

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 8, 2016

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice Chairman
Cynthia Callow, Member

Members Absent: Jeffrey J. Doubrava, Clerk
Kristen Saint Don, Associate
Lawrence B. Dorman, Associate

Admin. Assistant: Donna M. Hemphill

Others Present: Scott Erdman, resident, Grassi Bog; Kitt Sawitsky, 75 Holly Road;
Ginny & Rob Beams, 35 Holly Road; Allen Decker, Buzzards Bay
Coalition; Dave Davignon, Schneider & Associates; Bob & Joan
Wilson, 43 Holly Road

2016 JUN 24 A 9:34
TOWN OF MARION

Meeting convened at 7:00 PM on Wednesday, June 8, 2016 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, June 4, 2016 by N. Hills, J. Hartley, J. Doubrava and C. Callow. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM **Blankenship Trust LLC, c/o Prospectus LLC** – Notice of Intent (File No. SE 041-1245), to perform repairs on existing stone/concrete abutments and to upgrade the existing gangway and float anchor system for a Licensed Residential Pier Facility at 468 Point Road. (Continued from May 11, 2016). Dave Davignon of Schneider & Associates was present to represent the homeowners. D. Davignon said that the gangway, float and pier were licensed in 1998. He said that the bottom anchor float has chains that drag across the bottom and is not working well. They are proposing to install two float piles to take away the bottom anchor chain system. The gangway is rather short for today's standards so they are proposing to replace it with a longer one. With the longer gangway, the float will be further into the water than it is currently. D. Davignon said they are applying to the Waterways Department for a new license for the float and the gangway. He said that the pier license will remain since it is a 99 year license that was issued in 1998. The work would be done by crane set on barge during higher tides. Pointing of the concrete pier is also included in this Notice of Intent, but that work is not intended to be done at this time but

42 could be necessary in the near future. Division of Marine Fisheries reviewed the project
43 and had no issues. Natural Heritage also did not have issues with the project. The Marion
44 Harbormaster did not have comments. N. Hills asked if the anchors will be removed. D.
45 Davignon said yes they will be removed. The float will be a seasonal structure. There were
46 no further questions from the Commission or the audience. J. Hartley motioned to close the
47 hearing; C. Callow seconded; voted unanimously.

48
49 7:05 PM (7:10PM) **Village Way Realty Trust, c/o David E. & Holly M. Nilson**, Notice of
50 Intent, (File No. SE 041-1247), for the construction of a new single family dwelling at Holly
51 Pond Road (Map 18, Lots 44 & 44B). Dave Davignon was present to represent the
52 homeowners. He gave the background of the project. This project had been previously
53 permitted under File No. SE 041-1102 which has since expired. This application is for the
54 continuation of the project. Part of the new dwelling is within the 100' buffer zone and
55 within the AE flood zone. The silt fence has already been installed, limits of clearing have
56 already been done and the driveway base has been constructed. Permanent boulders
57 have been installed on either side of the driveway. There is a boulder embankment which
58 was installed behind where one would back out of the garage. There is a large stockpile of
59 fill on site that will be used for grading. The work to be done includes building the house,
60 connecting to water service and the septic system. The septic system is outside of the
61 Commissions jurisdiction. D. Davignon noted that the current flood zones are on this plan.
62 There was a brief discussion about the large rocks and boulders on site. Many will be used
63 on the property and the rest removed. There were no further questions from the
64 Commission or the audience. J. Hartley motioned to close the hearing; C. Callow
65 seconded; voted unanimously.

66
67 7:10 PM (7:15PM) **Robert C. & Virginia C. Beams**, Notice of Intent (File No. SE 041-
68 1246), to demolish and replace the existing single family dwelling at 35 Holly Road. Dave
69 Davignon was there to represent Mr. & Mrs. Beams, who were also present. D. Davignon
70 gave members a copy of an attachment that was part of the Notice of Intent application.
71 He mentioned that there were two previous Orders of Conditions for this property. One is for
72 the septic system repair and the other for the pier. This application is to demolition the
73 existing house and to rebuild meeting current flood zone standards. The site is in a Velocity
74 Zone, Elevation 18. D. Davignon explained the landscaping plan and the planned
75 construction. Part of the project is to remove the existing sports court and replace that with
76 loam and seed. There was a discussion regarding the landscaping and the driveway. D.
77 Davignon described where the breakaway walls are located. There is an elevator next to
78 the stairwell, inside the breakaway panels. D. Davignon presented members with an

79 architectural drawing that showed the location of the elevator. There was a discussion
80 regarding the removal of the tennis court and the grade. It was decided that they will
81 follow the natural contour from the end of the pier to the far corner of the court, when
82 placing the loam and seed. There were no further questions from the Commission or the
83 audience. J. Hartley motioned to close the hearing; C. Callow seconded; voted
84 unanimously.

