

FINAL

**MARION CONSERVATION COMMISSION**

MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 12, 2014

Members Present: Norman A. Hills, Chairman  
Joel D. Hartley, Vice Chairman  
Jeffrey J. Doubrava, Clerk  
Stephen C. Gonsalves, Member

Members Absent: Lawrence B. Dorman, Member  
Cynthia C. Trinidad, Associate

Admin. Assistant: Donna M. Hemphill

Others Present: Stephen Rid Bullerjahn, Jo Ann Watson, Douglas Watson, Katherine Crete, Dan Crete (Saltworks Marine), Frank Westgate (Westgate Land Survey), Mark Robinson (Bullerjahn-Watson Representative), Dave Davignon (Schnedier & Associates), The Wanderer, Nick Dufresne (Thompson Farland), Gil McManus

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Meeting convened at 7:00 PM on Wednesday, November 12, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. The site inspections were on Saturday, November 8, 2014 by N. Hills and J. Hartley. J. Doubrava visited the sites independently. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM Marshall & Wilma Bailey, 41 Dexter Road – Request for an Amended Order of Conditions (File No. SE 041-1214), for proposed pier reconstruction and shed reconstruction. Dave Davignon of Schneider and Associates representing the Baileys. He distributed extra plans to the board. Described the project from early 2014 in which a Notice of Intent and Request for Determination were approved. This is an amendment for a minor change of the location of the sheds and minor change to the pier. N. Hills asked about any set backs. D. Davignon stated that they did receive approval from the Zoning Board of Appeals. Obtained an Army Corps of Engineers permit for the waterways license for the new structure. The Baileys would like to move the pier by changing the angle point, nothing else in the design has changed. N. Hills asked about the gangway. D. Davignon said it has been shortened to 20' from 24'. J. Hartley asked if the Harbormaster had been notified. D. Hemphill submitted the plans to the Harbormaster for comment. The Harbormaster had the same comments from the original Notice of Intent. J. Doubrava asked about the shed; will it

43 bolted to sonotubes? D. Davignon stated that they were issued a Building Permit and that is required.  
44 N. Hills stated that they saw a float tied to the pier in the salt marsh and that it will need to be  
45 removed. D. Davignon will let the Baileys know and have the caretaker take care of it. J. Hartley  
46 stated that it is a positive change, that the alignment is better for the wetlands. N. Hills motioned to  
47 close; S. Gonsalves seconded; voted unanimously.

48

49 7:05 PM LEC Environmental Consultants, c/o Robert Korff, Request for Determination of  
50 Applicability (File No. 41D-1548), for 345 & 390 Wareham Street, to confirm the boundaries of  
51 Wetland Resource Area protected under the Massachusetts Protection Act and its implementing  
52 Regulations. (Continued from October 22, 2014). The applicant has requested to continue to 7:10pm  
53 on December 10, 2014. N. Hills motioned to accept; J. Doubrava seconded; voted unanimously.

54

55 Minutes: Minutes from August 13, 2014: N. Hills motioned to accept as written; J.  
56 Doubrava seconded; voted unanimously. Minutes from September 10, 2014: N. Hills motioned to  
57 accept as drafted; J. Hartley seconded; voted unanimously. Minutes from September 24, 2014: N.  
58 Hills motioned to accept as written; S. Gonsalves seconded; voted unanimously. Minutes from  
59 October 8, 2014: N. Hills motioned to accept as written; S. Gonsalves seconded; voted unanimously.  
60 Minutes from October 22, 2014: N. Hills motioned to accept as written; J. Hartley seconded; voted  
61 unanimously.

62

63 N. Hills noted erosion in the walkway along the at the edge of the pond in Washburn Park.. It  
64 needs maintenance work before the dike is breached. It needs maintenance work before the dike is  
65 breached. He noted that some research needs to determine which town organization owns the land.

66

67 7:20 PM Ashley Briggs, 73 Cove Circle – Notice of Intent (File No. SE 041-\_\_\_\_), to  
68 construct a single family dwelling, garage and driveway modifications with associated grading  
69 within 100' of bordering vegetated wetlands and isolated land subject to flooding. D.E.P. has not  
70 issued a file number. N. Hills stated we are able to talk about it but no action can be taken since the  
71 number has not been issued. N. Dufresne of Thompson Farland represented Ms. Briggs. The work  
72 to demolish has not been done yet. N. Dufresne described the project. The house and structures are  
73 all in Zone X. They will be using an existing leeching field. The original house has 8 bedrooms; the  
74 new house will have 6. N. Dufresne noted that the erosion control line on the plan is the same that is  
75 on the RDA that was filed. N. Hills asked if it were two stories. N. Dufresne said yes. N. Hills asked  
76 if full basement. N. Dufresne said yes, and it is a walkout on one side and the grading is staying the  
77 same. N. Hills said that there is to be no stockpile of material on site. J. Hartley asked about the roof  
78 run off recharge system, how many are there. N. Dufresne noted that there are two for the house and  
79 one for the garage. G. McManus, neighbor, asked about changes near the lot line of his bordering

80 property. N. Dufrense noted that there is no change on that area on the northern side. N. Hills asked  
81 to continue with the permission of the applicant. He motioned to continue to 7:20pm on December  
82 10, 2014; J. Doubrava seconded; voted unanimously.

