

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON MAY 27, 2015

Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice Chairman
Jeffrey J. Doubrava, Clerk
Lawrence B. Dorman, Member
Stephen C. Gonsalves, Member
Cynthia C. Trinidad, Associate

Admin. Assistant: Donna M. Hemphill

Others Present: Deborah Kuhlman-Hussey, 94 Dexter Road; William Hussey, 94 Dexter Road; Stevie Carvalho, Thompson Farland, Inc.; Jack & Dorothy Doran, 106 Dexter Road; Jon Seibold, Oldport Homes, Inc.

Meeting convened at 7:00 PM on Wednesday, May 27, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, May 23, 2015 by C. Trinidad and N. Hills (J. Doubrava independently visited 73 Cove Circle and 94 Dexter Road). This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM Jon Seibold, Notice of Intent (File No. SE 041-1229), for 73 Cove Circle to remove fallen/dead trees and underbrush within 100' of wetlands buffer and outside the limit of clearing. Jon Seibold was present to represent the homeowners, Mr. & Mrs. Briggs. J. Seibold presented the board with extra plans. He noted the shaded area on the plan is where they are looking to remove the material. The application has been amended. Initially it was to remove fallen/dead trees and underbrush. After the site inspection on May 23, 2015, the board asked the application be amended to say "fallen/dead trees and invasive species such as phragmites, Japanese knotweed and oriental bittersweet." The change was made and the corrected page was sent via email to the DEP. N. Hills said that there is a big pile of slash along the left hand side. J. Seibold said that they had to remove snow from the site on three different occasions and the debris that was leftover from the house demolition was probably mixed in. N. Hills said that there is no problem with removing that pile of debris. He noted that the area past that, into the BVW, the only thing that could be permitted to be removed in that area is oriental bittersweet. J. Doubrava said there is a lot of it on that side of the property. There was discussion as to how to remove the bittersweet and that the homeowner is planning on

41 having a professional do the removal. N. Hills stated that the trees, even dead and fallen
42 ones, cannot be removed from the resource area. He noted that down along the bottom
43 there are some phragmites. N. Hills asked who would be doing the removal. J. Seibold
44 mentioned that the same contractor would handle it. N. Hills said that the process
45 to remove phragmites is different. He gave a brief description of how to remove the plants
46 and that it can be a one to two year process. He also noted that the removal is limited to
47 the area that is shown on the drawing. On the other side, there is a tree with a dead
48 section that can be removed. Further up on the right hand side is Japanese knotweed that
49 will need to be treated. N. Hills said that the same qualified people that remove the
50 phragmites can remove the knotweed also. S. Gonsalves said that they should hire a
51 certified company that deals with these invasive species so there are no questions and no
52 worries. J. Doubrava noted that they will need a licensed applicator to remove the
53 phragmites. He said that homeowners are allowed to do phragmites removal to their own
54 property or they must hire a licensed applicator to do the work. J. Doubrava noted that if
55 they were able to remove the bittersweet it will stop the trees from dying. N. Hills asked if
56 there were any questions from the board or the audience. J. Seibold asked about the tree
57 by the outdoor grill, if they are able to cut it up and leave it or remove the cut
58 pieces. N. Hills said they could cut off the dead part and take it away. L. Dorman
59 suggested that the homeowner and J. Seibold make sure that the instructions are given to
60 the contractor for proper removal. N. Hills motioned to close the hearing; L. Dorman
61 seconded; voted unanimously.

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63 **7:05 PM (7:13pm) Town of Marion**, c/o JC Engineering, Inc., Notice of
64 Intent (File No. SE 041-1222), for reconstruction of a 337' long, 4' high stone seawall, at
65 Sprague's Cove (Continued from April 8, 2015). The applicant has requested to continue
66 the hearing until Wednesday, July 8, 2015 at 7:05pm due to the fact they are awaiting a
67 response from the Army Corps of Engineers. N. Hills motioned to continue the hearing as
68 requested; C. Trinidad seconded; voted unanimously.

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70 **7:10 PM (7:15pm) LEC Environmental Consultants**, c/o Robert Korff,
71 Request for Determination of Applicability (File No. 41D-1548), for 345 & 390 Wareham
72 Street, to confirm boundaries of Wetlands Resource Areas protected under the
73 Massachusetts Protection Act and its implementing Regulations (Continued from April 22,
74 2015). The applicant has requested another continuance. N. Hills asked the board if they
75 would like to discuss it. N. Hills stated that the last time LEC attended a hearing the board
76 had requested they pay for an outside consultant (53G account) to verify the flood plane
77 information. As of this date, they have not provided the payment so that work has not

78 been done. After a brief discussion the board decided to grant the continuance to August
79 26, 2015 at 7:00pm, at which time LEC must present clear plans or must have paid for the
80 outside consultant's services. A letter will be drafted and sent to LEC with this information.
81 N. Hills motioned to continue the hearing to August 26, 2015 at 7:00pm; S. Gonsalves
82 seconded; voted unanimously.

