

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 12, 2012

Members Present: Sherman E. Briggs, Jr., Chairman  
Lawrence B. Dorman, Vice Chairman  
Joel D. Hartley, Treasurer  
Norman A. Hills, Clerk  
Stephen C. Gonsalves

Members Absent: Jeffrey W. Oakes, Associate  
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Eric Tripoli (The Wanderer), Peter and Asha Wallace, Susan Nilson (CLE Engineering), David Davignon (N. Douglas Schneider & Associates), Kenneth Jacobsen and William St. Cyr.

Meeting convened at 7:00 PM Wednesday, September 12, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 8, 2012 by S. Briggs, N. Hills and S. Gonsalves. This meeting was audio recorded by Town of Marion Staff and Eric Tripoli of The Wanderer newspaper.

7:00 PM **TOWN OF MARION**, Silvershell Beach - bath house lot. Harbormaster Michael Cormier had asked the Commission to view the site for use as a staging and launching area for small sailboat regattas two or three times a year. He would place mats on the pathways to the shore to prevent any damage to the beach grass. The events are presently held at Island Wharf, and this would prevent congestion from boats and trailers in the center of town, as well as being safer for the sailors not to navigate in the channel of Sippican Harbor. Everyone agreed that the use of this site for this purpose was an excellent idea. N. Hills and L. Dorman thought a Request for Determination of Applicability filing would be appropriate. The Harbormaster will be notified.

7:10 PM **SUSAN DOMOLKY**, 85 Moorings Road and the Lily Pond - Notice of Intent (D.E.P. file number not yet assigned) to cut or trim dead or downed trees, brush and vines, remove and control Japanese knotweed and phragmites, regrade, revegetate and create a wetland restoration planting area. Susan Nilson of CLE Engineering, Inc. represented Ms. Domolky and described the project. The "core" plan is basically the same as the prior owner had. Ms. Domolky met with a different landscaper regarding removal of the phragmites which would include cutting, adding Rodeo herbicide and possibly digging out the roots. N. Hills asked S. Nilson to let the Commission know if a backhoe is proposed. L. Dorman questioned whether Moorings Way is an Association road, in which case the Association should be notified of this project; S. Nilson said this is not an

Association road although it is used by Association members, but she will notify them as a courtesy. N. Hills questioned the dead-looking foliage down there now; S. Gonsalves said it is probably from salt spray or from a fungus which is common at this time of year. Due to the lack of a file number, N. Hills moved to continue the hearing, with the Applicant's consent, to 7:00 PM on September 26, 2012; L. Dorman seconded; voted unanimously. S. Nilson said she wasn't planning to attend the continued hearing unless the Commission Members needed further information.

7:30 PM **TABOR ACADEMY**, 215 Front Street (Lillard Hall North) - Request for Determination of Applicability (File No. 41D-1486) to construct a temporary 8' x 10' storage shed north of the building to be used by a new faculty member with a large family for their bicycles until they can be assigned to a house next year. S. Briggs left the table as he has worked for Tabor in the past. N. Hills thought anchoring the shed to sonotubes would be preferable to a slab. A one-year Determination will be noted for this project. J. Hartley moved to close the hearing; L. Dorman seconded; voted by majority with S. Gonsalves abstaining as he has worked for Tabor in the past. S. Briggs returned to the table.

7:35 PM **PETER and ASHA WALLACE**, 167 Converse Road - Notice of Intent (File No. SE 041-1180) to maintain two existing view corridors from the eastern edge of the lawn towards the western edges of the saltmarsh (continued from August 22, 2012). Peter and Asha Wallace were present with their engineer, David Davignon of N. Douglas Schneider & Associates, Inc. Another site inspection has been held. D. Davignon said transects were shot. N. Hills said he saw a couple of flags but no way to connect them. J. Hartley said it doesn't matter where the lines are for this project, so the project can be approved and lines not approved at this time. S. Briggs suggested removing the dead/damaged/dying trees and then reassessing the rest of the trees. P. Wallace said he wants to remove all the trees that could hit the house, because so many trees were removed next door for the new home that he fears his trees will act differently in future storms. D. Davignon suggested approving the project in general and then having a member visit the site for future tree removals. S. Briggs, N. Hills and S. Gonsalves all said they could visit the site during the day. S. Briggs suggested allowing the trees around the house to be trimmed, not removed, and another site inspection will be done to see whether the trees should be removed. J. Hartley repeated that the wetland is not being affected by cutting trees. On a motion duly made and seconded, it was unanimously voted to issue verbal permission to trim all the trees close to the house, and another inspection will then be done. L. Dorman moved to continue the hearing, with the Applicants' consent, to 7:50 PM on September 26, 2012; N. Hills seconded; voted unanimously.

8:00 PM **INDIAN COVE ASSOCIATION**, appointment for discussion regarding subdividing the boatyard property at Indian Cove Road. David Davignon was present with Indian Cove Association Members William St. Cyr and Kenneth Jacobsen. Two of the three lots are in Marion. D. Davignon submitted a letter from Building Commissioner Scott Shippey regarding the need for lot frontage in Marion for fire and police services, which will require the driveway for one of the two Marion lots to cross a wetland. D. Davignon said the replication can be done in the tennis court area which is to be removed. The boat ramp will be part of the sale but the Association will retain an easement to use it. A Notice of Intent will be filed for the driveway over the wetlands.

**TABOR ACADEMY** - L. Dorman moved to issue a Negative Determination for Box #2 with conditions that the shed shall be anchored with sonotubes, that a concrete slab shall not be

poured, and that the shed is temporary and shall be removed within one year of the issuance of this permit. J. Hartley seconded the motion; S. Briggs and S. Gonsalves abstained; motion carried (File No. 41D-1486).

**TOWN OF MARION, SPRAGUE'S COVE PROJECT** - N. Hills moved to approve payment of the two vouchers for the site work done by Faustino and Card; L. Dorman seconded; voted unanimously (File No. SE 041 556).

Meeting adjourned at 8:35 PM.

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Diane R. Drake, Secretary

Approved September 26, 2012