83  
84 7:30 PM Saltworks Marine, LLC, c/o Daniel Crete, 291 Wareham Street – Request for  
85 Determination of Applicability (File No. 41D-1552) to erect a temporary 38'x80' quonset vinyl boat  
86 shelter. D. Davignon of Schneider & Associates representing Saltworks Marine. The property is  
87 currently owned by Sherman Briggs. The intent is to develop the land for the business. Saltworks has  
88 been to the Planning Board for preliminary Site Plan review. They will eventually submit a full Site  
89 Plan. In the meantime the owner of the business is seeking a six month permit (from 12/15/14 to  
90 5/15/15) for a temporary quonset vinyl boat shaped structure that would be attached to storage  
91 containers on either side. It would take about two weeks to construct. D. Davignon described how  
92 crushed stone would be used below the containers. No tree removal required or need to place this  
93 structure on the land. It does fall within the Velocity Zone and Riparian Zone and there is small  
94 corner of buffer zone to the BVW. Area is considered a degraded riverfront area. This area has  
95 historically been used as a contractor's yard. Seeking the Negative Determination for the four  
96 storage containers, placed on crushed stone, and will serve as the foundation of the quonset building  
97 which will be taken down in May. Mr. & Mrs. Crete are present for any questions. J. Doubrava  
98 asked why it is being built in the Velocity Zone why can it not be shifted 200' to the west. D.  
99 Davignon stated that is due to the development of the site and proposed permanent buildings. There  
100 will be large storage buildings. This location fits into his Master Plan. S. Gonsalves asked that once  
101 the permanent structure is in place, there will not be a need for this? D. Crete said that once the get  
102 to the final stage, no it will not be needed. This part of the project needs to happen in order for the  
103 whole project to move forward. S. Gonsalves noted that he has seen the plan as part of the Planning  
104 Board and it is amazing and quite an improvement for the property. J. Doubrava asked if they have  
105 given any consideration to the Town By-Laws in regards to building in a Velocity Zone. D.  
106 Davignon noted that he has looked at it and it has to do with residential structures. J. Doubrava noted  
107 that the By-Law did not say temporary or permanent, just structure. D. Davignon read a portion of  
108 the By-Law and pointed out that it mentions residential. N. Hills said he was concerned that the  
109 building is in the Velocity Zone. S. Gonsalves brought up the Velocity Zone and FEMA maps and if  
110 they have considered disputing. The temporary building and the possibility of a hurricane happening  
111 before May was discussed. N. Hills and S. Gonsalves discussed the permit process. D. Crete stated  
112 that the building is a huge investment for them. If a storm was coming they can remove the  
113 temporary structure in an hour. N. Hills questioned the storage container not being able to be moved  
114 within an hour. He also stated that nothing is supposed to be in a Velocity Zone that could impact  
115 storm water flow. N. Hills noted that the plan only shows this building, and why can it not be moved  
116 from the Velocity Zone. D. Davignon said the Master Plan that has been shown to the Planning

117 Board will supersede this plan. D. Crete asked if N. Hills would be okay with the structure if it were  
118 outside of the Velocity Zone. N. Hills stated he would be okay with it. D. Crete said that if they  
119 move it out of the Velocity Zone it can hinder the rest of the process. D. Davignon asked if he  
120 submitted a Master Plan, would that help. N. Hills said he still has a problem with it being in the  
121 Velocity Zone. J. Doubrava asked if they have exhausted every other opportunity to put this some  
122 place else and also does it have to be covered storage. D. Crete said yes, it does have to be covered.  
123 J. Doubrava stated that speaking for himself he would have no problem if it were moved out of the  
124 Velocity Zone. D. Crete stated that this building is engineered to withstand everything short of a  
125 tornado. It is engineered considerably better than just a tent. J. Hartley does not have a problem with  
126 it if it is temporary. N. Hills asked why do the storage containers need to be there. D. Crete, they  
127 don't. The other common way to do this is to anchor them down to jersey barriers. It would help to  
128 have the storage containers for construction purposes. It would be a much greater cost to use the  
129 jersey barriers but is willing to do it to make this work. D. Davignon said they can submit a revised  
130 plan showing the jersey barriers instead of the shipping containers. S. Gonsalves stated he would  
131 really like to see this project go forward. It is a win-win for the town. J. Hartley said after seeing the  
132 property he understands why they would want to build this structure in that spot. D. Crete, it does  
133 make sense with traffic flow, perfect location to get started. N. Hills asked if the temporary structure  
134 will come down in May and nothing else will go there. D. Crete said yes. N. Hills said if they will  
135 agree to keep the shipping containers outside of the Velocity Zone and the structure will be moved  
136 by the end of May of next year, we can agree to that. J. Doubrava noted the Conservation  
137 Commission will need a new plan showing the jersey barriers and that the temporary structure comes  
138 down in May. N. Hills motioned to close; J. Hartley seconded; voted unanimously.

