

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 9, 2016

Members Present: Cynthia Callow, Chairman
Norman A. Hills, Clerk
Kristen Saint Don, Member
Shaun Walsh, Associate

Members Absent: Jeffrey J. Doubrava, Vice Chairman
Joel D. Hartley, Member
Lawrence B. Dorman, Associate

Admin. Assistant: Donna Hemphill

Others Present: Robert Wilson, 43 Holly Road; Linda & Paul Vivino, 34 Register Road;
Yelena Sheynin, 354 Front Street, Sippican Lands Trust; Dave Davignon, Schneider & Associates, Inc.

Meeting convened at 7:00 PM on Wednesday, November 9, 2016 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, November 5, 2016 by C. Callow, J. Doubrava, N. Hills and K. Saint Don. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM **Carl Bevilacqua**, request for Certificate of Compliance for Order of Conditions SE 041-1242, 760 Mill Street. C. Callow said that members did a site visit on the previous Saturday. It was noted that the plan showed the shed behind the building but it is planned that the shed will be on the concrete slab next to the parking lot. A plan will be submitted to show the updated location. N. Hills motioned to issue the Complete Certificate of Compliance; S. Walsh seconded; voted unanimously. N. Hills motioned to amend the Certificate to add continuing conditions as follows: maintain the line of boulders in accordance with Line #28 of Appendix A of the Order of Conditions; S. Walsh seconded; voted unanimously.

7:05 PM **Paul & Linda Vivino**, Request for Determination of Applicability, File No. 41D-1634, for the addition of a farmer's porch to the front of 34 Register Road. C. Callow said that members did a site visit the previous Saturday and there were no issues. She noted that the 100' buffer zone is right at the porch. P. Vivino said that six sonotubes will be used and that the gutters will be tied into the existing drywell. There were no further

41 questions from the audience or members. N. Hills motioned to close the hearing; S. Walsh
42 seconded; voted unanimously.

43 7:10 PM **Doug Thackeray**, Notice of Intent, (File No. SE 041-1239), to
44 construct and maintain an aquaculture project east of Stewart's Island at Sippican Harbor.
45 The applicant is still waiting to receive information from the Division of Marine Fisheries so he
46 requested to continue the hearing to Wednesday, December 14, 2016 at 7:05pm. N. Hills
47 motioned to continue as requested; K. Saint Don seconded; voted unanimously.

48

49 The minutes from October 26, 2016 were tabled to the next meeting on November
50 30, 2016.

51

52 Invoice #7026 for \$40.00 from The Wanderer was approved for payment.

53

54 The 2017 Meeting Schedule was approved and will be posted on the website.

55

56 N. Hills informed members that he spoke to Shaun Cormier, Facilities Director,
57 regarding the removal of the pump house in Washburn Park. A steel cover was placed
58 over the foundation. Once the pump house was removed the foundation was very low to
59 the ground. N. Hills agreed with S. Cormier and had him place boulders around the
60 perimeter to deter anyone driving over it by mistake. N. Hills said that a large tree has fallen
61 over into the pond that may need to be addressed at some time in the near future.

62

63 7:15 PM **Sippican Lands Trust (SLT)**, Notice of Intent, (File No. SE 041-1254),
64 for proposed construction of an accessible trail through the land preserve at Osprey Marsh.
65 (Continued from October 26, 2016). Yelena Sheynin of the Sippican Lands Trust was
66 present. She noted that they were waiting for comments from Natural Heritage and
67 Endangered Species Program. They stated that they felt there would not be a "take" and
68 that if there are any changes made to the plan that SLT will need to contact them again.
69 There were no further questions from the audience or the members. N. Hills motioned to
70 close the hearing; K. Saint Don seconded; voted unanimously.

71

72 N. Hills mentioned that a few weeks ago on a site inspection for a property at Briggs
73 Terrace members saw a new fence that had been installed at the back of the property.
74 This lot backs up to 102 Quails Crossing. Members also noticed from the road that a section
75 of the front of 102 Quails Crossing was wetlands but is now lawn. He said there as a
76 previous Order of Conditions with a continuing condition regarding the wetlands lines in
77 the rear of the property. Members decided to send a letter to the homeowner requesting a

78 site inspection. C. Callow mentioned that there was a similar situation at 17 Giffords Corner
79 Road with a question about clearing in the back of the lot. A letter has been sent to the
80 homeowner.

