

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 24, 2011

Members Present: Sherman E. Briggs, Jr., Chairman
Norman A. Hills, Vice Chairman and Clerk
Lawrence B. Dorman, Treasurer
Joel D. Hartley
Wendy L. Carreau

Members Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Steven Carvalho, Jeannie Sheets, John Ludes, William F. Madden, Joan Hartnett-Barry, and Matthew and Robert Hlady

Meeting convened at 7:00 PM Wednesday, August 24, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 20, 2011 by S. Briggs, N. Hills, J. Hartley and W. Carreau.

7:00 PM **JOHN T. LUDES**, 57 Water Street - RFD (41D-1457) for maintenance repairs and repointing of an existing licensed seawall and pier abutments. John Ludes was present and described the work that is needed -- repositioning rocks that have fallen out and repointing. He said he realizes the barge cannot rest on the bottom of the harbor. Barden's Boat Yard will do the work. The Harbormaster had no comments regarding this project. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:10 PM **STEPHEN GIGLIA, c/o SAL GIGLIA**, 1 Island Court, Planting Island - RFD (41D-1455) to upgrade a sewage disposal system. Steven Carvalho of Thompson Farland represented the applicant and described the project. He said a Presby septic system is proposed, and two variances are required. He said the house was built in 1975. S. Carvalho said the discrepancies in the size of the leaching field shown on the plan are due to the realtor and the owner disagreeing on whether the system should be sized for three or five bedrooms. N. Hills said the proposed new flood zone maps change the flood zone from AE (flood) to VE (velocity) next year. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

The August 10, 2011 minutes were reviewed and accepted as written on a motion by N. Hills; seconded by J. Hartley; voted by majority with W. Carreau and L. Dorman abstaining.

7:20 PM **SIPPICAN LANDS TRUST, c/o MATTHEW HLADY**, Delano Road - RFD (41D-1456) to improve and maintain the walking path on the Brainard Marsh Property. Matthew Hlady was present and described the proposed work. He said the path will be widened from three

feet to five feet four inches, landscape fabric will be laid down, then covered with gravel with six inches of gravel on each side of the path. He said the stone will be dumped where the bicycle rack is and will be brought to the path using wheelbarrows. He said he would avoid disturbing any of the wetland ferns. M. Hlady said he would like to do this project for his Eagle Scout badge, and the work will be done by Boy Scouts. N. Hills said the site is in the velocity zone and moved to close the hearing; J. Hartley seconded; voted unanimously.

COOLMAR LIMITED PARTNERSHIP, 596 Point Road - request for a certificate of compliance for relocating a barn/dwelling from 604D to 596 Point Road, constructing a driveway, a porch and a walkway, and clearing/vista pruning (SE 041-1042). William F. Madden of G.A.F. Engineering was present on behalf of the applicant. W. Carreau said the driveway is compacted gravel that has vegetated with grass; W. Madden said the owner is parking across the street. N. Hills said stones were used instead of a fence to mark the no-disturb zone. N. Hills asked for the photographs taken after the vista pruning, as required by the order of conditions; W. Madden said he will submit them to the Conservation Commission.

Discussion followed on amending the Commission's order of conditions appendix A boilerplate, specifically the conditions regarding Title 5 and flood zone construction. L. Dorman said he believes the Commission should not specify the number of bedrooms to be allowed, and should just be concerned with the placement of the septic system regarding resource areas. N. Hills will look into it further. W. Carreau said the two conditions specifying required first-floor elevations for construction in flood zones or velocity zones are building department issues, are building code, and should not be included in our boilerplate. N. Hills will research that, as well.

STEPHEN GIGLIA's determination for upgrading a sewage disposal system at 1 Island Court, Planting Island was drafted (41D-1455). J. Hartley moved to issue a conditional negative determination for boxes 2 and 3 with three conditions: (1) that erosion control shall be installed before work takes place; (2) erosion control shall be the limit of work area for this project; and (3) excessive fill shall be taken off the site. N. Hills seconded the motion; voted unanimously. The determination will be issued when a revised plan correcting the discrepancies has been received.

N. Hills moved to issue a full certificate of compliance for **COOLMAR LIMITED PARTNERSHIP**'s relocated barn/dwelling at 596 Point Road, with continuing conditions that: (1) a split rail fence shall be installed and maintained as shown on the plan of record; (2) the driveway shall be of crushed stone or other pervious material; and (3) stormwater runoff from roofs shall be directed to drywells located away from the wetland and not directly into the wetlands. J. Hartley seconded the motion; voted unanimously (SE 041-1042).

L. Dorman moved to issue a conditional negative determination for boxes 2 and 3 for the **SIPPICAN LANDS TRUST**'s Brainard Marsh path maintenance project off Delano Road, with conditions that work shall be done using only hand tools, and materials shall be stored in the parking area and transported to the pathway by wheelbarrows; J. Hartley seconded; voted unanimously (41D-1456).

W. Carreau moved to issue a conditional negative determination for box #2 for **JOHN T. LUDES**' seawall and pier maintenance repairs at 57 Water Street, with conditions that the barge

shall not be allowed to sit on the bottom of the harbor, and power grouting is prohibited. J. Hartley seconded the motion; voted unanimously (41D-1457).

Meeting adjourned at 8:10 PM.

Diane R. Drake, Secretary

Approved October 12, 2011