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2 **MARION CONSERVATION COMMISSION**
3 MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 9, 2015
4

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6 Members Present: Norman A. Hills, Chairman
7 Joel D. Hartley, Vice Chairman
8 Stephen C. Gonsalves, Member
9 Jeffrey J. Doubrava, Clerk
10 Cynthia C. Trinidad, Member
11 Lawrence B. Dorman, Associate
12 Kristen Saint Don, Associate
13

14 Admin. Assistant: Donna M. Hemphill
15

16 Others Present: Jeff Oakes, Marion Open Space Acquisition; Brain Grady, GAF;
17 Bob Duncan, 16 Glenwood Circle, Wareham; Joseph Buscemi, 139
18 Bullivant Farm Road; C. Shachoy, 444 Front Street; Sherman Briggs,
19 Magnolia Farm
20

21 Meeting convened at 7:00 PM on Wednesday, December 9, 2015 in the conference
22 room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were
23 held on Saturday, December 5, 2015 by J. Hartley, J. Doubrava and N. Hills. This meeting
24 was televised and video recorded by Old Rochester Community Television (ORCTV), and
25 audio recorded by Town of Marion staff.
26

27 **7:00 PM Marion Open Space Acquisition Commission (MOSAC)**

28 Amendment to Order of Conditions File No. SE 041-1197 for proposed changes at Grassi
29 Bog, Mill Street (Continued from November 18, 2015). New plans were submitted on
30 December 9, 2015. Jeff Oakes of MOSAC was present to address the three items on the
31 peer review letter from CDM Smith. At the time of the last meeting the response from the
32 design engineer had not been received. The first item notes that the inverts of the first two
33 interior appears to be reversed. J. Oakes said that they are equal. N. Hills noted that he
34 talked to the peer review engineer and they agreed the comment in error. The second
35 item is regarding the effluent culvert not having a specified slope. J. Oakes said that the
36 new plan on sheet two, detail #7 shows the upstream and downstream. N. Hills noted that
37 on the plan it noted "invert in" and "invert in". It should read "invert in" and "invert out".
38 The third item says that there does not appear to have a crest elevation. J. Oakes said that
39 on the new plan it lists the elevation. N. Hills said that after the last meeting he had
40 compared the 2013 plan to the 2015 to try and determine the difference if any. He gave a
41 copy of the comparison to J. Oakes to review. All members received a copy as well. N. Hills

42 went through a number of items. One item he mentioned was #5. According to the 2013
43 plan the concrete structure at auxiliary spillway was to be removed and it is still in place.
44 He also mentioned #7 regarding a question on the auxiliary spillway being a higher
45 elevation. Also, the #8 comment is there is a pipe bubbling water at one of the areas. N.
46 Hills also mentioned that there was a block on the original plan for maintenance
47 information. It mentions mowing as well as a turtle habitat. There was a short discussion of
48 the possible location of this habitat and that it is not noted on the new plan. It was
49 mentioned that these plans are not signed and stamped. Generally plans are signed and
50 stamped before being submitted. According to the design engineer, they wait until
51 approval from the Conservation Commission before signing and stamping the plans. There
52 was a brief discussion regarding the auxiliary spillway. N. Hills said that the questions from
53 the peer review had been answered. J. Oakes said the next step is for the NRCS to go out
54 to bid. They will be paying for the repairs. There was a discussion on what conditions could
55 be written into the Amended Order of Conditions. J. Hartley noted that tighter inspections
56 should be required. N. Hills agreed and said that there should be an ongoing maintenance
57 plan. He also mentioned some trees that are down in the overflow ditch that would need
58 to be removed. J. Hartley said that he would like to see progress reports from the project
59 engineer. There were no further questions from the Commission or the audience. J.
60 Doubrava motioned to close the hearing; L. Dorman seconded; voted unanimously.

61

62 **7:05PM (7:21PM) Town of Marion**, c/o JC Engineering, Inc. – Notice of Intent (File
63 No. SE 041-041-1222), for reconstruction of a 337' long, 4' high stone seawall at Sprague's
64 Cove (Continued from July 8, 2015). The applicant has requested to continue this hearing
65 to February 24, 2016 at 7:05pm. The Army Corps of Engineers has requested addition
66 information from JC Engineering. N. Hills motioned to continue this hearing to Wednesday,
67 February 24, 2016 at 7:05pm; J. Doubrava seconded; voted unanimously.

68

69 **7:10PM (7:22PM) Robert Duncan, III**, Notice of Intent (File No. SE 041-1238), to
70 upgrade a failed sewage disposal system at 122 Register Road. Brian Grady of GAF
71 Engineering was present as was the homeowner Robert Duncan. B. Grady described the
72 project. He said part of the project is within the Buffer Zone and in an area subject to
73 coastal zone flowage. He mentioned that Brad Homes of ECR did the delineation of the
74 resource areas. They will need a variance from the Board of Health. That meeting is
75 scheduled for January 2016. J. Doubrava asked why the system is proposed to be so close
76 to the water. B. Grady said that there will be 4'-5' of fill and that they chose that area to
77 take advantage of the downslope and use a gravity feed system. They are using the
78 topography to avoid a mechanical system. There was a discussion regarding the wetlands

