

1 **MARION CONSERVATION COMMISSION**
2 **MINUTES OF THE REGULAR MEETING HELD ON JUNE 22, 2016**
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5 Members Present: Norman A. Hills, Chairman
6 Joel D. Hartley, Vice Chairman
7 Cynthia Callow, Member
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10 Members Absent: Jeffrey J. Doubrava, Clerk
11 Kristen Saint Don, Associate
12 Lawrence B. Dorman, Associate
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14 Admin. Assistant: Donna M. Hemphill
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17 Others Present: Ross Menard, 183 Front Street; Jay Mytro, Clean Energy Collective;
18 Jay Manganello, LEC; Marylou Newell, The Wanderer
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20 Meeting convened at 7:00 PM on Wednesday, June 22, 2016 in the conference
21 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
22 held on Saturday, June 18, 2016 by N. Hills, J. Hartley and C. Callow. This meeting was
23 televised and video recorded by Old Rochester Community Television (ORCTV), and audio
24 recorded by Town of Marion staff.
25

26 7:00 PM Doug Thackeray, Notice of Intent, (File No. SE 041-1239), to construct
27 an aquaculture project. Continued from May 11, 2016. The applicant requested to
28 continue the hearing since he is waiting for the Division of Marine Fisheries to inspect his
29 revised location. N. Hills motioned to continue the hearing to Wednesday, July 27, 2016 at
30 7:00pm; J. Hartley seconded; voted unanimously.
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32 The Wanderer Invoice #6918 for \$20.00 was approved for payment.
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34 Minutes from May 25, 2016 will be placed on the July 13, 2016 agenda for approval.
35 Minutes from June 8, 2016 were approved.
36

37 7:05 PM Ross Menard, Request for Determination of Applicability, (File No. 41D-
38 1615), to fill a low area at 183 Front Street. Ross Menard was present to represent the
39 homeowners, the Hattons. R. Menard described the area to be filled with loam and seed.
40 N. Hills said that member did a site visit on June 18, 2016 and he had photos of the location.
41 J. Hartley expressed his concern over the potential run off or erosion of the loam. R. Menard

42 suggested he install hay bales or silt fence. Members agreed that would be ideal. There
43 was a discussion about the exact location of the placement of the loam and fill. R. Menard
44 said the work will most likely begin in the fall. There were no further questions from members
45 or the audience. N. Hills motioned to close the hearing; J. Hartley seconded; voted
46 unanimously.

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48 7:10 PM Warren & Lee Williamson, Request for Extension Permit for Order of
49 Conditions SE 041-1201, 121 Converse Road. N. Hills said that a site visit had been done and
50 a few issues had been noted. A letter was sent to the homeowners. A revised plan has
51 been received that shows the deck has been built smaller than on the initial plan and the
52 concrete structure has been placed next to the deck. The silt fence has been repaired. Jim
53 Manganello of LEC was present to represent the Williamsons on the question of the cutting
54 of vegetation. N. Hills said that the wetlands line needs to be reestablished. He said that
55 there was a previous Order of Conditions, File No. SE 041-1135, that was approved for work
56 on this property before the lots had been subdivided. Copies of that project narrative were
57 submitted to the members and J. Manganello. J. Manganello said that the understory had
58 been cleared, that shrubs/vines and small saplings appear to have been removed. He did
59 say that no root systems were disturbed and it seems that there is new growth in the area
60 already. He noted that the homeowners were regretful that this has happened and sent his
61 apologies to the Commission. There was a discussion as to how to address the cutting and
62 the potential removal of the brush piles. Members felt that further research is needed
63 before addressing the alteration of the wetlands. J. Manganello reiterated the
64 homeowners' willingness to work with the Commission.

65
66 Discussion Item: L. Reinhart, 13 East Avenue – follow up on Order of Conditions SE
67 041-1132. Members conducted a site visit to look at the seawall that has been constructed.
68 There had been two Order of Conditions issued for the Reinharts, one is File No. SE 041-1132
69 which is for the construction of a pier and repair to the seawall at 13 East Avenue and the
70 other is File No. SE 041-1141 which was for the construction of a house, septic system and
71 associated grading. A seawall has been constructed across both properties but that it is
72 not permitted under the current Order of Conditions for the property at 17 East Avenue. A
73 letter in June of 2015 was sent to the Reinharts stating that in order to build a seawall at 17
74 East Avenue a new Notice of Intent would be necessary. As of this date a new Notice of
75 Intent had not been received. Members discussed the situation and decided that a letter
76 will be sent to notify them that an after-the-fact filing of a Notice of Intent will be necessary
77 as well as the issuance of an Enforcement Order.

78

79 Discussion Item: Regarding the **Coastal Barrier Resource Map** update. Members are
80 waiting to speak to J. Doubrava when he returns and N. Hills said they will most likely discuss
81 the Map with the Town Administrator before responding the to the engineer for the Coastal
82 Barrier Resource Map project.

83

84 N. Hills motioned to issue a Partial Certificate of Compliance for **Paul L. Smith**, 24
85 Bullivant Farm Road, File No. SE 41-177; J. Hartley seconded; voted unanimously.

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87 Discussion Item: Jay Myrto of **Clean Energy Collective (CEC)** was present to discuss
88 the plantings that had been done at Tucker Lane in response to the Enforcement Order.
89 He recently met with the Marion Planning Board regarding their concerns about the lack of
90 screening the new planting will provide. When asked why an option for different plan that
91 would provide better screening year-round was not provided, J. Myrto responded that the
92 Planning Board was very insistent on this plan. J. Myrto described the revised plan that
93 would provide more screening then the original. This plan has been reviewed by CEC's
94 wetland specialist at Goddard Consulting. It was noted that even though the Planning
95 Board agreed to this plan at their meeting, the Conservation Commission needs to
96 approve the plan. After a brief discussion it was decided that the wetlands lines be
97 established and stakes will be placed where the new planting will go. Once that has been
98 done a site visit will be scheduled and it will be added to the July 13, 2016 agenda for a
99 follow up discussion. There were no further questions from members or the audience. J.
100 Hartley motioned to accept the amendment to the Enforcement Order; C. Callow
101 seconded; J. Hartley and C. Callow voted to accept, N. Hills abstained from voting.

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103 N. Hills motioned to issue a one year Extension Permit for **Warren & Lee Williamson**,
104 File No. SE 041-1201, 121 Converse Road. With notes: 1. Reestablish the wetland delineation
105 line and 2. No further work under File No. SE 041-1135 until approved by the Marion
106 Conservation Commission. J. Hartley seconded; voted unanimously.

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108 J. Hartley drafted a letter for the plan amendment to the Enforcement Order issued
109 to **Clean Energy Collective**. J. Hartley motioned to accept the letter; C. Callow seconded;
110 J. Hartley and C. Callow voted to accept, N. Hills abstained from voting.

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112 C. Callow motioned to issue the Determination of Applicability for **Ross Menard**, File
113 No. 41D-1615, 183 Front Street. Special Condition: Silt fence and wattles to be put in place
114 around proposed area along 40' & 60' line, no closer than 5' to the stream. J. Hartley
115 seconded; voted unanimously.

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N. Hills motioned to issue the Enforcement Order to **L. Reinhart** for the unpermitted work on the seawall at 17 East Avenue. It was noted on the Enforcement Order that a Notice of Intent shall be submitted on or before July 13, 2016. C. Callow seconded; voted unanimously.

Meeting adjourned at 8:33pm.



Donna M. Hemphill, Administrative Assistant

Approved: July 13, 2016

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