

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON APRIL 8, 2015

- Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice Chairman
Stephen C. Gonsalves, Member
- Members Absent: Lawrence B. Dorman, Member
Cynthia C. Trinidad, Associate
Jeffrey J. Doubrava, Clerk
- Admin. Assistant: Donna M. Hemphill
- Others Present: Daniel Cosby, Dartmouth Pools; Heidi Kostin, 167 Cross Neck Road;
Mark Curtis, TACCA; Joan Youngblood, TACCA; Peter Berdos,
TACCA; Tom Quinlan, South Coast Improvments; S.A. Keese,
McKinnon & Keese Engineering; Scott Shippey, Marion Building
Commissioner

Meeting convened at 7:00 PM on Wednesday, April 8, 2015 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, April 4, 2015 by J. Hartley, J. Doubrava and N. Hills. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM **Heidi & Konstantin Kostin**, Notice of Intent (File No. SE 041-1227), for installation of an 18'5" x 39' in ground gunite pool at 167 Cross Neck Road. Daniel Cosby of Dartmouth Pools was present as was home owner Heidi Kostin. D. Cosby presented the board with a modified drawing showing a fish pond that was not on the original sketch submitted. N. Hills mentioned that the Commission did a site visit on Saturday and noted that there had been new flags put out for the wetlands line. He said there seemed to be a bit of a difference from the plan submitted (dated 1999) to what was flagged on the far end of the line. They noticed there was a shed out back that is on the wetland line. N. Hills said that the Plan of Record will need to be updated to show the fish pond, the location of the pool as well as the location of the shed once it is moved away from the wetland line. The shed must be at least 30' away from it and the foundation will need to be removed as well. N. Hills also mentioned that the DEP when issuing the File Number made a note about a BVW alteration and that replication would be required. An error was made on the Notice

43 of Intent that was filed. Since the work is not within the BVW and replication will not be
44 needed, the applicant will make the correction and will also send a copy of the correction
45 to the DEP. D. Cosby asked if they need a complete engineered plan. He asked if he could
46 recreate the plan to show the pool and fish pond based on the current plan. N. Hills
47 explained how it is important to have all components on one Plan of Record so the plan
48 can be referred to in future years if needed. D. Cosby asked about removing the fish pond
49 if needed. N. Hills stated it wasn't necessary but if they wanted to do that it was their
50 choice. J. Hartley asked about the dry well noted on the plan. There was a discussion as to
51 who will do the corrected plan. N. Hills reminded D. Cosby that the correction to the Notice
52 of Intent must be made and that DEP must be notified as well. S. Gonsalves asked if there
53 were any other requirements they will need to comply with before they return. He wanted
54 to make sure they had all of the information they needed. H. Kostin asked if the board felt
55 that the size and location of the pool was appropriate. N. Hills said that it needs to be on
56 the plan to see how it will fit. D. Cosby said he can recreate the plan and include what is
57 actually there and the proposed pool. J. Hartley said yes; it needs to show how it will all fit
58 together. N. Hills motioned to continue the hearing to April 22, 2015 at 7:35pm; S. Gonsalves
59 seconded; voted unanimously.

60
61 7:05 PM **Town of Marion**, c/o JC Engineering, Inc. – Notice of Intent (File No.
62 SE 041-1222), for reconstruction of a 337' long, 4' high stone seawall, at Sprague's Cove
63 (Continued from March 11, 2015). The applicant has requested to continue the hearing to
64 May 27, 2015 at 7:05pm. N. Hills motioned to continue; S. Gonsalves seconded; voted
65 unanimously.

