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2 **MARION CONSERVATION COMMISSION**

3 MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 18, 2015
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6 Members Present: Norman A. Hills, Chairman
7 Joel D. Hartley, Vice Chairman
8 Stephen C. Gonsalves, Member
9 Jeffrey J. Doubrava, Clerk
10 Cynthia C. Trinidad, Member
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12 Members Absent: Lawrence B. Dorman, Associate
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14 Admin. Assistant: Donna M. Hemphill
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16 Others Present: Shea Doonan, 48 Sarah Sherman Road, Rochester; John Rockwell,
17 MOSAC; Hannah Moore, Ram Island; Bernard Kenney, 3 Blackhall
18 Ct.; Catherine Brodeur, Rochester; Ken Steen, Dartmouth; Jeremy
19 Packard, CLE Engineering, Robert Davis, 4 Blackhall Court.; Kristen
20 Saint Don Campbell, 2 Sarah Sherman, Marion; Bob Cattell, 6
21 Blackhall Court.
22

23 Meeting convened at 7:00 PM on Wednesday, November 18, 2015 in the
24 conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site
25 visits were held on Saturday, November 14, 2015 by J. Doubrava, N. Hills and S. Gonsalves.
26 This meeting was televised and video recorded by Old Rochester Community Television
27 (ORCTV), and audio recorded by Town of Marion staff.
28

29 **7:00 PM** Marion Open Space Acquisition Commission, Amendment to
30 Order of Conditions File No. SE 041-1197 for proposed changes at Grassi Bog, Mill Street
31 (Continued from October 14, 2015). John Rockwell was present. He described the
32 background of the project. After a severe run off event that washed out quite a few of the
33 flumes, NRCS did a site visit a few days later and it took about a year and a half to come
34 up with revised plans. He described the changes in the new plans. N. Hills said the new
35 plans had been sent to CDM Smith for comments. Those comments were received
36 November 3, 2015. J. Rockwell believed that the three comments that CDM made are
37 incorrect. As of this meeting the design engineer had not responded to the comments
38 from CDM. J. Rockwell noted that the project will need to go through a procurement
39 process that will take some time. He said he doesn't think that the spillways can survive
40 another winter. He suggested that the Commission resolve the comments now. N. Hills said
41 that he believed that the two engineers need to discuss the comments and agree or

42 disagree. It was noted that the design engineer needs to be given these comments and
43 feedback will be needed before any decisions will be made by the Commission. S.
44 Gonsalves motioned to wait for the engineers to respond before making any decisions; J.
45 Hartley seconded; voted unanimously. N. Hills motioned to continue the hearing to
46 December 9, 2015; S. Gonsalves seconded; voted unanimously.

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48 **7:05PM (7:15PM) Harold Wildman**, Request for Determination of Applicability, (File
49 No. 41D-1595), to rebuild the existing deck, including the rebuild of a previously existing
50 staircase on the south side of the house and a proposed staircase located on the west side
51 of the house at 7 Blackhall Court. Jeremy Packard from CLE Engineering was present to
52 represent H. Wildman. This is an after the fact request. H. Wildman obtained a building
53 permit in July. He was advised that he needed to file this Request. The house is outside of all
54 buffer zones. However is it in the VE Zone, elevation 17. J. Packard said that this is essentially
55 a rebuild. The only new construction is the staircase. N. Hills said members did a site visit on
56 November 14, 2015. J. Doubrava asked if the building permit reflected the staircase. J.
57 Packard said yes. However, the original question that had been proposed was about
58 replacing deck boards only in which a filing would not have been needed. Once the
59 staircase was added in then the filing was necessary. J. Doubrava motioned to close the
60 hearing; C. Trinidad seconded; voted unanimously.

