

1
2 **MARION CONSERVATION COMMISSION**
3 MINUTES OF THE REGULAR MEETING HELD ON MARCH 23, 2016
4

5
6 Members Present: Norman A. Hills, Chairman
7 Joel D. Hartley, Vice Chairman
8 Jeffrey J. Doubrava, Clerk
9 Cynthia Callow, Member
10 Kristen Saint Don, Associate

11
12 Members Absent: Stephen C. Gonsalves, Member
13 Lawrence B. Dorman, Associate
14

15 Admin. Assistant: Donna M. Hemphill
16

17 Others Present: David Pierce, 300 Converse Road, Water Committee; D.
18 McKowen, 756 Mill Street; Jim McKowen, 756 Mill Street; Wendy
19 Henderson; David Wilding, 760 Mill Street; Brian Dupras, 28 Oakdale
20 Ave; Ken Michaels, 29 Water Street, KM Building; Chris Bryant, 103
21 Main Street; Nat Bryant, Bryant Brothers Shellfish; Ben Bryant; Bryant
22 Brothers Shellfish; Susan Nilson, CLE Engineering.
23

24 Meeting convened at 7:00 PM on Wednesday, March 23, 2016 in the conference
25 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
26 held on Tuesday, March 8, 2016 by J. Hartley, C. Callow and J. Doubrava. N. Hills visited the
27 site independently. This meeting was televised and video recorded by Old Rochester
28 Community Television (ORCTV), and audio recorded by Town of Marion staff.
29

30 7:00 PM **David Wilding**, Notice of Intent, File No. SE 041-1242, to raze existing
31 burnt home and build a single family home in the buffer zone to a bordering vegetated
32 wetland at 760 Mill Street. Wendy Henderson was present to represent D. Wilding and
33 Cooperative Production who was also present. She said this will be a new single family
34 home within the buffer zone of the BVW. The driveway will be approximately 18' from the
35 BVW and the house will be approximately 40' from the BVW. There will be silt fence
36 installed. The existing septic system will be used. N. Hills asked where the site tests were
37 done to determine the wetlands and uplands. W. Henderson indicated they were done
38 toward the south end of the property, between flags number 1 and 2. She noted that
39 several test pits were done throughout the site. There was a discussion regarding the
40 location of the wetland line and the different vegetation on the property. W. Henderson
41 said that she did a soil worksheet although it is not part of the packet submitted. N. Hills said
42 that the Assessor's Card lists the current house as a three bedroom and the new house is a

43 proposed four bedroom. He noted his concern regarding the size of the leaching field. W.
44 Henderson said that she had reviewed the system with Karen Walega, Board of Health and
45 Carl Bevilacqua the engineer, and because it was designed for a three bedroom home
46 with the commercial space that the system is large enough to handle the extra bedroom.
47 She noted that the tanks and pump chamber will be moved because the existing location
48 is under the proposed concrete patio. N. Hills asked that a letter of approval from the
49 Board of Health be submitted for the file. He asked if there was a picture of what the
50 proposed house will look like. David Wilding offered to show the picture he had on his
51 phone. N. Hills questioned the need for a six parking spot parking lot and a dumpster is
52 needed for a four bedroom house. D. Wilding said that this is a limited group residence, a
53 Department of Developmental Services group home. Cooperative Productions is a non-
54 profit agency that specializes in housing and day programs for developmentally disabled
55 adults. This house will be specifically for those adults with acquired brain injuries. K. Saint
56 Don asked if the septic system will be big enough for not only residents but also the staff
57 that will be there. W. Henderson said that the plans had been submitted to the Board of
58 Health and as far as she knew that there were no concerns. There was a discussion
59 regarding impervious surface on the property. J. Hartley asked if there will be a full
60 foundation. D. Wilding said that it will be a slab. There will be three feet of fill. J. Hartley
61 asked about the drainage and the roof runoff systems. W. Henderson said they felt they are
62 important so they were added to the plan. N. Hills asked if the project needs to go to the
63 Zoning Board of Appeals. D. Wilding said no since it is a residential home. Abutters Jim &
64 Debbie McKowen, 756 Mill Street, expressed their concerns over any changes in
65 topography and the potential of water running onto their property. They noted the
66 standing water around their lot and the lot in between them and 760 Mill Street. There was
67 a discussion regarding the current conditions. It was reiterated that the roof run off system
68 will help avoid any water from going onto neighboring properties. There were no other
69 comments or questions from the audience or members. J. Doubrava motioned to close the
70 hearing; C. Callow seconded; voted unanimously.

