

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON AUGUST 12, 2015

- Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice Chairman
Stephen C. Gonsalves, Member
Jeffrey J. Doubrava, Clerk
Lawrence B. Dorman, Associate
- Members Absent: Cynthia C. Trinidad, Member
- Admin. Assistant: Donna M. Hemphill
- Others Present: Jean Perry, The Wanderer; Mark Arnold, Goddard Consultants;
Roger Tenglin, 88 Indian Cove Road; Bob Rogers, G.A.F.
Engineering; Nick Dufrense, Thompson Farland; Ruth Nicolaci, 36
Indian Cove Road; Hub Plumb, 27 West Avenue; Dianne Cosman,
19 West Avenue

Meeting convened at 7:00 PM on Wednesday, August 12, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, August 8, 2015 by N. Hills, J. Doubrava and J. Hartley. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM **J. Hudson Plumb IV**, Request for Determination of Applicability (File No. 41D-1582), for the removal of isolated patches of phragmites located on three parcels of Planting Island. J. Doubrava recused himself. Dianne Cosman, Vice President of the Island Associates of Marion, was present and described the locations of the areas to be treated. They have hired Aquatic Control Technologies (licensed contractor) to perform the work. N. Hills asked how they will be applying the herbicide. D. Cosman described the process. She said it is a three year process. Hub Plumb, the applicant, was also present and said that the contractor will be hand wiping the plants where they are more spread out and using a back pack sprayer on the more dense areas. At a few of the very dense areas they are going to use an argo mounted boom which is a similar vehicle to an ATV but with very low fire pressure. S. Gonsalves asked about the timing of the process. H. Plumb said that they would begin in the Fall. There would not be any cutting. There was a discussion about the areas to be treated. L. Dorman asked the applicant to share the formal proposal

42 they have received with the board. H. Plumb said he would submit one for the file. L.
43 Dorman asked what happens to the dead stalks, etc. H. Plumb said he assumes that it will
44 just break down. They do not have a plan for any removal or doing other planting, they
45 were going to let the native plants come back. N. Hills said the Commission would like to
46 have a site inspection some time next spring or summer or see the progress. D. Cosman
47 said that the island residents were very positive and were on board with the project. N. Hills
48 asked if there were any questions from the audience or the board. There were none. L.
49 Dorman motioned to close the hearing; S. Gonsalves seconded; voted unanimously.

50

51 7:05 PM (7:15 PM) **Town of Marion**, c/o J.C. Engineering – Notice of Intent (File No. SE
52 041-1222) for reconstruction of a 337' long, 4' high stone seawall at Sprague's Cove. The
53 applicant is awaiting a response from the U.S. Army Corps of Engineers so they have asked
54 to continue. The applicant has requested to continue this hearing to Wednesday,
55 December 9, 2015 at 7:05pm. N. Hills motioned to continue; S. Gonsalves seconded; voted
56 unanimously.

57

58 7:10 PM (7:15 PM) **Choung Pham**, Request for Determination of Applicability (File No.
59 41D-1579), for an addition on sonotubes, approximately 100 sq. ft. at 22 Bass Point Road.
60 Plans are in the process of being completed so the applicant has requested to continue
61 this hearing to Wednesday, September 9, 2015 at 7:05pm. N. Hills motioned to continue; L.
62 Dorman seconded; voted unanimously.

63

64 7:15 PM (7:17 PM) **Clean Energy Collective**, Notice of Intent (File No. SE 041-1232),
65 for construction of a new photovoltaic generating facility, stormwater drainage basins and
66 utility crossing off Tucker Lane. Bob Rogers of G.A.F. Engineering presented the board with
67 updated plans dated August 12, 2015. Mark Arnold of Goddard Consultants was also
68 present. At the last meeting the board requested a vegetation management plan and
69 that was submitted on July 30, 2015. He described the plan to the Commission. M. Arnold
70 said that the detention basin has decreased in size. They have added a low flow outlet
71 and the basin is being reclassified as a dry extended detention basin. B. Rogers explained
72 you cannot intercept seasonal high ground water with a dry extended detention basin. He
73 said they are seeking relief from the Planning Board for this portion of the project. N. Hills
74 asked about G.A.F.'s responses to the engineers questions, if they will be doing another. B.
75 Rogers said yes, he has a response letter already prepared. L. Dorman said that at the last
76 meeting they were asked to correct the plan to show the 30' no build area. B. Rogers said
77 this was corrected. He said there is some grading in that area but there will not be building
78 in that area at all. Wetlands Standard #1 was discussed. M. Arnold noted that on the plan

79 they added the 15' no disturb area and also a shrub layer is shown at the request of the
80 Rochester Planning Board. M. Arnold mentioned the mowing as part of the vegetated
81 management plan will be every six weeks, weather permitting. Trimming of the trees as
82 needed. There was a brief discussion regarding the removal of the tops of the trees. The
83 tree roots will remain in the ground. The applicant requested to continue the hearing to
84 Wednesday, August 26, 2015 at 7:15pm. N. Hills motioned to continue; S. Gonsalves
85 seconded; voted unanimously.

