

# MARION CONSERVATION COMMISSION

## MINUTES OF THE REGULAR MEETING HELD ON August 10, 2016

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- Members Present: Cynthia Callow, Chairman  
Jeffrey J. Doubrava, Vice Chairman  
Norman A. Hills, Clerk  
Kristen Saint Don, Member  
Lawrence B. Dorman, Associate  
Shaun Walsh, Associate
- Members Absent: Joel D. Hartley, Member
- Admin. Assistant: Teri Santos (filling in for Donna Hemphill)
- Others Present: Dave Davignon, Schneider & Associates, Inc.; Bob Rogers, GAF Engineering

Meeting convened at 7:00 PM on Wednesday, August 10, 2016 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, August 6, 2016 by C. Callow, J. Doubrava, N. Hills, J. Hartley and K. Saint Don. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

Chairman Callow welcomed new Associate Member Shaun Walsh and thanked him for volunteering for the Commission.

7:00 PM **L. Reinhart**, Follow up to the Enforcement Order for File No. SE 041-1141, 17 East Avenue. No one was present to represent L. Reinhart. Engineer Rick Charon had spoken to the office and said that he is aware that an after the fact Notice of Intent (NOI) and a Chapter 91 license is necessary and will be filed. The NOI was to be filed before this meeting date. R. Charon will be contacted regarding the filing. N. Hills motioned to schedule an appointment to discuss the matter on August 24, 2016 at 7:20pm; L. Dorman seconded; voted unanimously.

7:05 PM **Elizabeth Middleton**, Notice of Intent (File No. SE 041-1250), for the construction of an in-ground swimming pool and an addition to the existing single family dwelling at 40 Joanne Drive. Bob Rogers of GAF Engineering was present to represent the applicant. He described the plans submitted which showed the existing conditions and the proposed project. B. Rogers noted that the property is in a cluster subdivision with zoning

41 restrictions so it is not allowed to have more than 25% lot coverage. The proposed plan  
42 shows the lot coverage at 24.7%. LEC Environmental placed wetlands flags at the edge of  
43 the lawn and detention basin. The homeowners have been mowing right up to the edge  
44 of the basin and will request that they continue to do so even though that is within the 15'  
45 no disturb zone. A new fence will be installed between the basin and the pool and there  
46 will be a gate as well. B. Rogers said that there will be dewatering done so hay bales will  
47 be placed on site. The hope is to get the pool installed by the winter. The other additions  
48 may not happen right away. B. Rogers said that they do not have a letter yet from the  
49 Natural Heritage and Endangered Species Program (NHESP). He has spoken to Emily Holt at  
50 NHESP and he expects a letter from them by the next meeting on August 24, 2016. N. Hills  
51 asked why the pool is proposed to be within the 30' no build zone. There was a discussion  
52 regarding potentially changing the size or location of the pool in order to have it  
53 constructed outside of the 30' no build zone. J. Doubrava asked that the location of the  
54 pool equipment be noted on the plan and that the pool water not be drained into the  
55 wetlands. There was a discussion regarding concerns of building the pool within the no  
56 build zone and possible changes that can be made. B. Rogers said he will discuss possibility  
57 of any changes with the applicant. He asked to continue the hearing. N. Hills motioned to  
58 continue the hearing to August 24, 2016 at 7:25pm; J. Doubrava seconded; voted  
59 unanimously.

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61 7:10 PM **Blankenship Trust LLC**, Request for Determination of Applicability (File  
62 No. 41D-1619), to obtain confirmation that an isolated vegetated wet area is non-  
63 jurisdictional at 470 Point Road. Dave Davignon of Schneider & Associates was present to  
64 represent the applicant. The owners recently purchased this property and the one next to  
65 it. He handed out plans to the Commission. The first plan he submitted was prepared by  
66 Sitec Inc. This had been previously submitted for the septic upgrade. He described the  
67 wetlands systems shown on this plan and noted where it shows an Isolated Land Subject to  
68 Flooding (ILSF) and the buffer zones around it. D. Davignon said that if it was an ILSF it  
69 wouldn't have a buffer zone associated with it since it is not treated the same as a  
70 wetland. D. Davignon said that they did their own site visit and did a topographical survey.  
71 They computed a volume of 2,227 cubic feet which is far less than the 10,000 cubic feet  
72 which is what is required to be classified a jurisdictional ILSF. D. Davignon said that they  
73 have filed this now ahead of the future plans the home owners have for the property. There  
74 was a discussion about the septic system upgrade which is due to begin this summer. There  
75 were no further questions from the audience or members. C. Callow motioned to close the  
76 hearing; J. Doubrava seconded; voted unanimously.

77

78 7:15 PM **Ivor R. Bloom**, Notice of Intent (SE 041-1248), for raze and rebuild a  
79 single family residence at 296 Delano Road. C. Callow read aloud a letter received from  
80 Rick Charon of Charon Engineering which stated that they have withdrawn the application  
81 without prejudice. N. Hills motioned to accept the withdrawal with prejudice; J. Doubrava  
82 seconded; voted unanimously.

