

FINAL
MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 28, 2013

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

Members Absent: Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Jeffrey Doubrava, Stevie Carvalho and Chris Gilbert (Thompson Farland, Inc.), Joseph and Susan Lasky, Mark Patroliia, Frederic Danhauser, Kenneth Steen (Bay Watch Realty Trust), Ed Gless (Existing Grade), David Davignon (N. Douglas Schneider & Associates, Inc.), and Joan Hartnett-Barry (The Wanderer).

Meeting convened at 7:00 PM Wednesday, August 28, 2013, in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 24, 2013 by L. Dorman, N. Hills and J. Hartley. This meeting was audio recorded by Town of Marion staff.

7:00 PM **NELSON W. WICAS**, 15 Bass Point Road – Request for Determination of Applicability (File No. 41D-1514) to add loam to a depression and re-landscape the site. Mr. Wicas had been present during the inspection but unable to attend this meeting. He had told the Members that he did not want to install haybales or siltation fencing. L. Dorman would like some type of erosion control to be placed nine feet from the back steps toward the marsh. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:05 PM **MINUTES** – The July 24, 2013 minutes were reviewed and accepted as written on a motion by L. Dorman; seconded by N. Hills; voted unanimously.

OTHER MATTERS – L. Dorman introduced Jeffrey Doubrava, who has applied for one of the openings on the Conservation Commission. Mr. Doubrava accompanied the Members on their August 24, 2013 inspections. L. Dorman emailed the Selectmen requesting they appoint Mr. Doubrava as a full Member at their next meeting on September 3, 2013. It is the Selectmen's usual policy to interview applicants prior to appointing them. Mr. Doubrava said he would not be available that evening. N. Hills said he would attend the Selectmen's meeting.

7:10 PM **PETER E. BENT**, 15 West Avenue, Planting Island – Request for Determination of Applicability (File No. 41D-1513) to upgrade a sewage disposal system. Stevie Carvalho of Thompson Farland Engineering represented Mr. Bent and described the project, which is in a flood

zone. One large tree will have to be taken down and the stump removed. Excavated materials will be taken off site. There are two separate lots, but both are owned by the same owner. N. Hills suggested hay bales be available to be placed between the boulders if rain is forecast. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:15 PM **FREDERIC C. and BETTY A. DANHAUSER**, 40 Lewis Street – Request for Determination of Applicability (File No. 41D-1516) to fill and grade a lawn and garden area at 40 Lewis Street and a portion of the Town's property at 36 Lewis Street in order to create a grass swale to drain stormwater towards Front Street. Frederic Danhauser was present. Dr. Henning Gaissert is constructing a new dwelling on an abutting lot and has offered to help F. Danhauser eliminate a ponding problem while the site grading is being done. Dr. Gaissert's engineer, David Davignon of N. Douglas Schneider & Associates, was present with Mark Patroliia, Dr. Gaissert's contractor who is building the dwelling at 28 Front Street and will supervise the site work. D. Davignon said the existing vegetation will be stripped off, gravel will be added, then a layer of loam will be added and seeded with grass. There will be about 1-1/2 feet of fill in the deepest part of the low area. A full copy of the submittal has been submitted to the Town Administrator. Department of Public Works Superintendent Robert Zora has approved the placement of fill on the Town's lot. L. Dorman said he would also like written approval for this work from the Board of Selectmen or the Town Administrator before the work is done. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:35 PM **JOSEPH and SUSAN LASKY**, 33 Giffords Corner Road – Request for Determination of Applicability (File No. 41D-1515) to replace a 10' by 12' deck with a 14' by 18' enclosed porch. Joseph and Susan Lasky were present and said they just want to replace the existing deck with a slightly larger covered porch. The work will take place in a lawn area. Gutters and downspouts will discharge onto the lawn or into drip strips. N. Hills said the "cocoon" storage shed appears to be in wetlands and he would like it to be removed or else have the wetlands in that area delineated. J. Lasky said he has stored kayaks in that cocoon for the last eight years, and planted the pine trees and shrubs that have grown up around it. L. Dorman said the cocoon appears to be close to or in wetlands, but because it has been there for so many years he does not see the need to remove it as long as it is not going to be expanded; J. Hartley and S. Gonsalves agreed. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:44 PM **DR. HENNING GAISSERT**, 28 Front Street – Amendment to an Order of Conditions (File No. SE 041-1194) to raze and reconstruct the dwelling. The Amendment is to implement a regrading plan instead of constructing an earthen berm to drain stormwater towards Front Street. David Davignon represented Dr. Gaissert. Dr. Gaissert's contractor, Mark Patroliia, was also present. D. Davignon said that Amending this Order now will prevent confusion when the Certificate of Compliance is requested. The architect's plans do not call for gutters, so Dr. Gaissert would like to delete the remediation basin and instead use drip strips. N. Hills said the Order of Conditions requires either drywells or dripstrips, so that is not a problem. D. Davignon said the area between the driveway and the property line will be a gentle slope instead of a berm. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:53 PM **BAY WATCH REALTY TRUST**, Front Street – Amendment to an Order of Conditions (File No. SE 041-1145) to construct a Chapter 40B affordable housing complex with parking areas, utility connections, stormwater management infrastructure and mitigation measures. The Amendment is to slightly reposition a portion of the entrance driveway in order to eliminate the need for a bridge over wetlands. Kenneth Steen of Bay Watch Realty Trust was present with his Engineer, Edwin Gless of Existing Grade, Inc. E. Gless said the driveway in the revised plan is no closer to wetlands than before, but the removal of the proposed bridge will nullify the need for replication. E. Gless said the retaining wall by the vernal pool is in the same location as before. L Dorman said the height of the road will be very tall, eight to twelve feet, which will result in a huge stone wall facing The Wave parking lot. K. Steen said the wall is very nice looking, like cobblestones. L. Dorman asked if greenery could be planted to make the wall look better; E. Gless said there is an area approximately ten feet wide along the wall that could be used to plant shrubs. E. Gless said a 12" siltation sock and a siltation fence will be used where needed. K. Steen explained that Lot B is going to be under separate ownership, and although the Stormceptor drainage pipe is out of the buffer zone, the runoff from Lot B is addressed under this Order of Conditions. S. Gonsalves moved to close the hearing; L. Dorman seconded; voted unanimously.