85
86 7:15 PM (7:25PM) **Elizabeth H. Weinberg**, Request for Determination of Applicability,
87 (File No. 41D-1613), to perform maintenance as required per Special Condition No. 5 of
88 Waterways License No. 3404 issued for the pier structure at 23 Water Street. Dave
89 Davignon was present to represent Ms. Weinberg. The application is for minor maintenance
90 which will include the placing of small stones and concrete. Tarps will be placed onto the
91 beach and will be removed daily. Any mixing of materials will be done up on the lawn
92 area. They will take all measures to protect the lawn. A skiff will be used to access past the
93 low tide line. He said it has been some time since maintenance has been done on the pier.
94 However, the stone wall is in very good shape. N. Hills said that it was high tide at their site
95 visit. D. Davignon had pictures available and there were some that were submitted as part
96 of the application as well. The pier was licensed in 1999. The Harbormaster had no
97 comments on this project. There were no further questions from the Commissioner or the
98 audience. J. Hartley motioned to close the hearing; C. Callow seconded; voted
99 unanimously.

100
101 7:20 PM (7:30PM) **Kitt Sawitsky & Heather Brown**, Request for Determination of
102 Applicability, (File No. 41D-1614), for the removal of foul smelling seaweed that has
103 accumulated on an area of the salt marsh immediately downgradient at 75 Holly Road.
104 Dave Davignon was present to represent the homeowners. Kitt Sawitsky was also present.
105 D. Davignon described the location and the situation. He said the intent is to manually rake
106 and remove the foul smelling seaweed from the area and cart it away off site to be
107 disposed of. There was a discussion about the possible causes of the odor. K. Sawitsky said
108 they have done water testing in the area and test results are negative. They have not been
109 able to pinpoint the cause. D. Davignon said that they have contacted Plymouth County
110 Mosquito Control to check the area. N. Hills asked them to report to the Commission
111 periodically. K. Sawitsky agreed. He asked about possibly adding sand to the area that will
112 be free of the seaweed to help in not pooling water. There was a brief discussion and it
113 was decided to do the work that is proposed and to hold off on placing sand. There were
114 no further questions from the Commission or the audience. J. Hartley motioned to close the
115 hearing; C. Callow seconded; voted unanimously.

116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152

DISCUSSION:

1. **Allen Decker of the Buzzards Bay Coalition (BBC)** was present to discuss the Tinkham Lands, Mattapoisett, Conservation Restriction. Article #26 at the Marion Town Meeting approved funds from the CPA for Marion's portion of the Conservation Restriction (CR). He explained that the Board of Selectmen as the Water & Sewer Commissioners will be co-holders of the CR along with the BBC, Mattapoisett and Fairhaven. A. Decker was before the Commission to ask for their support of the CR and asking them to vote in favor and to sign the Municipal Certification. Members were provided copies of the document to review. There was a discussion regarding the use of the land and the purpose of the CR. The Board of Selectmen voted to approve the CR and be a co-holder at their meeting on June 7, 2016. The CR is held in perpetuity. If one of the co-holders decides they do not want to be a co-holder any longer, their portion can be transferred to another co-holder. Otherwise, it would be a very long and difficult process through the legislature to be changed. A. Decker referred to Amendment 97 of the Constitution of the Commonwealth. He felt it was extremely unlikely it would happen in this case. There were no further questions. N. Hills motioned that the Commission members sign the Municipal Certification as requested; J. Hartley seconded; voted unanimously.
2. **Update on Grassi Bog.** N. Hills said that he had attended a meeting with Paul Dawson and Steve Cushing on May 23, 2016. MOSAC intends to replace the outlet structure that they initially had said they were not going to do. They will be applying for a grant to pay for this repair. There is no need to change the plan as it is now. N. Hills said that he understands that if the grant is not received the town is still responsible for the repair. His understanding was that the goal is to get the work done this year. Abutter Scott Erdman voiced his concerns regarding standing water and the excessive mosquito population at the site. He also questioned the timeline of construction. N. Hills said he would ask when the project will be starting. He also suggested that S. Erdman contact the Board of Health with his standing water concerns. There was further discussion regarding the situation at Grassi Bog.