81

82 7:20 PM Laurence Reinhart, Trustee – East Avenue Realty Trust, Notice of
83 Intent, (File No. SE 041-1251), to add stone to existing revetment at 17 East Avenue.
84 (Continued from October 26, 2016). The Enforcement Order for the removal of the stone
85 had a deadline of December 14, 2016. As of this hearing date the Commission had not
86 heard from Rick Charon regarding the process of the rock removal. Since the deadline
87 date is December 14, 2016, N. Hills motioned to continue the hearing to Wednesday,
88 December 14, 2016 at 7:10pm; K. Saint Don seconded; voted unanimously.

89

90 C. Callow shared a packet that was received from Eversource regarding a Structure
91 Replacement Program that will support the wires across the Weweantic River. The packet
92 explained the project in detail. They will need to file a Notice of Intent.

93

94 7:25 PM Sue B. Reamer, Notice of Intent, (File No. SE 041-1255), to install a
95 septic system in compliance with the requirements of Title 5 at 25 Holly Road. Dave
96 Davignon of Schneider & Associates, Inc. was present as was Sue. B. Reamer. D. Davignon
97 gave the history of the property and explained that the dwelling currently has a tight tank
98 and they are proposing to install a compliant Title 5 system. D. Davignon described the
99 new system which is called Singulair which is a DEP approved system. After receiving the
100 results from the soil test and a sieve analysis they have designed a 1,300 gallon
101 polyethylene septic tank and utilizing the existing tight tank as the pump chamber. He
102 described how the system would work including how the effluent would travel through a 2"
103 pipe to the bottomless sand filter. This is another new technology approved by the DEP just
104 a few years ago. There are over 4,000 of these systems in Rhode Island. He recently went
105 through a training seminar and is now a certified designer of the system. The leaching field
106 is above grade due to the water table. N. Hills asked how far from the surface it would be.
107 D. Davignon referred to Sheet 2 of the design which showed the leaching field to be 10"
108 from the service. He noted the seasonal high ground water in the area. The friable (soil)
109 material was found was 80" down. All of that material will be removed off site and they are
110 not proposing placement of any fill outside of the perimeter of the leaching field. Under
111 the DEP's design criteria for the leaching field, it is to be not more than 2' above grade,
112 which is what the retaining wall is set to be. D. Davignon described how the leaching field
113 worked. They placed it to the north of the building because that was the furthest away
114 they could get from the low lying salt marsh area. Some tree removal will be required but

115 not much. All of the work is in the Buffer Zone and in the Velocity Zone. There is an
116 intermittent stream as well. When all is done the new septic tank will be below grade and
117 there will not be a grade change on that side of the house. The existing tight tank will
118 remain in place within the driveway area. There will be a small trench through the driveway
119 area to get to the leaching field. The leaching field will be a free standing structure 10' x
120 36' plus the wall around it. The grades will be what they are now. A 12' perimeter will be
121 established to remove trees in order to install the system. Erosion control will also be in
122 place. Access will be through the driveway. There is no need to stockpile material on site.
123 Another feature of this new system is that there is no backfill on it but pea stone is used and
124 exposed to the surface. The purpose for the pea stone is for aeration. The top of the
125 precast concrete wall will be 2' around the entire system. N. Hills asked D. Davignon to
126 provide information on the Singulair system. He did not have that on hand but he did have
127 information on the bottomless sand pit. D. Davignon described how the leaching field is
128 built. N. Hills asked for clarification on the digging of the 80". D. Davignon said that the
129 water table is very low right now. They're intent is to install the system in December. S. Walsh
130 asked if dewatering will be necessary. D. Davignon responded if it is they have provided a
131 dewatering basin. He pointed it out on the plan. There was a discussion about the way that
132 the bottomless sand filter works. S. Walsh asked if the applicant has filed with the Board of
133 Health. D. Davignon said they have filed a variance but have not had their hearing yet.
134 The variance is needed because they do not meet three of requirements of Title 5. One of
135 the items is separation from the wetlands. The requirement is that the system must be 50'
136 from the wetlands but it is only 25'. They also have filed for a variance for the Marion
137 Sanitary Code which 75' for new construction and 50' for repairs. There was a discussion
138 about which Board typically would need to grant approval first. S. Walsh asked about the
139 wetland flagging and when it had been done. D. Davignon explained that the property to
140 the north had flagged their wetlands line for their septic repair July of 2015. At that time,
141 Mrs. Reamer and Mr. Wilson (abutter) hired D. Davignon for their new septic systems and
142 the wetlands lines were done on their properties in December of 2015. C. Callow said that
143 they noticed there had been excessive mowing done near the dock. S. Reamer said she
144 had cut the vegetation by hand and took responsibility for doing so. N. Hills said that
145 members did not see BVW flags when on site. He also noted that there is a generator and
146 a propane tank that are not shown on the plan. S. Reamer said they were installed this
147 summer and apologized that the contractor did not contact the Commission. N. Hills said
148 that they should be included on the plan. There was a discussion about where the wetland
149 line is and if soil tests were done. D. Davignon offered to have a representative from LEC
150 meet the Commission at the next site inspection on November 26, 2016. There was a
151 discussion about how they will anchor the tanks in place. With the applicant's permission,