71

72 7:05 PM (7:21 PM) **29 Water Street Realty Trust, Margaret M. Foley, Trustee**, Request
73 for Determination of Applicability, File No. 41D-1601, for the construction of a residential
74 elevator on the north side of the existing dwelling at 29 Water Street. Ken Michaels of KM
75 Building was present to represent the applicant. N. Hills asked how they will access the area
76 and dig the hole for the elevator. K. Michaels said that they will access the area from the
77 property next door which is also owned by the Trust. They will use a mini excavator and
78 there will be hand digging as well since it is a small area. The outside shower will be
79 removed and the elevator will be put in its place. The blue stone patio will be protected

80 with mats and plywood as the go over it. Some of the patio will be removed. The stockpile
81 location will be moved to the patio area. K. Michaels showed the members a picture of
82 the elevator. It only has a first floor and second floor stop, no access to outside. There were
83 no further questions from members or the audience. J. Doubrava motioned to close the
84 hearing; C. Callow seconded; voted unanimously.

85
86 7:10 PM 444 Front Street Nominee Trust et al, c/o Jenna J. Gorraiz, Trustee.
87 Request for Determination of Applicability, File No. 41D-1602, for tree clearing and stump
88 removal activity which occurred within 100' of the buffer zone of the active Cranberry Bog
89 on the vacant lot behind 444 Front Street. N. Hills recused himself and left the conference
90 room. Dave Davignon of Schneider & Associates was present to represent the applicant.
91 He described the work that had taken place on the property and that the filing was in
92 response to a letter that the Conservation Commission sent to the applicant. Sherman
93 Briggs noted that the owner has asked him to seed the area when the time is right. There
94 were no further questions from the audience or members. J. Doubrava motioned to close
95 the hearing; C. Callow seconded; voted unanimously. N. Hills then returned to the
96 conference room.

97
98 7:15 PM (7:30 PM) Jonathan & Liz Howland. Request for Determination of
99 Applicability, File No. 41D-1603, for the construction of a single family house, septic system,
100 driveway access and associated site work on the parcel adjacent to 16 Howland Road.
101 Susan Nilson of CLE Engineering was present to represent the applicants. The Howlands
102 have previously received a Determination of Applicability for the construction of the barn
103 on this property. This filing is for the remainder of the project. The project is not in Buffer Zone
104 or coastal resource areas. They are in an AO Flood Zone which is different than an AE Flood
105 Zone since it doesn't have an elevation attached to it. Building Code requires that
106 construction be 2 feet above existing grade. Due to the high ground water the septic
107 system will be up toward Point Road. S. Nilson described the crawl space and presented
108 the architectural drawings for members to review. The septic system will be about two feet
109 above grade. S. Nilson said that they are trying to maintain the current pathway and will
110 do some plantings along it. There was a discussion regarding the location of the septic
111 system. S. Nilson said that the Board of Health requested they file with Conservation first.
112 The house has gutters instead of drywells. J. Doubrava asked about the location of the
113 septic system and its proximity to the street, if there are any concerns of runoff from the
114 raised system onto the road. S. Nilson said that it is graded to downslope toward the house.
115 The top of the system is flat but if there was runoff toward the street it should not be an issue
116 since the system is 50' from the street. There were no further questions from the audience

117 or members. J. Doubrava motioned to close the hearing; C. Callow seconded; voted
118 unanimously.

119
120 7:20 PM (7:38 PM) **Christopher Bryant**, Notice of Intent, File No. SE 041-xxxx, for a
121 proposed aquaculture project in Sippican Harbor. A DEP File number had not been
122 assigned by the hearing so no action was able to be taken. Christopher Bryant was present
123 and described the location and the project. He said they are still awaiting Division of
124 Marine Fisheries to do their inspection. This site will be a similar size as the other grant that
125 they have in Jobs Cove. Boats will be launched from Burr Brothers. In the future they may
126 use the boat launch at the end of Silvershell Beach. Approvals are also needed from a
127 number of different boards including Army Corps of Engineers, Natural Heritage &
128 Endangered Species. The Harbormaster provided comments noting that the site not
129 intrude too far north into the kayak area. C. Bryant said that they get their seeds from a
130 breeder in Maine. They have had success with them at the Jobs Cove site. Since the DEP
131 File number had not been assigned N. Hills motioned to continue the hearing until May 11,
132 2016 at 7:05pm; J. Doubrava seconded; voted unanimously.

