

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 23, 2009

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr.  
Wendy L. Carreau, Associate

Members Absent: Lawrence B. Dorman  
Joel D. Hartley  
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Ernest Yeaw, Bill Lovett, Tom Lovett, Mark Brown, Christian Farland,  
Brian and Jennifer Dupras, Dave Davignon, Joe and Susan Lasky,  
Randy Demellow, Lewis Demellow, John and Ann Harris, and  
Mark Woods

Meeting convened at 7:00 PM Wednesday, December 23, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 19, 2009 by J. Oakes, L. Dorman and N. Hills.

7:00 PM **MARK BROWN** - RFD (41D-1401) to construct a building addition and stormwater management systems at 15 Holly Lane. Mr. Brown was represented by his engineer, Christian Farland, who described the project. He said the addition will be on pilings and will be built at elevation 17'. The existing house is at AE15'. W. Carreau moved to close the hearing, J. Oakes seconded; voted unanimously.

7:07 PM **WILLIAM C. LOVETT** - NOI (SE 041-1125) to construct a single-family dwelling with associated grading and landscaping at Lot 147 Doran Way, Dexter Beach (continued from December 9, 2009). William and Thomas Lovett were present with their engineer, David Davignon. D. Davignon noted that this hearing was continued from December 9, 2009 to allow the Commission to check the wetland line. N. Hills reported that another site visit was accomplished and some test pits were dug. J. Oakes said that there was hydric soils in the area and Tupelos approximately 20 feet from flag 63. Tom Lovett responded that there is an isolated bowl in that area that may have wetland vegetation, but it is isolated. D. Davignon suggested moving the 15 foot no-touch zone to 25 feet. J. Oakes said he checked with DEP to see if a BVW line on one lot would be valid on an abutting lot and was told "not necessarily." J. Oakes said the 25 foot no-touch zone and a row of boulders could be addressed in the Order of Conditions rather than revising the plan. S. Briggs said he believes the BVW line is as shown on the plan. Earnest Yeaw, an abutter, was present and asked where the boulders would be with respect to the boulder line on his property. He

accepted that the two lines would meet. J. Oakes moved to close the hearing; W. Carreau seconded; voted unanimously.

7:27 PM **BRIAN DUPRAS** - RFD (41D-1400) to convert the dwelling at 993 Point Road into a garage, construct a new dwelling with a porch and deck, extend the driveway, and grade/loam/seed. Brian Dupras was present and described the project. He said there will be drywells and downspouts. N. Hills commented that the work should have received a Conservation Commission permit before starting work. N. Hills said he feels a Notice of Intent should be filed. J. Oakes said the property had wetlands on two of three sides and this is normally addressed under a Notice of Intent. Dave Davignon explained that Mr. Dupras originally described the project to the Conservation Commission Secretary as limited to razing and rebuilding on the same footprint, which would not have required a Notice of Intent. The plan submitted for a building permit showed a new, separate house. J. Oakes moved to close the hearing; W. Carreau seconded; voted unanimously.

7:40 PM **TOWN OF MARION** - NOI (SE 041-1120) to replace 9,500 linear feet of antiquated water main on Pleasant Street (from Main Street to Converse Road) and on Converse Road (from Pleasant Street southerly to the end of the public road) with a 12" ductile iron water main (continued from December 9, 2009). The previous continuance was because the response from Natural Heritage had not been received. The response was received and reported "...will not adversely affect..." J. Oakes moved to close the hearing; W. Carreau seconded; voted unanimously.

7:42 PM **NANCY D. and GREGORY JOHNSON** - NOI (SE 041-1120) to construct a 700'-long elevated walkway, a 55'-long pier, a 3' x 24' ramp and a 12' x 12' float at 406 Point Road (continued from December 9, 2009). Their engineer has requested a continuation. W. Carreau moved to continue the hearing until January 13, 2010 at 7:10 PM; S. Briggs seconded; voted by majority with J. Oakes abstaining.