152 N. Hills motioned to continue the hearing to Wednesday, November 30, 2016 at 7:05pm; C.
153 Callow seconded; voted unanimously.

154

155 7:30 PM **Robert & Joan Wilson**, Notice of Intent, (File No. SE 041-1256), to
156 install a septic system in compliance with the requirements of Title 5 at 43 Holly Road. D.
157 Davignon of Schneider & Associates was present as was Robert Wilson. D. Davignon gave
158 the history of this property and that it has the only other tight tank in Marion. The Wilson
159 purchased the property in 2001. D. Davignon said that the septic system is the same as the
160 Reamer one previously discussed expect it is smaller. This is a two bedroom one story home
161 so the system itself is smaller. This Singulair system will also have a bottomless sandpit
162 leaching field. It is 30' from wetlands resource areas. They used sieve analysis for the design
163 of the leaching field. The tight tank will remain in place and be used as the pump
164 chamber. He described how the system will operate. The sand filter is 7' x 22' excluding the
165 perimeter walls. It will be 2' above grade. There are wetlands on most of the property. The
166 excavation of this site will be 10'. The water table at this location is 18" below grade. He
167 said there is a slight slope at that location. C. Callow asked about the intermittent stream.
168 He described how they will dig approximately 2' below the base of that stream in order to
169 cut a path across to the leaching field. They will restore the stream to what it is now. He
170 said it is primarily a drainage ditch. There will be erosion control in place as well as a
171 dewatering basin in case it is necessary. This project is in the Buffer Zone and the Velocity
172 Zone. They have applied to the Board of Health for the same variances as the previous
173 application. N. Hills had questions about the wetlands flags and resource areas that had
174 been mowed. There was a discussion about a pathway that leads to the beach that the
175 homeowner said has been there since before he bought the property. There was also a
176 discussion about the how permission is needed from the Commission for any work
177 performed in a resource areas but generally they do not allow cutting or mowing for a
178 lawn. Phragmites removal was old briefly discussed. There were no further questions from
179 the audience or members. A site visit will be scheduled for November 26, 2016. With the
180 applicant's permission, N. Hills motioned to continue the hearing to Wednesday, November
181 30, 2016 at 7:10pm; K. Saint Don seconded; voted unanimously.

182

183 The Commission discussed the site visit for the upcoming application of the
184 Pathways Committee. Since it is a long visit, members will ask John Rockwell if the site can
185 be accessed by vehicle and if the entire path needs to be seen before the scheduled
186 hearing on November 30, 2016.

187

188 There was a discussion regarding the site visit routines on Saturday mornings.

189 C. Callow read aloud the Fall Monitoring Report from Goddard Consulting regarding
190 99 Perrys Lane, File No. SE 041-1232.

191
192 S. Walsh motioned to issue the Determination of Applicability for Paul & Linda Vivino,
193 File No. 41D-1634, 34 Register Road. Negative Box #3 with the Special Condition as follows:
194 Downspouts from the farmer's porch shall tie into the existing drywell. K. Saint Don
195 seconded; voted unanimously.

196
197 N. Hills motioned to issue the Order of Conditions for Sippican Lands Trust, File No. SE
198 041-1254, Osprey Marsh. K. Saint Don seconded; voted unanimously.

199
200 Meeting adjourned at 8:32pm.



Donna M. Hemphill, Administrative Assistant

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204 Approved: November 30, 2016

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