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62 **7:10PM (7:20PM) Shea Doonan**, Notice of Intent (File No. SE 041-1233), to construct
63 and maintain an aquaculture project off of Ram Island. (Continued from October 28,
64 2015). Shea Doonan was present. He said that at the Selectmen's Meeting the previous
65 night (November 17, 2015) he was given approval to move onto the next step of the
66 process. There are a number of other agencies that S. Doonan must receive approval from.
67 N. Hills noted that past aquaculture applications contained engineering drawings with a
68 professional evaluation with respect to the presence of eel grass. This application does not.
69 The presence of eel grass would be a technical reason to not approve the application.
70 Any Conservation Commission approval would be conditional on the fact that DMF does
71 not find eel grass at the site. N. Hills read aloud comments that had been received from
72 the Division of Marine Fisheries. S. Doonan confirmed with the Commission the google map
73 that shows the final location of the grant. N. Hills dated this October 28, 2015. C. Trinidad
74 asked where the oysters will be coming from. S. Doonan said they will come from a
75 Massachusetts Certified Hatchery. N. Hills motioned to close the hearing; J. Doubrava
76 seconded; voted unanimously.

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TO ISSUE:

- A. **Bay Watch Realty Trust – Marion Village Estates**, (Map 24, Lots 27, 28, 29 and a portion of 33), for the Request of a Partial Certificate of Compliance for the area located to the north side of Village Drive and the area located adjacent to Marion Village Estates (west of parking lots and buildings). Ken Steen of Bay Watch Realty Trust was present. He thanked members for meeting him on Saturday for the site visit. There were a few areas that needed to be restored; he said they were repaired by noon on November 18, 2015. N. Hills and S. Gonsalves verified the repairs. N. Hills recommended that members re-inspect the vegetation again in the spring.
- B. **96 Moorings Road Nominee Trust**, Request for a three year Extension Permit for Order of Conditions File No. SE 041-1099, for a proposed pier at 96 Moorings Road. N. Hills recommended that the three year extension be granted; J. Doubrava seconded; voted unanimously.
- C. Minutes from October 14, 2015 and October 28, 2015 were approved.
- D. Schedule of Meeting Dates for 2016 were approved.
- E. Request for comments from ZBA for Marvel, Case #714. No comments.

CORRESPONDENCE:

- A. Letter from MACC regarding increase in dues for Fiscal Year 2017. N. Hills motioned to approve paying for memberships for all members and associates as well as two online subscriptions to the MACC handbook; voted unanimously.

Bay Watch Realty Trust – Marion Village Estates, N. Hills motioned to issue the Partial Certificate of Compliance for File No. SE 041-1145; J. Doubrava seconded; voted unanimously.

An application for the Associate position has been received from Kristen Saint Don Campbell. She was present and met with the Commission. After a discussion with her, the

116 Commission decided to recommend that K. Saint Don Campbell be appointed as an
117 Associate member. A memo will be sent to the Selectmen.

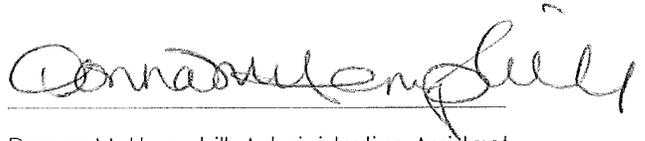
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119 There was a brief discussion regarding an Enforcement Order that had been issued
120 to the town regarding Washburn Park. The Commission scheduled a follow up meeting for
121 January 13, 2016. The Town Administrator's office will be notified.

122
123 The board had sent a letter to the owners of 444 Front Street regarding tree removal
124 that had been done within the buffer zone. As of this meeting date a response had not
125 been received. A follow up letter will be sent. N. Hills abstained from this conversation.

126
127 Harold Wildman, J. Doubrava motioned to issue the Determination of Applicability
128 (File No. 41D-1595), Negative Box #2. S. Gonsalves seconded; voted unanimously.

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130 Shea Doonan, N. Hills motioned to issue the Order of Conditions for File No. SE 041-
131 1233. He added a number of miscellaneous conditions to Appendix A. J. Doubrava
132 seconded; N. Hills, J. Hartley, J. Doubrava and S. Gonsalves voted to issue. C. Trinidad
133 voted no.

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135 Meeting adjourned at 8:15pm.

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138 Donna M. Hemphill, Administrative Assistant

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140 Approved: December 9, 2015

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