7:44 PM **TOWN OF MARION** - NOI (SE-041-1123) to install a 50'-long, 12"-diameter drainage pipe with culverts at each end within the road layout at the southerly end of Giffords Corner Road, and replicate 332 square feet of wetlands (continued from December 9, 2009). Christian Farland represented the Town. He noted that the previous meeting had been continued for another inspection from the abutter's property, which had been denied. He said he does not think the proposed work would be changed even if they had inspected the site further. C. Farland showed an old plan of when Giffords Corner Road was built and it is at 31' elevation at the end. J. Oakes said to minimize the cost the Town would spend to do this project, he suggested a 1:2 replication, not necessarily in the area shown on the plan. C. Farland agreed. Louis Demello of 24 Giffords Corner Road was present and said it was always dry down there until the new driveway was built and noted that the new driveway is rarely used, perhaps once or twice a year. He would prefer that the driveway be removed. J. Oakes said that would cost the Town even more. Joseph Lasky said the water level is up to the grass and 1' from the top of the curb, which is the point where the Zora pipe begins to work. Mark Woods of 25 Giffords Corner Road said he has two young children and the water is dangerously deep at the turn-around and is a safety issue. W. Carreau moved to close the hearing; J. Oakes seconded; voted unanimously.

**MARK BROWN** – W. Carreau proposed a Negative Box 2. J. Oakes moved to issue a Negative Box 2; N. Hills seconded; voted unanimously (41D-1401).

**BRIAN DUPRAS** – S. Briggs moved to issue a Positive Box 4 (buffer zone); J. Oakes seconded; voted unanimously (41D-1400).

**WILLIAM C. LOVETT** – N. Hills reviewed the draft Order of Conditions and moved to issue it as written; J. Oakes seconded; voted unanimously (SE 041-1125).

**TOWN OF MARION** – W. Carreau reviewed the draft Order of Conditions for the water main work and moved to issue it as written; J. Oakes seconded; voted unanimously (SE 041-1120).

**TOWN OF MARION** – J. Oakes reviewed the draft Order of Conditions for the Giffords Corner Road work and moved to issue as written; S. Briggs seconded; voted unanimously (SE 041-1123).

**THAYER FRANCIS, JR.** – Certificate of Compliance for a 1992 Order of Conditions (SE 041-058) for cleaning up downed trees at 14 Vine Street caused by Hurricane Bob in 1991. N. Hills preferred to have the engineer submit a plan showing what is actually there now. J. Oakes said special conditions 5 and 13 need to be addressed. N. Hills moved to send a letter explaining why the Certificate of Compliance can't be issued at this time.

**D. JOSEPH DUGGAN II** - Certificate of Compliance for reconstructing a boardwalk over a salt marsh at 17 Dexter Road, Dexter Beach (SE 041-1041). N. Hills moved to issue a full Certificate of Compliance for Box 1; W. Carreau seconded; voted by majority with J. Oakes abstaining.

**GEORGE T. FEARONS** – Certificate of Compliance for constructing a garage at 5 Sarah Sherman Lane (SE 041-746). J. Oakes moved to issue a full Certificate of Compliance for Box 1; W. Carreau seconded; voted by majority with S. Briggs abstaining.

**MARTHA STARK** – Certificate of Compliance for reconstructing a seawall and landscaping activities at 4 West Avenue, Planting Island (SE 041-1061). This item will be added to the January 9, 2010 site inspections list.

**DOLA STEMBERG** – Three year Extension Permit for landscaping activities at 85 and 99 Moorings Road, and to remove invasive species adjacent to the Lily Pond (SE 041-1058). N. Hills moved to issue a three year Extension Permit for the removal of Japanese Knotweed, bittersweet, and phragmites per the engineer's request; S. Briggs seconded; voted by majority with J. Oakes abstaining.

**JAMES C. PRIEUR** – His request for a change to his Plan of Record without a formal Amendment to the Order was discussed. This item will be placed on the January 9, 2010 site inspections list (SE 041-1113).

**FY 2011 BUDGET** – N. Hills moved to flat line; J. Oakes seconded; voted unanimously.

**CONSERVATION COMMISSION ANNUAL REPORT** – N. Hills moved to accept the report as amended; J. Oakes seconded; voted unanimously.

Meeting adjourned at 9:15PM.

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Diane R. Drake, Secretary

Approved August 11, 2010