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2 **MARION CONSERVATION COMMISSION**
3 MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 14, 2015
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6 Members Present: Norman A. Hills, Chairman
7 Joel D. Hartley, Vice Chairman
8 Stephen C. Gonsalves, Member
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10 Members Absent: Jeffrey J. Doubrava, Clerk
11 Cynthia C. Trinidad, Member
12 Lawrence B. Dorman, Associate
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14 Admin. Assistant: Donna M. Hemphill
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16 Others Present: Ginny & Rob Beams, 16 Tupola Ln Mattapoisett/35 Holly Road;
17 Annmarie Levins, 53 Dexter Road; Shea Doonan, 48 Sarah
18 Sherman Road, Rochester; Christine Sparks, G. Bourne Knowles;
19 Joan & Bob Wilson, 43 Holly Road, Dave Davignon, Schneider &
20 Associates; Michael Moore, 1 Ram Island; Nancy & John Mills, 88
21 Water Street; Bill Madden; G.A.F. Engineering; John Rockwell,
22 Open Space Acquisition Commission
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24 Meeting convened at 7:00 PM on Wednesday, October 14, 2015 in the conference
25 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
26 held on Saturday, October 10, 2015 by J. Doubrava and N. Hills. This meeting was televised
27 and video recorded by Old Rochester Community Television (ORCTV), and audio recorded
28 by Town of Marion staff.
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30 **7:00 PM** **Robert C. & Virginia C. Beams**, Notice of Intent, (File No. SE 041-
31 1236), to upgrade a failed septic system to Title 5 standards at 35 Holly Road. Dave
32 Davignon of Schneider & Associates was present to represent Mr. & Mrs. Beams. The Beams
33 are purchasing the property and the septic system did not pass under Title 5. D. Davignon
34 described the current system. There is high groundwater in the area, 14" from the surface.
35 He said they were unable to do a perk test but was able to do a sieve analysis. He said the
36 new system was designed based upon a sieve analysis policy. D. Davignon said the Marion
37 Board of Health was satisfied with the results and that Marion Sanitary Code had been met.
38 It is a large system for a three bedroom house. He described how the pumping chambers
39 and leaching field will work. It is a nitrogen type reduction system. He noted that the
40 property is within the Velocity Zone. The mound will be kept at the minimum possible. The
41 downhill side has almost a 3' bump which tapers down to approximately 30" toward the
42 westerly side. On the Easterly and Southerly sides along the embankment they are

43 proposing to place stones to help protect the leaching field in case of a storm event. On
44 the North and West sides they are proposing loam and seed. To the East and to the South
45 the project is within the buffer zone. The wetlands were flagged by LEC Environmental. D.
46 Davignon noted on the plan an intermittent stream just to the South of the property. He
47 also mentioned a larger non-jurisdictional wetland to the North of the driveway. LEC
48 scoured the area looking for a connection to the wetland system and they were unable to
49 locate one. It is noted on the plan. J. Hartley asked about the area of the non-jurisdictional
50 wetland. D. Davignon said his guestimate would be about an acre. N. Hills asked why the
51 new leaching field is not using the old leaching area. D. Davignon said if they did they
52 would lose the entire parking area. The finish grade of the new system is approximately
53 11.7' and the existing grade is approximately 9'. To use as a parking area it would have to
54 ramp up quite a bit but it would be sensitive to vehicular loading. There was discussion
55 about a possible continuance so other members may do a site inspection. D. Davignon
56 noted that they did receive two variances (ground water separation and design based on
57 a sieve analysis) from the Marion Board of Health on October 13, 2015. There was a
58 discussion regarding the non-jurisdictional wetland and if a federal permit would be
59 needed. D. Davignon mentioned that would be the case of fill in that area. He said they
60 are showing siltation erosion control at flags 32 and 33. Most materials will be removed and
61 very little will be stockpiled on the driveway. The fence that is along the driveway that
62 protects the freshwater wetlands will have wattles placed against it. Bob & Joan Wilson, 43
63 Holly Road, did not have any objections, but did mention there are some trees he would
64 like to have saved if possible. D. Davignon noted that clearing would take place within a
65 few feet of the property line. He said the line will be staked out. The utility pole will be
66 moved based on where the utility company wants to place it. There is no change to the
67 water line. D. Davignon submitted an email from LEC with describes the flagging
68 information. N. Hills noted that there are numerous places where debris has been piled in
69 the BVW that have to be cleaned up. There were no further questions from the audience
70 or the Commission. S. Gonsalves motioned to close the hearing; J. Hartley seconded; voted
71 unanimously.