CORRESPONDENCE: Members briefly reviewed each item under Correspondence – Board of Selectmen and Planning Board reorganizations, Remote Meeting Participation

153 policy, Memo from the Board of Health regarding Stormwater matters and a letter of
154 resignation from Stephen Gonsalves.

155

156 C. Callow mentioned the mini-grant that was discussed at the last meeting.
157 Unfortunately, the deadline was not able to be extended. If any other mini-grants or grants
158 come up, they will be looked at in detail.

159

160 **DISCUSSION:**

- 161 1. **Draft of Open Space and Recreation Survey.** Members reviewed this draft
162 which included revisions from the last comments that had been submitted to
163 MOSAC. There was a brief discussion and members will review and provide
164 any comments to D. Hemphill to send along to MOSAC.
- 165 2. **Information from Building Strong & Safer in a Coastal Zone Workshop.** N. Hills
166 attended a seminar recently. Members were given handouts for their
167 information. N. Hills said there was discussion at the seminar regarding a
168 Coastal A Zone which is not in the Building Code yet but will require building
169 to VE requirements. There was a brief discussion. Handouts from this seminar
170 are available for the public at the Conservation Commission's office.
- 171 3. **Follow up on Order of Conditions SE 041-1132, L. Reinhardt.** A site visit was not
172 conducted due to new grass on site. Another site visit will be scheduled.
- 173 4. **Coastal Barrier Resource Map update.** Members will wait to discuss until Jeff
174 Doubrava is present since he has been very involved in the conversations
175 with the representative.

176

177 **TO ISSUE:**

- 178 1. Minutes from May 11, 2016 were approved. May 25, 2016 minutes were
179 tabled until the next meeting.
- 180 2. Invoice #6906 from The Wanderer for \$80.00 was approved.
- 181 3. **Request for Extension Permit, File No. SE 041-1201 for Warren and Lee**
182 **Williamson, 121 Converse Road.** N. Hills said members did a site visit and there
183 is a huge structure built off the deck that is not on the Plan of Record, cutting
184 of understory in the resource area has occurred and the silt fence is in need
185 of repair. There was a discussion as to how to proceed. It was decided to
186 send a letter to the Williamson asking for a new plan and asking them to
187 appear at the next meeting on June 22, 2016.

188

189

190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225

DISCUSSION:

1. Clean Energy Collective, File No. SE 041-1232, regarding the restoration plan. N. Hills said he saw the Vimeo (ORCTV) recording of the recently Planning Board meeting in which there was a lengthy conversation regarding the cutting, replanting that had been done and that the Planning Board wants to see more plantings. There was a discussion as to whether or not this is within the Planning Board's jurisdiction. It was decided to send a memo to the Planning Board (with a copy to Paul Dawson) regarding this issue.

J. Hartley motioned to issue Determination of Applicability, File No. 41D-1614, for **Kitt Sawitsky & Heather Brown**, 75 Holly Road. Negative Box #2, with a special condition to keep the Commission updated on the findings of testing. C. Callow seconded; voted unanimously.

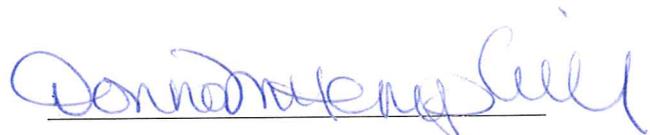
C. Callow motioned to issue Determination of Applicability, File No. 41D-1613, for **Elizabeth H. Weinberg**, 23 Water Street. Negative Box #2. J. Hartley seconded; voted unanimously.

N. Hills motioned to issue the Order of Conditions, File No. SE 041-1247, for **Village Way Realty Trust**, c/o David E. & Holly M. Nilson, Holly Pond Road (Map 18, Lots 44 & 44B). J. Hartley seconded; voted unanimously.

C. Callow motioned to issue the Order of Conditions, File No. SE 041-1245, for **Blankenship Trust LLC, c/o Prospectus LLC**, 468 Point Road. J. Hartley seconded; voted unanimously.

N. Hills motioned to issue Order of Conditions, File No. SE 041-1246, for **Robert C. & Virginia C. Beams**, 35 Holly Road. Special Conditions – after the removal of the tennis court, grading will be done to the contour, Proposed Ground Floor Plan – D will be part of the Plan of Record. C. Callow seconded; voted unanimously.

Meeting adjourned at 8:57pm.



Donna M. Hemphill, Administrative Assistant

Approved: June 22, 2016