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140 7:40 PM **Chad & Gina McLeod**, 8 Thomas Lane – Request for Determination of  
141 Applicability (File No. 41D-1553), to determine that no wetlands exist on the site and that there is no  
142 isolated land subject to flooding; to build a four bedroom dwelling. Frank Westgate representing the  
143 McLeods. Members did the site inspection and it does not appear to be within the jurisdiction of the  
144 Conservation Commission. N. Hills motioned to close; J. Hartley seconded; voted unanimously.

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146 7:50 PM **Appointment with Wildlands Trust**, Regarding Conservation Restriction at 105  
147 Allens Point Road. Mark Robinson representing the Watsons and Bullerjahns. The Watsons are the  
148 owners of the property. This Conservation Restriction to be held by Wildlands Trust. The 50 year  
149 old dwelling, all structures, etc. will be removed from the property. The purpose is to naturalize the  
150 area. Asking for a positive recommendation and signatures on the Municipal Certification Form  
151 from the board. The Selectmen will also be asked to sign as well. Demolition would be in the spring.  
152 M. Robinson noted that it is unusual for this to happen in Marion, a removal of water front property.  
153 If the Conservation Restriction was not approved the land will go on the market. The idea is to have

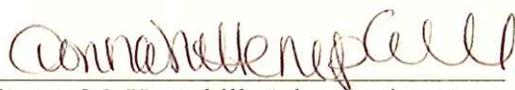
154 Mr. Bullerjahn take ownership of the property as conservation land. The Board reviewed the plans.  
155 M. Robinson described the lots shown on the plan. N. Hills stated that based on the conversation  
156 with M. Robinson on site, 1B would be open to the public but 1A would remain private. Open to the  
157 public through Pierson Woods, yes. J. Doubrava asked if there is wording in the proposal stating that  
158 this is contingent on the removal of the house. M. Robinson said yes, on page 7, it is not only the  
159 right of the owner but the obligation of the owner to remove the structures. Reason for the June 1  
160 deadline is to wait until the soil dries out. J. Doubrava asked if they are planning on taking out the  
161 seawall. M. Robinson said no and it is in good condition. J. Hartley what is the future use of the  
162 coastal property. M. Robinson said it will be a naturalized setting, would allow grass to grow  
163 throughout the season, would only mow once a year. J. Hartley asked that once the property is sold,  
164 the restriction remains. M. Robinson, yes, this is a statutory Conservation Restriction under 184,  
165 section 31 of the General Laws. Any subsequent owners are bound by the same restriction. The  
166 Watsons and Mr. Bullerjahn were present. N. Hills motioned that we agree with this Conservation  
167 Restriction. S. Gonsalves seconded; voted unanimously. The Endorsement was signed by members.  
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169 Saltworks Marine, LLC c/o Daniel Crete, 291 Wareham Street – Request for Determination  
170 of Applicability (File No. 41D-1552): J. Hartley drafted. Negative Boxes 2 & 3. Special Conditions  
171 that the temporary fabric covered structure be secured with jersey barriers and that they be removed  
172 no later than May 31, 2015. The shipping containers shall not be placed in the Velocity Zone. J.  
173 Hartley motioned to close; N. Hills seconded; voted unanimously.  
174

175 Chad & Gina McLeod, 8 Thomas Lane – Request for Determination of Applicability (File  
176 No. 41D-1553): Not within our jurisdiction. N. Hills motioned to close; J. Doubrava seconded; voted  
177 unanimously.  
178

179 Marshall & Wilma Bailey, 41 Dexter Road – Request for an Amended Order of Conditions  
180 (File No. SE 041-1214): Special Condition- float not stored in the wetlands, Harbormasters  
181 comments to be included. J. Doubrava motioned to close; N. Hills seconded; voted unanimously.  
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183 Meeting adjourned at 8:28 PM.  
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188 Donna M. Hemphill, Adm. Assistant  
189

190 Approved December 10, 2014