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73 **7:05PM (7:18PM) Dale C. & Laura A. Briggs**, Notice of Intent, (File No. SE 041-1237), to
74 replace a dilapidated licensed boardwalk, pier improvements and construct a garage.
75 Dave Davignon of Schneider & Associates was present to represent the Mr. & Mrs. Briggs.
76 He said this is phase two of a project that the Commission has been to in the recent past.
77 Previously, the permit was to reconstruct a pier and a stone revetment at 23 Dexter Road in
78 which they have a Chapter 91 license. A new waterway license is need for this part of the
79 project. He described the existing pier structure. They are proposing to remove the existing

80 licensed float replacing it with four smaller floats that double the size. He described the
81 new floatation system. The new floats will be pile held. The total length of the boat slips will
82 be 37'. The purpose is to dock two boats in that location. D. Davignon noted that the
83 original Chapter 91 license covered the work to the existing pier. They have applied for a
84 new Chapter 91 license. Also, they have applied with the Army Corp of Engineers and
85 have obtained approval for the expansion of the floating dock. The second aspect of the
86 project is the access from the upland area to the island. He described the current timber
87 boardwalk that is in disrepair. They are proposing to remove the boardwalk and construct
88 a substantially larger structure that will be level from beginning to end, so a small vehicle
89 can be driven across. It will be 6' wide, supported by 12" diameter timber pilings. The total
90 distance of the boardwalk is 264'. It has been designed to permit as much sunlight as
91 possible to the marsh below. They are proposing the center of the boardwalk be grating
92 and the outer portions would be tropical hardwood. The new boardwalk will be
93 substantially higher than the existing one is. The finished elevation will be about 32" higher
94 than it is now. The boardwalk will have low railings and solar lights. The height of the
95 boardwalk above the saltmarsh will vary but is approximately 4' on average. D. Davignon
96 said that this project including the boardwalk has already been approved by the Army
97 Corps of Engineers. They withheld the Notice of Intent application until the Corps
98 application had been completed. During that process the project is reviewed by various
99 agencies including Coastal Zone Management and Division of Marine Fisheries. They also
100 submitted the waterways application. He said there are existing utilities located within the
101 salt marsh as well as conduits for sewer and water that were installed under a waterways
102 license in 2007. They are going to keep their distance from that area to be sure it is not
103 disturbed. The boardwalk would be built from land not by barge. The last aspect of the
104 project is a garage that would be located up near Dexter Road. The proposed size of the
105 garage is 28'x30'. It will have access through the front and the rear of the building. It meets
106 setbacks and will be on a slab foundation that will be placed above base flood elevation.
107 The garage is partially within a buffer zone of a wetland. The wetlands were delineated by
108 Tom Lovett. The only missing piece is an Order of Conditions. N. Hills asked if D. Davignon
109 received the Harbormaster's comments. He said yes and they will comply with the
110 requests. He also noted they will apply for a Special Permit with the Planning Board for the
111 use of placing a commercial boat there once these phases are complete. J. Hartley asked
112 for clarification on the deck grating. D. Davignon said that the piles will be 12' on center
113 and they are showing a break so that they can put two solid boards. Those sections will be
114 10' long and 2' wide. There were no further questions from the audience or the
115 Commission. J. Hartley motioned to close the hearing; S. Gonsalves seconded; voted
116 unanimously.