133
134 7:25 PM (7:50 PM) **Nicholas Mitcheson**, Request for Determination of Applicability,
135 File No. 41D-1600, for a proposed 18x26 addition to the existing home at 18 Wilson Road.
136 (Continued from March 9, 2016). The applicant has requested to continue. N. Hills
137 motioned to continue the hearing to April 13, 2016 at 7:15pm; J. Doubrava seconded;
138 voted unanimously.

139
140 **Appointment for Discussion with David Davignon** regarding File No. SE 041-1102,
141 Indian Cove Trust, 44 Holly Pond Road. He gave the board the background of the project.
142 The original Order of Conditions was issued March 2009. With the Permit Extension Act the
143 expiration date was extended from March 2012 to March 2016. The homeowner
144 contacted D. Davignon right after the Order expired. D. Davignon asked the Commission if
145 it would be possible to file a Request for Determination in order to continue the work
146 approved in the original Order of Conditions. There was some discussion as to how to
147 proceed. N. Hills said that some research will have to be done but suggested to D.
148 Davignon that he submit a Request for Determination to start the process.

149
150 **Appointment for Discussion with David Pierce, Water Committee** regarding the
151 Surface Water Protection information. He described the proposed by-law that had been
152 presented to town boards for review. There had been some concern that not enough time
153 and input had been given so it has been withdrawn from the May 2016 Town Meeting

154 Agenda. D. Pierce described the role of the Water Committee and how it related to this
155 proposed by-law. He said there will be open hearings to allow for input from the public.
156

157 **Grassi Bog Update:** MOSAC sent a letter dated March 10, 2016 to the Commission
158 and to abutters stating that there is a delay and revised engineering is needed. N. Hills
159 mentioned that he has met with the USDA to talk to them about the changes and the
160 concerns. Abutter Scott Erdman of 785 Mill Street expressed his concerns regarding the
161 entire process including the original work as well as the ongoing conditions of the bog itself.
162 N. Hills asked S. Erdman to document his concerns in a letter that can be made part of the
163 file.
164

165 **Certificate of Compliance** for Kate Mahoney, 40 Dexter Road. The applicant had
166 requested that treatment of phragmites be made an Ongoing Condition. The Commission
167 said that any further phragmite treatment will require a new filing. N. Hills motioned to issue
168 a complete Certificate of Compliance; J. Doubrava seconded; voted unanimously.
169

170 Invoice #6852 from The Wanderer was approved for payment.
171

172 Minutes from March 9, 2016 were approved.
173

174 Handouts regarding FEMA Flood Maps were given to members.
175

176 J. Doubrava motioned to issue **Determination of Applicability, File No. 41D-1603**, for
177 Jonathan & Liz Howland, parcel adjacent to 16 Howland Road. Negative Box #2; J. Hartley
178 seconded; voted unanimously.
179

180 J. Hartley motioned to issue **Determination of Applicability, File No. 41D-1602**, for 444
181 Front Street Nominee Trust et al, c/o Jenna J. Gorraiz, Trustee, vacant lot behind 444 Front
182 Street. Negative Box #3 with the condition that the disturbed area shall be seeded and
183 stabilized as soon as possible. Any further work within the Buffer Zone shall require the
184 appropriate Wetlands Filing. J. Doubrava seconded; voted unanimously, N. Hill abstained.
185

186 C. Callow motioned to issue **Determination of Applicability, File No. 41D-1601**, for 29
187 Water Street Realty Trust, Margaret M. Foley, Trustee, 29 Water Street. Negative Box #2 with
188 the condition that the stockpile is to be moved to the patio area and covered with a tarp.
189 J. Doubrava seconded; voted unanimously.
190

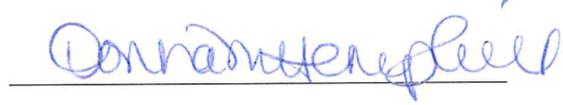
191 N. Hills motioned to issue **Order of Conditions, File No. SE 041-1242**, for David Wilding,
192 760 Mill Street. Special Condition regarding treatment of Japanese Knotweed prior to
193 removal. J. Doubrava seconded; voted unanimously.

194

195 Meeting adjourned at 9:05pm.

196

197



198

Donna M. Hemphill, Administrative Assistant

199

200 Approved: April 13, 2016

RECEIVED
TOWN CLERK OF HARTFORD, MA
2016 APR 15 P 3:27