86

87 7:20pm (7:30 PM) **Benjamin & Lisa Procter,** Request for Determination of
88 Applicability (File No. 41D-1583) to construct a second level on the existing dwelling and
89 add an addition in the area of the existing sunroom, a new deck on the rear of the
90 dwelling and front entry porch at 69 East Avenue. N. Dufrense of Thompson Farland was
91 present to represent the applicant. He described the project. He said the reason for the
92 application is because the dwelling lies within 100' of a coastal bank. A portion of the
93 property is in the flood zone but the building itself is not in the flood zone. The proposed
94 addition and deck will be on sonotubes. N. Hills asked what would be done with the
95 material from digging the sonotube holes. N. Dufresne said it may be used but extras would
96 be taken off site. He said all work will be contained within the erosion controlled area. N.
97 Hills suggested the further away from the silt fence the better. N. Dufresne said he would
98 advise the contractor. N. Hills asked if the house was on septic. N. Dufresne said yes and
99 that the system can handle the addition since there is not a change in the number of
100 bedrooms. He gave the board a copy of the septic plan to review. L. Dorman asked about
101 the note on the plan stating that retaining walls to be adjusted as needed. N. Dufresne
102 explained that the retaining wall near the basement door may need to be adjusted during
103 the construction of the deck. N. Hills asked if there were any questions from the audience
104 or the board. There were none. J. Doubrava motioned to close the hearing; L. Dorman
105 seconded; voted unanimously.

106

107 7:25 PM (7:37 PM) **Roger Tenglin,** Request for Determination of Applicability (File No.
108 41D-1584), to raze a 900 sq. ft. portion of the remaining portion of the approximately 14,000
109 sq. ft. building to leave a building of approximately 3,000 sq. ft., the remaining portion will
110 be reroofed and repaired; gravel or crushed stone will be placed around the perimeter of
111 the building; and four to six trees will be removed at 88 Indian Cove Road. Roger Tenglin
112 was present and described that he is rehabilitating an existing building. There was a
113 discussion regarding the drip strip and gravel skirt around the building. R. Tenglin would like
114 to have gravel be 4' out so it will catch and water, ice, etc. J. Hartley asked about erosion
115 control. R. Tenglin said there is a silt barrier already in place. A neighbor from Sassamon Trail

116 was present and said he was supportive of the project. N. Hills motioned to close the
117 hearing; L. Dorman seconded; voted unanimously.

118

119 7:30 PM **Bill Langone**, Request for Certificate of Compliance for File No. SE
120 041-155, for construction of an existing timber walkway at 35 Holly Road. The Order of
121 Conditions is from January 12, 1984. The board did a site inspection on August 8, 2015 and
122 noted a few issues. It appeared that the walkway that has been built goes approximately
123 20' out over the water and there is a float. The original plan called for a walkway that was
124 to be built to the mean high water mark. A float was not part of the original conditions. The
125 walkway was to stop short of the mean high water mark so they did not require a Chapter
126 91 license. It appeared that the length of the walkway was built as on the plan, but the
127 walkway is now over the water. The current walkway and float would need a Chapter 91
128 license. There was a discussion regarding how to proceed with issuing the certificate. The
129 board decided to issue a Partial Certificate of Compliance for the installation of the
130 walkway with ongoing conditions. Those conditions are that the portion of the walkway
131 beyond the mean high water mark is considered a pier and requires a Chapter 91 license
132 and that the float was never approved and needs to be included in the application of the
133 license; also, future storage of the float is not permitted on the marsh. Also, there is a tennis
134 court on the property that the board does not have documentation on. There was a brief
135 discussion and it was decided that a letter would be drafted to address the tennis court
136 and the fact that it is within the jurisdiction of the Commission. N. Hills motioned to issue the
137 partial Certificate of Compliance; L. Dorman seconded; voted unanimously.

138

139 7:35 PM **Heidi Kostin**, Request for Certificate of Compliance for File No. SE
140 041-1227 at 167 Cross Neck Road. The board did a site inspection on August 8, 2015. The
141 project is done but the landscaping needs to be completed before the Commission can
142 issue the certificate. Vegetation is needed to prevent any run off into the wetlands. The
143 owner will be notified.

144

145 **MINUTES:** Minutes from July 8, 2015 and July 22, 2015 were approved.

146

147 **CORRESPONDENCE:** Request for comments from the ZBA for cases #708, 709 & 710.
148 The Commission had no comments for each case.

149

150 **J. Hudson Plumb**, Determination of Applicability for File No. 41D-1582, phragmites
151 removal on three parcels of Planting Island. Negative Boxes #2 and #3. Special condition-
152 treatment provided by a license contractor. N. Hills motioned to issue; L. Dorman

153 seconded; J. Doubrava recused himself, otherwise all others voted to issue the
154 Determination of Applicability.

155

156 **Roger Tenglin**, Determination of Applicability for File No. 41D-1584 for 88 Indian
157 Cove Road. Positive Box # 2B, wetland boundaries not confirmed and Negative Box #3
158 with special conditions: 1. Maintain erosion control and 2. Drip strip not more than 4'. J.
159 Doubrava motioned to issue; L. Dorman seconded; voted unanimously.

160

161 **Benjamin & Lisa Procter**, Determination of Applicability for File No. 41D-1583 for 69
162 East Avenue. Negative Box #3 with special conditions: 1. Limit of work on the landward side
163 of the erosion barrier. 2. Limit of work to include any stockpiling of excavated materials. J.
164 Hartley motioned to issue; J. Doubrava seconded; voted unanimously.

165

166 **DISCUSSION:** There was a brief discussion regarding Grassi Bog. The Selectmen
167 recently had a meeting with members of the U.S. Department of Agriculture and the
168 Marion Open Space Acquisition Committee regarding concerns. Plans for repairs are being
169 worked on. There was also a brief conversation regarding Sprague's Cove and follow up
170 needed on Enforcement Orders.

171

172 Meeting adjourned at 8:25pm.

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174



175

Donna M. Hemphill, Administrative Assistant

176

177 Approved: August 26, 2015

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TOWN CLERK OF MARION, MA
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