

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 8, 2010

Members Present: Joel D. Hartley, Chairman
Sherman E. Briggs, Jr., Vice Chairman (absent from 7:00-7:10 PM)
Norman A. Hills, Secretary and Treasurer
Lawrence B. Dorman
Wendy L. Carreau

Members Absent: Jeffrey W. Oakes, Associate
Bruce C. Hebbel, Associate

Secretary: Diane R. Drake

Others Present: Peter Wallace, Mark Hadley, Theodore Lambert, Cecily L. Cassum,
Kevin M. Boyar, Christian Farland, Lars Olson, David Davignon,
Richard Schaefer, D. Joseph Duggan II, Tim Santos, Kimberly Mercurio,
David Fredette, John Ludes and Christopher Bryant.

Meeting convened at 7:00 PM Wednesday, December 8, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 4, 2010 by N. Hills, L. Dorman and S. Briggs (first site).

7:00 PM **MARK D. HADLEY** - RFD (41D-1436) to construct a two-story addition at the east end of the dwelling at 28 Old Knoll Road (continued from October 27, 2010). Mark Hadley was present with his contractor (Kevin Boyer) and engineer (David Fredette). A revised plan had been submitted. Photographs were submitted showing how dry the site has been. D. Fredette said the former flags were not numbered sequentially, so he numbered them correctly starting at zero. K. Boyer described the proposed work and said the footprint isn't going further out, they are just filling in the "L." He said the fill can be trucked off site if the Commission so desired. M. Hadley said the gutters go to a drywell in front of the house. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

S. Briggs arrived at 7:10 PM.

7:11 PM **WILLIAM A. SAMPSON** - RFD (41D-1413) to raze the existing dwelling at 43 Dexter Road, Dexter Beach, and reclaim the yard by clearing brush up to 15' from the wetland line (continued from November 10, 2010). No one represented the applicant. A site visit had been held with Mr. Sampson's botanist to view the reflagged line, and new plans are being drawn up. N. Hills moved to continue the hearing to January 12, 2011 at 7:00 PM; W. Carreau seconded; voted unanimously.

7:15 PM **COPPER MEDAL LLC** - NOI (SE 041-1147) to construct a dwelling with an attached garage and deck, a driveway, and replicate wetlands on Lots 44/45 Converse Road (continued from November 10, 2010). John Ludes, the owner of the property, was present with his engineer, David Davignon. A revised plan has been submitted which increases the amount of wetland replication by an additional 100 feet. J. Hartley asked if there was a replication plan and report; D. Davignon said the project narrative describes the replication. N. Hills said the Commission usually checks the site for successful replication. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

7:23 PM **D. JOSEPH DUGGAN II** - NOI (SE 041-1150) to construct a 16' pier extension, a 3' x 20' ramp, a 6' x 16' float, and set four float pilings at 17 Dexter Road, Dexter Beach. D. Joseph Duggan was present and described the history of the dock and the improvements he's made and would like to make. He plans to do most of the work by hand and will hire Thomas P. Tarrant to do any heavy work. The float will be cranked up and stored in place. The Harbormaster and the Division of Marine Fisheries have approved the project. N. Hills moved to close the hearing; W. Carreau seconded; voted unanimously.

7:30 PM **LARS OLSON** - NOI (SE 041-1149) to construct a single-family dwelling with decks, an in-ground swimming pool, driveways, retaining walls, install utilities, and associated grading at Lot 39U Hammetts Cove Road. Lars Olson was present with his engineer, Christian Farland, who described the site and proposed work. An Order of Resource Area Delineation had been issued verifying the resource areas. The walk-out grade behind the house will be very close to the existing grade. There is a drainage swale that will be piped to a 10' x 10' riprap area. C. Farland said the work is in the AE 15' flood zone, and the proposed new flood maps do not change that delineation. N. Hills asked whether the footprint of the paved driveway could be changed; C. Farland said they need room to turn around. L. Olson said the siltation fence and split rail fence would be erected immediately; N. Hills said the plan shows a 2' setback from wetlands which does not comply with the Commission's 15' no-touch zone policy. L. Olson asked N. Hills whether he was going to insist on the 15' buffer zone setback because he knows of several projects in town that have been allowed within that 15'; N. Hills said that standard is not a bylaw and each case is determined individually. L. Olson said the pool can be pulled back and turned to be in line with the deck, and asked whether the Commission would accept a 5' or 7' no-touch buffer instead of the 2' shown on the plans; L. Dorman said he would go along with 7'. C. Farland said the pool will be salt water and the 10' x 10' rip rap area can be used for any pool overflow. L. Olson said he will look into a catch basin at the bottom of the paved driveway, and the drip strips are being worked on in the architectural plans. L. Olson said this is time sensitive, as he needs an order of conditions for the closing on the property on December 31, 2010. N. Hills said he would like the plan to be revised to show the proposed changes before issuing the order. L. Dorman moved to continue the hearing, with the applicant's consent, to December 22, 2010 at 7:00 PM; N. Hills seconded; voted unanimously.