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118 **7:10PM (7:37PM) Shea Doonan**, Notice of Intent, (File No. SE 041-1233) to construct
119 and maintain an aquaculture project off of Ram Island. (Continued from September 23,
120 2015). Shea Doonan was present. N. Hills mentioned the comments from the Harbormaster.
121 One of the recommendations the Harbormaster made was for S. Doonan and M. Moore to
122 meet to discuss the process. S. Doonan said that he has met with the Harbormaster and
123 shifted the location of one of the bags approximately 50' away from an existing mooring
124 and further from the channel. N. Hills mentioned the comments received from the Division
125 of Marine Fisheries that was received on October 13, 2015. Michael Moore, resident of Ram
126 Island, said he was disappointed that he had not been notified of this hearing. He read
127 about it in The Sentinel the day before the meeting. However, he did receive an abutter
128 notification from the Selectmen's office for their hearing scheduled for October 20, 2015.
129 M. Moore noted that he has been a supporter of past oyster farm projects in Marion. Two of
130 them are off Ram Island. He received the proposed location information from the
131 Harbormaster and plotted them along with the current farms and channel markers onto a
132 map for review. M. Moore sent an email along with his concerns and this map to the
133 Commission as well as the Selectmen's office. He noted that in the application there was
134 wording to the effect that the proposed farm will not interfere with any boating activity. M.
135 Moore did not agree. He said that proposed site is in the path that the Moore family uses to
136 access the island and he urged the Commission to deny the permission for the project. N.
137 Hills asked S. Doonan if there would be room to move the proposed site out of the access
138 area. S. Doonan said yes he would do that. N. Hills asked if M. Moore, S. Doonan and the
139 Harbormaster could sit down and work through possibilities. M. Moore said he did not
140 believe it could be worked out. There was a discussion about the proposed location and
141 the possibility of moving the locations. If they were to be moved further from the Moore's
142 access it may put the markers into the main channel. M. Moore showed the Commission
143 the locations on the map he provided. J. Hartley noted that the Commission does not deal
144 with navigation although it is important and needs to be considered. M. Moore made note
145 that the other oyster farm grantees reached out to the Moore family very early in the
146 process and they were able to work out some concerns. He said they are now very good
147 neighbors. N. Hills suggested continuing the hearing so they parties could work out a
148 solution. J. Hartley asked if M. Moore, S. Doonan and the Harbormaster have discussed this
149 together. M. Moore said no since he just found out about this hearing on October 13, 2015.
150 S. Doonan said tried to call M. Moore two times but left no message. M. Moore stated that
151 this location is essentially their backyard. S. Doonan felt that he had met all of the
152 Commission requirements. J. Hartley mentioned that he did not notify the abutter. S.
153 Doonan said that M. Moore was listed in his Notice of Intent as a possible abutter. J. Hartley

154 stated that normally there are cards sent to abutters. N. Hills stated that it is the applicant's
155 responsibility to notify abutters and the Commission office did advise S. Doonan to do so.
156 There was a discussion regarding how to proceed. The question was raised if the
157 application was complete since the abutter was not notified. M. Moore noted that the
158 other grantees did send notification of their applications. It was noted that on the
159 signature page of the Notice of Intent it states that all abutters within 100' of the property
160 line must be notified. S. Doonan said he is outside of 100' of the Moore property line so that
161 is why he didn't send notification. N. Hills said the 100' definition is one for houses and
162 building next to each other. J. Hartley noted that the abutter information can be a grey
163 area and that this is an unusual situation. After further discussion, N. Hills motioned to
164 continue the hearing to October 28, 2015 at 7:10pm; J. Hartley seconded; voted
165 unanimously.

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167 **7:15PM (8:05PM) John P. & Mallory Y. Waterman**, Amendment to Order of
168 Conditions File No. SE 041-1213, to include the removal of existing invasive shrubs located at
169 the property on Water Street, Map 16, Lot 179. Bill Madden of G.A.F. Engineering was
170 present to represent Mr. & Mrs. Waterman. B. Madden described the location and the
171 project. They are proposing to remove invasive species and reseed the area. There is a
172 current Order of Conditions for pier work at that location. They are looking to amend this
173 Order so they can include this landscaping work. The area of work will be approximately
174 4,700 sq. ft. No more than 10 yards of top soil will be used. This area is adjacent to a
175 disturbed area that the Town storm drain went through. There had been discussion with the
176 Town about who would be restoring that area. Mr. Waterman is content with reseeding
177 that area as well. Christine Sparks of G. Bourne Knowles will be doing the landscape work
178 and was also present for any questions. S. Gonsalves asked when the seeding would be
179 taking place. B. Madden said they would like to do it before then end of October. Jon
180 Delli-Priscoli, 91 Water Street stated his support of the project. Mr. Waterman said that the
181 Town did grade the area that the storm drain went through but there is some settling and
182 standing water there. As part of this project they will regrade and seed that area as well.
183 There were no further questions from the audience or the Commission. S. Gonsalves
184 motioned to close the hearing; J. Hartley seconded; voted unanimously.

