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FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON APRIL 9, 2014

Members Present: Norman A. Hills, Vice Chairman  
Joel D. Hartley, Treasurer  
Stephen C. Gonsalves, Clerk  
Jeffrey J. Doubrava, Member

Members Absent: Lawrence B. Dorman, Chairman  
Cynthia C. Trinidad, Associate  
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Norry Alves and Daniel Cosby (Dartmouth Pools), Chris Collings, Ted North, John Beck, Joan Hartnett-Barry (The Wanderer), James Colageo, Magdalena Lofstedt and Shawn Syde (CDM Smith), William and Karen Curley, and David Davignon (N. Douglas Schneider and Associates).

Meeting convened at 7:00 PM on Wednesday, April 9, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 5, 2014 by N. Hills and J. Doubrava. This meeting was video recorded by ORCTV and audio recorded by Town of Marion staff.

7:00 PM **MARYELLEN S. SHACHOY**, 52 Water Street - Request for Determination of Applicability (File No. 41D-1529) to install a gunite in-ground swimming pool and a patio. Norry Alves and Daniel Cosby of Dartmouth Pools represented Mrs. Shachoy. Cartridge filters will be used, and all excavated fill will be taken off site. J. Hartley moved to close; J. Doubrava seconded; voted unanimously.

**HENRY and JUDY DeJESUS**, 12 Hartley Lane – N. Hills moved to issue a full Certificate of Compliance for razing a dwelling and constructing a new dwelling, with Continuing Conditions that the driveway shall be of crushed stone or other pervious material, and road salt or other deicing chemicals shall not be used on the driveway; J. Doubrava seconded the motion; voted unanimously (File No. SE 041-1172).

40           **JAMES and MARIE T. DAVIDIAN**, 21 East Avenue, Planting Island – N. Hills moved to  
41 issue a full Certificate of Compliance for reconstructing a launching ramp; J. Doubrava seconded the  
42 motion; voted unanimously (File No. SE 041-1074).

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44           7:15 PM **TOWN OF MARION, C/O THE DEPARTMENT OF PUBLIC WORKS** –  
45 Notice of Intent (File No. SE 041-1210) to rehabilitate River Road in order to improve roadway  
46 infrastructure and roadway safety. Shawn Syde and Magdalena Lofsted of CDM Smith represented  
47 the Town and described the project. The level of the road will not be raised and will not be widened,  
48 but it will be a constant width. J. Hartley asked about the proposed small subdivision's drainage;  
49 S. Syde said Superintendent of Public Works Robert Zora told him that would be handled separately.  
50 M. Lofstedt said 400 feet of the road is in the flood plain, which is why a Notice of Intent was  
51 submitted for this work. S. Syde said construction is proposed around June 1, 2014. He said there  
52 are road improvements to be done on other roads in the Town, which do not need to come before the  
53 Conservation Commission, and they will be done at the same time.

54           Abutter Chris Collings of 13 River Road said he is against paving the low area that ponds.  
55 S. Syde said the drainage swale is on Town property and will be maintained by the Town. He said  
56 snow should not be piled in the swale and he will speak with R. Zora about that. C. Collings asked  
57 whether the road can be elevated to help the runoff; S. Syde said that low area is in the flood plain  
58 and would require compensatory storage if it were raised. J. Hartley said that compensatory storage  
59 only applies in inland, not coastal coastal flooding situations.

60           Paul Hyde of 39 River Road said a large amount of water runs through his property and  
61 37 River Road, not down the road, and is causing erosion. He would like a curb on the downhill side  
62 to keep the water in the road.

63           Jack Beck of 17 River Road said the ground on the water side of the low point is a bump  
64 which dams up the water. S. Syde explained that the work in that area includes leveling the road and  
65 installing a rock swale. S. Syde said that any driveways in the Town-owned part of the road that are  
66 damaged will be repaired.

67           James Colageo of 41 River Road said the site of the proposed development is hardpan which  
68 sheds water. He thinks the road should be elevated a little and the homeowners could fill the  
69 lowspots on their properties.

