **GALE P. RUNNELLS** – J. Hartley drafted and moved to issue the Order of Conditions to
108 construct an in-ground swimming pool, a retaining wall and a patio at 17 Reservation Road (File No.
109 SE 041-1208). J. Doubrava seconded the motion; voted unanimously.

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111 Meeting adjourned at 8:25 PM.

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118 Approved May 28, 2014

Diane R. Drake, Secretary