66
67 7:10 PM **Cyrus Lipsitt**, c/o McKinnon & Keese Engineering – Request for
68 Determination of Applicability (File No. 41D-1563), to repair/upgrade of marginal septic
69 system of existing home using a Singulair 600 Denite treatment system of effluent, 1,000 gal.
70 pump chamber, "d" box & chambered SAS at 8 Island Court. Sandy Keese of McKinnon &
71 Keese Engineering was present to represent Mr. Lipsitt. She described the voluntary
72 upgrade of an old/tired system with an innovative Singulair Denite system. She noted that
73 the property is in the Velocity Zone and that they have put the system the furthest spot
74 from the BVW. J. Hartley asked where the existing leaching area is. S. Keese described the
75 location of the field. N. Hills asked about the BVW. S. Keese explained how their surveyor
76 located some grasses and flagged it. S. Keese said that it is an area that could be hard to
77 classify as a BVW due to the fact that it goes into the saltmarsh area. She said they are the
78 farthest away from the bank or any resource area. S. Keese also mentioned that the
79 neighbors she has spoken with are in favor of the new system and that the applicant would

80 like to move along with the project before summer. S. Keese explained how the system
81 works and pointed out on the plans where the components will be. The old septic tank will
82 be removed. There will be fill taken out and there will be some brought in. N. Hills asked if
83 there will be a change in elevation. She said the elevation will change because the system
84 has to be 3' above the water table. The retaining wall that goes around it is approximately
85 3.5' high. N. Hills asked if the applicant has gone to the Board of Health. S. Kesse stated
86 that they have a hearing scheduled for Tuesday, April 14 and that Karen Walega has
87 already looked at the plans. J. Hartley asked if the plans needed to be stamped by a
88 registered engineer. This plan is from a sanitarian and land surveyor. S. Keese said that a
89 plan from a sanitarian is good for systems under 2,000 gallons. N. Hills asked about the
90 barrier. S. Keese stated that is a barrier that keeps the effluent from breaking out. It is a
91 similar system that is used at landfills. N. Hill expressed concern that it is a raised system in a
92 Velocity Zone. S. Gonsalves said the proposed system is a big improvement to the system
93 that is currently in place. There was a discussion regarding how the new system would hold
94 up in a storm compared to the current system. S. Keese said that it is a significant
95 improvement over what is currently there. N. Hills asked if a percolation test had been
96 done. S. Keese said yes and pointed out the location of the plan. The system will have a 3'
97 separation from the water table. There was discussion about changing that to a 2'
98 separation but it was decided to leave as proposed. S. Keese mentioned that Natural
99 Heritage is involved and they are delighted with the fact that they are not disturbing
100 anything more than is already disturbed. N. Hills read a portion of the letter from the
101 Department of Marine and Fisheries that said the project will not adversely affect the
102 resource area. J. Hartley asked if this needed a variance from the Board of Health. S. Keese
103 said yes and that it is fully allowable under Title V. There were questions about the system
104 being close to the lot line and the foundation. S. Keese said it is allowable since it is a slab
105 and not a full foundation. S. Gonsalves said this is a great system. J. Hartley agreed that it
106 was a logically designed system. N. Hills motioned to close the hearing; S. Gonsalves
107 seconded; voted unanimously.

108
109 7:15 PM **Town of Marion Building Department**, Request for Determination of
110 Applicability (File No. 41D-1564), to demolish and remove all debris and hazardous material
111 and resurface the lot to grade with clean fill as needed at 974 Point Road. Scott Shippey,
112 Marion Building Commissioner was present. He gave photographs of the house to the
113 board. He said the house is in tax title, going into foreclosure. The owner is deceased and
114 family members have not come forward to take responsibility. It is an unsafe structure that
115 needs to come down. N. Hills asked if the property will eventually belong to the town. S.
116 Shippey said that after Town Meeting if he is given the funds, he will have it demolished; the

117 fees will be a lien on that property. As soon as the town owns it, it will be put up for auction
118 to recoup those costs. N. Hills asked if the property has a septic tank. S. Shippey said it is on
119 town sewer. All items will be removed. S. Shippey indicated that he looked at the map of
120 the area and it did not appear to have wetlands lines nearby. He said that everything will
121 be removed and back filled to grade. All utilities have been disconnected. J. Hartley asked
122 what the cost would be. S. Shippey received a pre-estimate of approximately \$8,000 to
123 \$10,000. In his proposal he asked for an asbestos abatement. J. Hartley motioned to close
124 the hearing; S. Gonsalves seconded; voted unanimously.