MARION RECREATION COMMITTEE, Washburn Park Road (File No. 41D-1488) - N. Hills had said he received a complaint of a new trail cut through wetlands from Washburn Park Road to the skating pond. Everyone has seen the path. L. Dorman said he agrees that it is a hiking trail, but he would like a log or boulder to be placed at each end to prevent vehicles from using it. N. Hills will draft a memo to the Recreation Committee with copies to the Board of Selectmen and the Department of Public Works requesting measures be taken to keep vehicles off the path, and keep the path at a hiking width, not a roadway width.

NELSON W. WICAS, for landscaping at 15 Bass Point Road (File No. 41D-1514) – N. Hills moved to issue a Conditional Negative Determination for Boxes #2 (flood zone) and #3 (buffer zone) with Conditions that a line of haybales or a siltsock shall be staked nine feet from the back steps, which will delineate the limit of work area, and shall be maintained until June of 2014. In addition, the added topsoil shall not raise the average existing grade. L. Dorman seconded the motion; voted unanimously.

PETER E. BENT, to upgrade a septic system at 15 West Avenue, Planting Island (File No. 41D-1513) – L. Dorman moved to issue a Conditional Negative Determination for Box #2 (flood zone) with Conditions that (1) materials shall not be stored on site; (2) excavated fill shall be removed; (3) the old septic system shall be filled if not removed; and (4) haybales or staked siltation fencing shall be placed between the boulders prior to significant rain events. J. Hartley seconded the motion; voted unanimously.

DR. HENNING GAISSERT, to direct stormwater runoff at 28 Front Street by implementing a regrading plan rather than constructing a berm (File No. SE 041-1194) – N. Hills moved to issue an Amended Order of Conditions approving the change; J. Hartley seconded; voted unanimously.

BAY WATCH REALTY TRUST, to reposition a portion of the entrance driveway to the Chapter 40B affordable housing complex off Front Street (File No. SE 041-1145) - J. Hartley moved to issue an Amended Order of Conditions approving the change; L. Dorman seconded; voted by majority with N. Hills abstaining.

JOSEPH and SUSAN LASKY, to replace a deck with an enclosed porch at 33 Giffords Corner Road (File No. 41D-1515) - L. Dorman moved to issue a Conditional Negative Determination for Box #3 (buffer zone) with a Condition that roof runoff shall be directed into drywells or drip strips. J. Hartley seconded the motion; voted unanimously.

FREDERIC C. and BETTY A. DANHAUSER, to fill and grade a lawn and garden area at 40 and 36 Lewis Street (File No. 41D-1516) – S. Gonsalves moved to issue a Conditional Negative Determination for Box #2 (flood zone) with a Condition that the Board of Selectmen or the Town Administrator shall approve the project (in writing) before any work is done on the Town's property. J. Hartley seconded the motion; voted unanimously.

Meeting adjourned at 8:42 PM.

Diane R. Drake, Secretary

Approved September 25, 2013