79 in the area. B. Grady said that according to B. Holmes of ECR there is some vegetation
80 there but the soils do not support a wetland classification. N. Hills mentioned there were a
81 number of drainage ditches that appeared to be draining the wetlands. There was a
82 discussion of the possibility of moving the location of the system. B. Grady said that they are
83 trying to avoid a mechanical system which would be necessary if it were moved closer to
84 the house. A number of trees would have to be taken down and it would have to be a
85 mounded system. He noted that it is a fairly large system. N. Hills asked if the wetlands
86 specialist supplied his worksheets. He did not but B. Grady can get them. J. Doubrava was
87 concerned that it is proposed to be a mounded system in the Velocity Zone, N. Hills
88 agreed. There followed a discussion of moving the system further out of the Velocity Zone.
89 J. Doubrava asked if they could mark the bounds of the leaching field for the next site
90 inspection. N. Hills motioned to continue the hearing to Wednesday, January 13, 2016 at
91 7:15pm; J. Doubrava seconded; voted unanimously.

92
93 **OTHER MATTERS:**

94 A. Sherman Briggs was present to respond to two letters that the Commission sent the
95 homeowner in reference to tree cutting behind 444 Front Street. N. Hills left the
96 Conference Room. S. Briggs was under the assumption that this clearing was
97 allowed under the Wetlands Protection Act due to the agricultural nature. There was
98 a discussion regarding the growing process of cranberries and that it is important for
99 sunlight to reach the bog. There is a bog on Point Road that is surrounded by
100 Sippican Lands Trust and maintenance of the trees on their land it allowed. S. Briggs
101 described the area that was chosen for tree removal. J. Hartley asked how far the
102 area is from the bog. S. Briggs said the first trees were within 50'-60' of the bog then
103 up toward the stone wall. J. Doubrava believed there should have been a filing and
104 he would like to see an after the fact filing now. S. Briggs said that a file will be made
105 within the next month or two. N. Hills returned to the Conference Room.

106
107 **TO ISSUE:**

108
109 A. **William & Karen Curley**, Request for Certificate of Compliance, File No. SE
110 041-1136, for the construction of a single family dwelling and associated work
111 at 9 Edgewater Lane. N. Hills motioned to issue a Complete Certification for
112 SE 041-1136; J. Hartley seconded; voted unanimously.

113
114 B. **Joe Buscemi**, Request for Partial Certificate of Compliance, File No. SE 041-
115 177, for Subdivision Road Construction at 139 Bullivant Farm Road. This was a

116 complicated file that dates back to 1984 regarding the original roads and
117 storm drainage systems at the River's Edge Subdivision. There were some
118 problems with the Order; at least two Enforcement Orders had been issued.
119 Due to the problems with SE 041-177, a Superseding Order of Conditions was
120 issued by Mass DEP, under File # SE 041-707. Mass DEP conducted a site visit
121 on Thursday, December 3, 2015 and issued a Certificate of Compliance for SE
122 041-707 for this lot only (Lot 79) on December 4, 2015. Based on the issuance
123 of that Certificate of Compliance for Lot 79, the Commission voted to issue a
124 Partial Certificate of Compliance for SE 041-177 only for this lot. N. Hills
125 motioned to issue the Partial Certificate of Compliance; S. Gonsalves
126 seconded; voted unanimously. The Commission will send a letter to the
127 homeowner association so they are aware of the open Order of Conditions
128 and Superseding Order of Conditions.

129
130 **DRAFTS:**

131
132 A. Minutes from November 18, 2015 were approved.

133
134 Request for comments from the ZBA for Case # 715, 20 OIT Realty Trust. This project is
135 not within the Commission's jurisdiction.

136
137 **DISCUSS:**

138
139 A. The Commission discussed Fiscal Year 2017 Budget. N. Hills motioned to submit
140 the budget to the Town Administrator; J. Doubrava; voted unanimously.

141
142 **Marion Open Space Acquisition Commission (MOSAC)**, N. Hills motioned to
143 issue the Amended Order of Conditions for File No. SE 041-1197 for repair work at Grassi
144 Bog with the following conditions:

- 145 A. Removal of concrete structure at the Auxiliary Spillway as required by original
146 plan,
147 B. Correct note on Sheet 2 of 4 of the Plan dated December 8, 2015. It should read
148 "Invert **OUT** Elev = 89.21± = 7.65± NAVD 88" instead of "Invert **IN** Elev = 89.21± =
149 7.65± NAVD 88",
150 C. Identify the turtle habitat on the revised plan,
151 D. Determine the need to remove/account for the pipe under the interior dike
152 before internal rock weir #3,

- 153 E. Clean out the obstructions in the overflow channel,
154 F. Provide maintenance plan that addresses regular and periodic events such as
155 (but not limited to);
156 a. Inspections after storms
157 b. Inspection of overflow
158 c. Mowing
159 d. Control invasive species, etc.
160 G. USDA engineer will provide construction updates to the Marion Conservation
161 Commission
162 H. The engineer must provide signed and stamped plans
163 I. Confirm relative elevations of primary spillway, auxiliary spillway and the overflow
164 spillway.
165 J. Doubrava seconded; voted unanimously.

166 Meeting adjourned at 8:20pm.

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169

Donna M. Hemphill, Administrative Assistant

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171
172 Approved: January 13, 2016

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TOWN CLERK OF MARION, MA

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