70           N. Hills suggested continuing the hearing so that the engineers could meet the residents on  
71 site to review the problems that have been identified. S. Syde said delaying this hearing to April 23,  
72 2014 would be OK but the Order of Conditions will be needed as soon as possible after that to be

73 included in the bid package. N. Hills moved to continue the hearing, with the Applicant's consent, to  
74 7:40 PM on April 23, 2014; J. Doubrava seconded; voted unanimously.

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76 7:50 PM **WILLIAM F. AND KAREN M. CURLEY**, 154 Spring Street – request for a full  
77 Certificate of Compliance for razing a dwelling and constructing a new dwelling with an attached  
78 garage, replicating wetlands, and landscaping (File No. SE 041-1129). Mr. and Mrs. Curley were  
79 present with their engineer, David Davignon of N. Douglas Schneider & Associates. The  
80 Commission Members all agreed they had no problems with the new house and landscaping, which  
81 were beautiful. The only concern is that the engineer's request for a Certificate of Compliance did  
82 not include a report of the condition of the replicated wetlands. The Order of Conditions stated that  
83 two reports on the success of the replication would be submitted, but the Commission hasn't received  
84 any reports. D. Davignon said he does not consider himself qualified to do a botanist's appraisal of  
85 the replication area. He said 275 square feet of wetlands were filled and almost twice that area was  
86 replicated. D. Davignon said the Commission usually asks applicants to install a permanent barrier  
87 from the wetlands, and Mr. and Mrs. Curley installed several barriers from their wetlands.  
88 S. Gonsalves asked if replication reports have always been submitted in the past; J. Hartley said most  
89 of the time, yes. J. Doubrava said the Order of Conditions calls for a report/statement from a  
90 qualified person, not specifically a botanist, as to whether the replication is successful or not. Mrs.  
91 Curley said the accountability of the replication falls to her and also to the Commission, because the  
92 Commission looked at the replication area and should be able to tell whether it was successful or not.  
93 D. Davignon said his letter stated the project was done in compliance, and that includes the  
94 replication. J. Doubrava said he would accept a letter from D. Davignon stating that, in his opinion,  
95 the replication area is successful. Mr. Curley said he is as qualified as anyone to say the replication  
96 is successful. Mr. Curley said he was upset with N. Hills' comment, "And you thought this would be  
97 easy" during the site inspection. N. Hills denied saying that. J. Doubrava said he did not hear N.  
98 Hills say that. D. Davignon said he was told of statements made during the inspection by N. Hills  
99 that were derogatory and defamatory about him. J. Doubrava said he did not hear those comments.  
100 Issuance of the Certificate of Compliance will be put on hold until a replication report is received.

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102 **CHRISTOPHER BRYANT** – Update of the Job's Cove aquaculture farm project (File No.  
103 SE 041-1138). N. Hills explained that the Board of Selectmen require C. Bryant to obtain the  
104 Commission's written approval of the reconfigured grant area before his permit would be issued.  
105 The problem is that the Order of Conditions issued by the Conservation Commission had been  
106 appealed by abutters, and a Superseding Order of Conditions was issued by the Department of  
107 Environmental Protection for the project. C. Bryant must ask D.E.P. for an Amended Order of

108 Conditions, not the local Conservation Commission. The Marion Conservation Commission does  
109 not object to the reconfiguration. No further action is needed.

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111 **BAY WATCH REALTY TRUST**, Front Street (File No. SE 041-1145) – Kenneth Steen  
112 has submitted a copy of the March 2014 Stormwater Remediation Report to the Commission, a letter  
113 and drawing from his engineer (Ed Gless of Existing Grade, Inc.) regarding the 18" drainage pipe  
114 under the roadway, and has installed an additional 600' of siltation fencing in areas that were affected  
115 by the recent 5" rainfall.

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117 **MARYELLEN S. SHACHOY** – N. Hills moved to issue a Negative Determination for  
118 Boxes 2 and 3 for the in-ground swimming pool and patio at 52 Water Street; J. Hartley seconded;  
119 voted unanimously (File No. 41D-1529).

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121 **ORCTV** (Old Rochester Community Television) – S. Gonsalves said he is in favor of having  
122 the Conservation Commission meetings televised, but would like the full Commission to vote on the  
123 matter.

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125 Meeting adjourned at 8:25 PM.

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Diane R. Drake, Secretary

Approved May 28, 2014