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126 7:20 PM **Saltworks Marine, LLC**, Notice of Intent (SE 041-1226), for 291
127 Wareham Street, to redevelop an existing contractor's yard into a permanent home for
128 Boat Storage and Maintenance. The applicant has requested to continue the hearing to
129 April 22, 2015 at 7:30pm. N. Hills motioned to continue as requested; S. Gonsalves
130 seconded; voted unanimously.

131
132 7:25 PM **Tremont Advent Christian Camp Association**, Request for
133 Determination of Applicability (File No. 41D-1565), to demolish a building and removal of
134 debris at 45W Oakdale Avenue. Peter Berdos, Trustee was present to represent the
135 Association. P. Berdos said that four weeks ago the building collapsed under the weight of
136 snow. P. Berdos said it was a 60 year old building that was used as the dining hall for the
137 Association. He has estimates for the demolition. N. Hills asked if the entire building would
138 be taken down. P. Berdos said yes it will. S. Shippey stated the building is an unsafe
139 structure and he has given them an order to remove the entire building. They are
140 complying. N. Hills asked if it was on sewer. It is. He also asked if the foundation will be
141 removed. P. Berdos said they would like to leave the foundation in place so they may
142 rebuild. S. Shippey said they are able to do that as long as they rebuild within two years
143 and use the same footprint and same volume. It falls primarily in the AE 17 flood zone with a
144 small corner in the Velocity Zone. All debris will be removed off site. They will need to come
145 back for a new file for any new construction. S. Gonsalves asked what they will do for a
146 dining hall. P. Berdos said they are going to use one of their other buildings for the time
147 being. He said they have five weeks of camp scheduled and they will be opening. J.
148 Hartley motioned to close the hearing; S. Gonsalves seconded; voted unanimously.

149
150 **Discussion:** Tom Quinlan of 208 Wareham Road which is being used as offices
151 for South Coast Improvements. He presented the board with photographs of the proposed
152 project. They would like to enclose the second floor deck that is on the back of the
153 building. There would not be a footprint change. N. Hills stated that this is in a VE Zone. S.

154 Shippey said that the 50% rule should not apply. N. Hills said T. Quinlan would need to file a
155 Request for Determination of Applicability.

156

157 A letter received from Sippican Lands Trust was read regarding the Annual Meeting.

158

159 **GRASSI BOG RESPONSE LETTER:** Further comments were made regarding the
160 condition of the area and the letter that will be sent to MOSAC. N. Hills motioned to send
161 the letter; J. Hartley seconded; voted unanimously.

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163 **Town of Marion Building Department:** S. Gonsalves drafted the Determination for
164 41D-1564 with Negative Boxes #2 and #3. No special conditions. S. Gonsalves motioned to
165 accept; N. Hills seconded; voted unanimously.

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167 **Tremont Advent Christian Camp Association:** J. Hartley drafted the Determination for
168 41D-1565 with Negative Box #2. He motioned to accept; N. Hills seconded' voted
169 unanimously.

170

171 **Cyrus Lipsitt:** N. Hills drafted the Determination for 41D-1563 with Negative Box #2,
172 subject to Board of Health approval and Negative Box#3. Also, Box #2B stating that the
173 wetland boundaries were not determined. N. Hills motioned to accept; S. Gonsalves
174 seconded; voted unanimously.

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176 **MINUTES:** N. Hills motioned to accept minutes from March 25, 2015 as written; S.
177 Gonsalves seconded; voted unanimously.

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179 Meeting adjourned at 8:08pm

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Approved: May 27, 2015


Donna M. Hemphill, Administrative Assistant

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2015 MAY 28 P 12:19