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186 **7:20PM (8:15PM) Anmarie Levins & Linda Severin**, Request for Determination of
187 Applicability (File No. 41D-1590), to replace an existing 8' x 12' shed with a new 8' x 16'
188 shed in the same location at 53 Dexter Road. Anmarie Levins was present and described
189 the project. The Commission did a site inspection on October 10, 2015 and discussed the
190 shed with A. Levins. N. Hills suggested she speak with the Building Commissioner, Scott

191 Shippey regarding the use of sonotubes to anchor the shed. A. Levins did speak with S.
192 Shippey. She emailed an updated sketch showing the sonotubes to the Commission office.
193 There were no further questions from the audience or the Commission. J. Hartley motioned
194 to close the hearing; S. Gonsalves seconded; voted unanimously.

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196 **7:25PM (8:18PM) David & Susan Titus**, Request for Determination of Applicability (File
197 No. 41D-1591), to remove a 120 sq. ft. screened porch to then construct a 190 sq. ft. four
198 season room at 36 South Street. N. Hills said the Commission did a site visit on October 10,
199 2015. The work is on the outer edges of a buffer zone and it is Zone X. D. Davignon was
200 present to represent Mr. & Mrs. Titus. He said they are proposing to remove the old porch
201 and construct a four season room for more living space within the house. It will be on a
202 sonotube foundation. There were no further questions. S. Gonsalves motioned to close the
203 hearing; J. Hartley seconded; voted unanimously.

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205 **7:30PM (8:20PM) Marion Open Space Acquisition Commission**, Amendment to
206 Order of Conditions File No. SE 041-1197, for proposed changes to Grassi Bog: 1. The rip rap
207 in the spillways is larger; 2. One of the interior dikes will be repaired and 3. The exit culvert
208 has been redesigned to meet DEP/ACOE stream crossing guidelines. There was a request
209 from the applicant to continue to the next meeting. However, it was understood that the
210 Town has hired CDM Engineers to do a peer review of the new plans. This review will be
211 ready no sooner than October 29, 2015. Since the next Conservation meeting is scheduled
212 for October 28, 2015, N. Hills motioned to continue the hearing to the meeting on
213 November 18, 2015 at 7:00pm; J. Hartley seconded; voted unanimously.

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215 **TO ISSUE:**

216 A. **Kevin O'Gara**, 565 Delano Road, Request for Certificate of Compliance, File No.
217 SE 041-1037. The Commission did a site visit on October 10, 2015 and noted that
218 the continuing condition regarding the permanent line of boulders or fence has
219 not been met as of yet. A letter will be sent to Mr. O'Gara.

220 B. **Jonathan P. & Amy DiVincenzo**, 370 Delano Road, Request for a Certificate of
221 Compliance. The Commission did a site visit on October 10, 2015. N. Hills
222 motioned to issue a Complete Certificate of Compliance, File No. SE 041-1187; J.
223 Hartley seconded; voted unanimously.

224 C. **Minutes** from September 23, 2015 were approved.

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226 **David & Susan Titus, 36 South Street**: S. Gonsalves motioned to issue Determination
227 41D-1591, Negative #3; N. Hills seconded; voted unanimously.

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Anmarie Levins & Linda Severin, 53 Dexter Road: N. Hills motioned to issue Determination 41D-1590, Negative #2 and #3-Special Condition, the new shed must have in-ground sonotubes; S. Gonsalves seconded; voted unanimously.

Robert C. & Virginia C. Beams, 35 Holly Road: J. Hartley motioned to issue Order of Conditions SE 041-1236, special condition that additional erosion controls if needed for the stockpile; S. Gonsalves seconded; voted unanimously.

John P. & Mallory Y. Waterman, Water Street, Map 16, Lot 179, J. Hartley motioned to issue the Amendment to Order of Conditions SE 041-1213; S. Gonsalves seconded; voted unanimously.

Dale C. & Laura A. Briggs, 23 Dexter Road, N. Hills motioned to issue Order of Conditions SE 041-1237, Special Conditions from the Harbormaster added to Appendix A; S. Gonsalves seconded; voted unanimously.

The Commission voted to cancel the scheduled meeting on December 23, 2015. The remaining meetings for 2015 are October 28, 2015, November 18, 2015 and December 9, 2015.

Meeting adjourned at 8:47pm.


Donna M. Hemphill, Administrative Assistant

Approved: November 18, 2015

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