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84 **7:15 PM (7:21pm) William Hussey & Deborah Kuhlman-Hussey**, Request for
85 Determination of Applicability (File No. 41D-1572), for the removal of an existing single
86 family dwelling, the construction of a single family dwelling, proposed driveway, two roof
87 recharge systems and associated grading at 94 Dexter Road. Stevie Carvalho of Thompson
88 Farland, Inc. was present to represent the Mr. & Mrs. Hussey who were also present. S.
89 Carvalho described the project. They are planning to knock down the current dwelling
90 and rebuild. He said the current house does not have a roof recharge system and they are
91 proposing two subsurface recharge systems for the new dwelling. He noted that grading
92 would be minimal. N. Hills asked about the type of foundation. S. Carvalho said it will be
93 slab on grade with flood vents. He noted that the foundation walls will be half concrete
94 and half timber, above grade. There is a one car garage proposed underneath. J.
95 Doubrava asked if there were wetlands on the property. N. Hills noted that the adjacent
96 property does show wetlands on a plan from a previous filing. S. Carvalho said that a
97 survey was done in February but was difficult with the snow cover. N. Hills mentioned that
98 since there appears to be wetlands on or adjacent to the property there is the 100' buffer
99 zone to deal with. S. Carvalho said that the work proposed is not close to the limit of
100 clearing. He said the closest work (deck) proposed is 40' to the property line and
101 approximately 30' to the limit of clearing. They are not proposing to do any grading or work
102 in that area. C. Trinidad mentioned a concrete slab that was in the back of the property.
103 Ms. Kuhlman-Hussey said that her father owned the property in 1959 and there had been a
104 shed there. He moved the shed closer to the house. She said their hope is that when they
105 remove the house that they can remove that concrete slab as well. The board discussed
106 the location of the wetlands and the location of the shed. They thought that the location
107 of the wetlands will not impact the project. N. Hills suggested a siltation fence be installed.
108 L. Dorman asked about the asphalt driveway. S. Carvalho said it will move slightly but
109 remain the same width. Ms. Kuhlman-Hussey said that over the years they have had to put
110 stone in the driveway due to the run off from the road, so it is a half asphalt and half gravel
111 driveway. Jack & Dorothy Doran, 106 Dexter Road, were present. Mr. Doran stated his
112 support of this project. J. Doubrava motioned to close the hearing; S. Gonsalves seconded;
113 voted unanimously.

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DISCUSSION:

- The board discussed the placement of the permanent posts marking the BVW adjacent to the Turtle Habitat at The Cove in Marion some were not installed as required. A site visit will be scheduled for June 6, 2015.
- Planting Island Causeway signs are in the process of being ordered.
- There will be a filing in the near future of a Request of Determination of Applicability for 73 County Road.
- N. Hills said that there was a meeting called by Scott Shippey, Building Commissioner, regarding a project at 99 Perry's Lane. They are proposing a solar farm and will be filing with the Commission due to the work being done in wetlands.
- There was a brief discussion questioning progress on repairs to Grassi Bog.

MINUTES: Minutes from April 8, 2015 and May 13, 2015 were approved as written.

BIRD ISLAND RESTORATION: The Army Corps of Engineers and the DEP are in the process of preparing an NOI and hope to submit it in June. N. Hills stated they are looking at beginning work in the Fall

William Hussey & Deborah Kuhlman-Hussey: J. Doubrava drafted the Determination of Applicability for File No. 41D-1572, 94 Dexter Road. Positive Determination #2B, the wetland lines are not confirmed with this Determination; Negative Box #2, silt control- no soil or fill stockpiled on site. J. Doubrava motioned to issue; S. Gonsalves seconded; voted unanimously.

Jon Seibold: N. Hills drafted the Order of Conditions for File No. SE 041-1229, 73 Cove Circle. Special Conditions: 1. slash pile may be removed, 2. removal of oriental bittersweet vines by cutting and application to the stump of Rodeo, 3. removal of downed tree on the northeast border, 4. control of phragmites by application of Rodeo by licensed applicator, 5. control of Japanese Knotweed by supplication of Rodeo by licensed applicator, 6. removal of dead branch on tree at the southeast border, 7. no general removal of trees or underbrush. N. Hills motioned to issue; J. Doubrava seconded; voted unanimously

Meeting adjourned at 8:05pm

Donna M. Hemphill, Administrative Assistant

Approved: June 10, 2015

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