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FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 28, 2014

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

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

Secretary: Diane R. Drake

Others Present: Richard Giberti, Rich Riccio, Joan Hartnett-Barry, Jay Hiller,
Matthew Schiffer, Bill and Wilma Bailey, Paul Grover and
David Davignon.

Meeting convened at 7:00 PM on Wednesday, May 28, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 24, 2014 by N. Hills, J. Hartley, J. Doubrava and C. Trinidad. This meeting was video recorded by Old Rochester Community Television (ORCTV) and audio recorded by Town of Marion staff.

7:00 PM **TOWN OF MARION, C/O DEPARTMENT OF PUBLIC WORKS**, (File No. SE 041-1210) to rehabilitate River Road in order to improve roadway infrastructure and roadway safety. (continued from April 23, 2014). At the request of the applicant, J. Hartley moved to continue to 7:10pm on June 11, 2014. C. Trinidad seconded; voted unanimously.

MINUTES: Minutes were reviewed from March 12, 2014. N. Hills moved to accept as amended; J. Doubrava seconded; voted unanimously. Minutes were reviewed from March 26, 2014. N. Hills moved to accept as written; J. Doubrava seconded; voted unanimously. Minutes were reviewed from April 9, 2014. Amended on motion by N. Hills; J. Doubrava seconded; voted unanimously.

39 7:10 PM **PNH REALTY TRUST**, 635 Mill Street. Appointment for discussion regarding
40 proposed minor changes to an Order of Conditions (File No SE 041-1170/SE 041-789) to the
41 footprint of the proposed future building, the parking lot expansion area and an oil/water separator
42 manhole in the proposed building. Rich Riccio of Field Engineering represented Jay Hiller who was
43 also present. N. Hills said the work basically repositioning the building and thought the changes
44 were minor and could be accepted by a letter rather than amending the Order of Conditions; the
45 other members agreed. J. Hartley drafted. N. Hills moved to send; C. Trinidad seconded; voted
46 unanimously.

47
48 7:20 PM **JOHN P. AND MALLORY Y. WATERMAN**, Water Street Notice of Intent (File
49 No. SE 041-1213) to reconstruct the wooden pier and repair or reconstruct the stone seawall
50 (continued from May 14, 2014 due to Department of Marine and Fisheries comment about not
51 enough water under the float). N. Hills reported that the Harbormaster said there is 4' depth. J.
52 Doubrava moved to close; S. Gonsalves seconded; voted unanimously. N. Hills drafted the Order of
53 Conditions.

54
55 7:30 PM **MARSHALL AND WILMA BAILEY**, 41 Dexter Road – Notice of Intent (File
56 No. SE 041-1214) to remove the existing licensed boardwalk/pier, gangway and float; construct a
57 new 3.5' x 130' boardwalk/pier, 4' x 24' gangway and 10' x 16' float; and separate and relocate the
58 two existing sheds onto new sono-tube foundations. (continued from May 14, 2014). D. Davignon
59 was delayed and asked to continue to a later in the meeting. S. Gonsalves seconded; voted
60 unanimously.

61
62 **BAYBERRY LANE** D.E.P. advised of wetlands complaint. A site visit was made. A metal
63 post has been cemented into the middle of the walkway. N. Hills said they should have applied for a
64 permit to set the post. Allegedly the post was set by the landowner. It was agreed to draft an
65 Enforcement Order . N. Hills moved; C. Trinidad seconded; voted unanimously. Also, stones were
66 set at the end of the path and plant slash was dumped, and he should have cleaned up.

67
68 7:40 PM **PAUL E. GROVER**, 24 West Drive – Request for Determination of Applicability
69 (File No. 41D-1530) to replace two existing decks with one continuous wrap-around deck, and
70 replace landscaping shrubs with a planter. Mr. Grover was present with his Engineer David
71 Davignon, who described the proposed work. The deck will be on sono-tubes. a silt fence will be set
72 50' from the top of coastal bank (the seawall). The height of the deck will not change. The planter
73 will be 15" high, increasing to 42" as the elevation changes but is of a breakaway construction that is

74 approved by D.E.P. Excavated fill will be placed in the planter; minimal fill is expected. S.
75 Gonsalves moved to close; C. Trinidad seconded; voted unanimously.

76
77 7:47 PM **MARSHALL AND WILMA BAILEY** Hearing was reopened from earlier. Mr.
78 and Mrs. Bailey were present with their Engineer, David Davignon. There is a change to the shed
79 from the NE side of the house to against the house. The shed will be as low as possible and have a
80 ramp instead of steps. D. Davignon said the Harbormaster is okay with 24" under the float rather
81 than 30" suggested by D.M.F. The first leg of the pier is shifted counter clockwise slightly
82 southeastly to avoid the flagpole. D. Davignon said a 20' section of the pier will be of a grated
83 material due to the pier being lower in that section, to minimize shading. J. Doubrava moved to
84 close; C. Trinidad seconded; voted unanimously.

85
86
87 **DISCUSSION: MARION OPEN SPACE ACQUISITION COMMITTEE (MOSAC),**
88 Grassi Bog, Mill Street (File No. SE 041-1197). In 2013 the MOSAC modified the dikes in the bog
89 which has been seriously damaged by the recent 5" and 2 " rainstorms. J. Hartley suggested
90 notifying the MOSAC for a better plan. N. Hills will.

91
92 **DISCUSSION: MARION RECREATION DEPARTMENT,** Washburn Park. (File No.
93 41D-1488 to restore the picnic area by skating pond is valid until November 30, 2015). D.E.P.
94 received a complaint of wetlands violations. N. Hills said part of what was done, adding sand to
95 make a beach would not be allowed. N. Hills did an inspection with Paul Dawson and Recreation
96 Director Jody Dickerson, and no one knew who did the work. C. Trinidad agreed that an
97 Enforcement Order is needed.

98
99 **JOHN P. AND MALLORY Y. WATERMAN,** N. Hills drafted the Order of Conditions
100 and moved to issue as written; S. Gonsalves seconded; voted unanimously.

101
102 **MARSHALL AND WILMA BAILEY,** J. Doubrava drafted the Order of Conditions and
103 moved to issue as written; C. Trinidad seconded; voted unanimously.

104
105 **PAUL E. GROVER,** C. Trinidad drafted the Determination and moved to issue as written;
106 S. Gonsalves seconded; voted unanimously.

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