83  
84 7:20 PM **Doug Thackeray**, Notice of Intent (File No. SE 041-1239), for an  
85 aquaculture project. (Continued from July 27, 2016) The Commission is still awaiting new  
86 information from D. Thackeray but they have not received it as of this date. Since D.  
87 Thackeray was not present it was decided to continue the hearing to later in the evening  
88 in case he does arrive with the information. C. Callow motioned to continue; J. Doubrava  
89 seconded; voted unanimously.

90  
91 **DISCUSSION ITEM:**

- 92 A. Email received from Clean Energy Collective regarding the  
93 planting on Tucker Lane. C. Callow read aloud the email. She  
94 said that members did a site visit on Saturday, August 6, 2016  
95 and noted that several of the new plantings were already  
96 dead. There was a discussion about the situation and it was  
97 decided that a letter will be sent to Clean Energy advising them  
98 of the plantings that need to be replaced. A copy will be given  
99 to the Planning Board.
- 100 B. Request for comments from the ZBA for Case #726, Kiehl. A filing  
101 with the Conservation Commission is necessary. The applicant  
102 has already filed and is scheduled for the next meeting on  
103 August 24, 2016.
- 104 C. MACC August Education Update: The Fall Conference is  
105 October 29, 2016. C. Callow will attend.
- 106 D. Complaint received about a fence being installed at 9  
107 Shellheap Road. The office received a verbal complaint about  
108 this. Jeff Oakes at CLE Engineering was asked about the fence  
109 since he recently represented the home owners on a Notice of  
110 Intent. He is currently on vacation. C. Callow said she would  
111 reach out to J. Oakes at the end of the week to follow up.
- 112 E. Request received from John Rockwell regarding placement of  
113 wetlands flags on the Bike Path. C. Callow spoke to J. Rockwell  
114 via phone. He was unable to attend the meeting to discuss. C.

115 Callow read aloud an email that had been received from J.  
116 Rockwell regarding the survey and an ANRAD that will be filed  
117 in the near future. He had questions about using a previously  
118 staked wetland line on the new plan. A site visit will be  
119 scheduled once the application has been filed.

120 F. Response from MOSAC regarding a letter that was sent on May  
121 25, 2016 in reference to place boulders in Washburn Park. A  
122 gate will be installed at that area. John Rockwell noted in his  
123 letter that this land is managed by MOSAC.

124 G. Discussion regarding potential new Wetlands Bylaw. N. Hills said  
125 that MACC has a draft bylaw that can be used as a template.  
126 He also mentioned that the town is in the process of completing  
127 the Master Plan and there will be a need for bylaw changes  
128 and this would fit right in with that process. There was a  
129 discussion regarding the process.

130

131 C. Callow mentioned that she had a conversation with Facilities Manager Shaun  
132 Cormier about a trench that had been dug at Silvershell Beach between the Guard Shack  
133 and the Beach House. It is for an electric line. It has been covered and will be seeded as  
134 soon as possible.

135

136 **TO ISSUE:**

137

138 Request for Certificate of Compliance from **Gale Runnells** for Order of Conditions  
139 File No. SE 041-1208, 17 Reservation Way. C. Callow read aloud the letter from Rick Charon  
140 of Charon Associates. Members had concerns that the pool was constructed larger than  
141 was permitted. There was a discussion regarding the current conditions. After further  
142 conversation it was decided to continue until R. Charon can be present. N. Hills motioned  
143 to continue the hearing to September 14, 2016 at 7:00pm; J. Doubrava seconded; voted  
144 unanimously.

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146 The Wanderer invoice was approved for payment

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148 **CORRESPONDENCE:**

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A. Waterways License Application Notice received for Blankenship  
Trust, LLC, 468 Point Road.

151 B. Letter from the Division of Marine Fisheries with comments on the  
152 Waterways License noted above  
153

154 **TO ISSUE:**

155 A. Request from the **MassDOT** for a third Extension Permit (three  
156 year) for Order of Conditions File No. SE 041-945, to maintain  
157 drainage systems on Routes 6, 105 and I-195. C. Callow read  
158 aloud the letter received from MassDOT. N. Hills said that he  
159 would like to see a plan showing the areas that would be  
160 treated. Members wanted to research this further before issuing  
161 the Extension Permit.  
162

163 Discussion returned to **Doug Thackeray**, Notice of Intent, (File No. SE 041-1239), that  
164 was continued earlier in the evening. Since D. Thackeray had not arrived at the meeting, L.  
165 Dorman motioned to continue this hearing to August 24, 2016 at 7:30pm; N. Hills seconded;  
166 voted unanimously.  
167

168 N. Hills motioned to issue the Determination of Applicability File No. 41D-1619 for  
169 **Blankenship Trust, LLC**, 470 Point Road; Negative Determination Box #1, the area is not an  
170 area subject to protection under the Act or the Buffer Zone. C. Callow seconded; voted  
171 unanimously.  
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173 Meeting adjourned at 8:29pm.  
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Donna M. Hemphill, Administrative Assistant

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177 Approved: August 24, 2016

RECEIVED  
TOWN CLERK OF MARION, MA  
2016 SEP - 1 P 12:45  
08-10-2016