7:55 PM **BAY WATCH REALTY TRUST** - NOI (SE 041-1145) to construct a 168-unit affordable housing complex under Chapter 40B with associated parking areas, on-site and off-site utility connections, storm water management infrastructure and related mitigation measures on Lots 27-29 off Front Street (Route 105) (continued from November 10, 2010). The applicant has requested another continuation. L. Dorman moved to continue the hearing, with the applicant's

consent, to 7:30 PM December 22, 2010; N. Hills seconded; voted by majority with S. Briggs abstaining.

7:56 PM **RIAZ A. and CECILY L. CASSUM** - NOI (SE 041-1148) to remove and control phragmites and other invasive plant species at 58 Moorings Road. Cecily Cassum was present with her engineer (Tim Santos of Holmes and McGrath) and landscape architect (Kimberly Mercurio of Kimberly Mercurio Landscape Architecture). T. Santos described the proposed work. K. Mercurio said all native plants will remain - just the invasives will be cut, removed by hand, and treated with Rodeo in August. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously.

8:04 PM **RIAZ A. and CECILY L. CASSUM** - amendment to an order of conditions (SE 041-1131) for razing and replacing the dwelling at 58 Moorings Road with a new dwelling, a garage, a studio and sewage disposal system, grading/landscaping and driveway reconfiguration. The amendment is to modify the house footprint and for landscaping revisions (installing retaining walls, a patio, a screened porch, a deck, gardens, a front walk and grading changes). Cecily Cassum was present with her engineer (Tim Santos of Holmes and McGrath) and landscape architect (Kimberly Mercurio of Kimberly Mercurio Landscape Architecture). T. Santos described the proposed work. W. Carreau moved to close the hearing; N. Hills seconded; voted unanimously.

COLE DAUGHTERS REALTY TRUST, c/o Nancy Cole Lambert, Trustee (SE 041-1037). A second three-year extension permit has been requested for constructing a single-family dwelling at Lot 11 Delano Road. Theodore Lambert was present and explained the history of the lot and this project. S. Briggs said nothing has changed there, and moved to issue a three-year extension permit; W. Carreau seconded; voted unanimously.

BRIAN DUPRAS (SE 041-1128) - request for a full certificate of compliance for converting the dwelling at 993 Point Road into a garage, constructing a new dwelling with a porch and deck, and extending a driveway. L. Dorman moved to issue a full certificate of compliance; W. Carreau seconded; voted unanimously.

W. Carreau drafted and moved to issue the order of conditions for **RIAZ A. and CECILY L. CASSUM**'s phragmites eradication project at 58 Moorings Road; J. Hartley seconded; voted unanimously (SE 041-1148).

L. Dorman moved to issue a conditional negative determination for boxes 2 and 3 for **MARK D. HADLEY**'s addition to the dwelling at 28 Old Knoll Road, with conditions that building materials shall be stored off site or in front of the house at least 30' from the wetlands, roof runoff shall be directed to existing gutters leading to drywells, and the use of either wattles or haybales is acceptable; N. Hills seconded; voted unanimously (41D-1436).

N. Hills drafted and moved to issue the order of conditions for **D. JOSEPH DUGGAN II**'s pier extension project at 17 Dexter Road, Dexter Beach; L. Dorman seconded; voted unanimously (SE 041-1150).

J. Hartley drafted and moved to issue the order of conditions for COPPER MEDAL LLC's new dwelling and driveway project off Converse Road; N. Hills seconded; voted unanimously (SE 041-1147).

W. Carreau drafted and moved to issue the amendment to RIAZ A. and CECILY L. CASSUM's order of conditions (SE 041-1131) for the new dwelling project at 58 Moorings Road; N. Hills seconded; voted unanimously.

Discussion followed regarding whether or not the Conservation Commission would be interested in joining with the Planning Board in adopting the MULLIN RULE (M.G.L.A. 39, section 23D) which states in part that a board/commission member cannot be disqualified from voting on a matter solely due to that member's absence from no more than a single session of a hearing. S. Briggs said the Planning Board wants to adopt this rule because their vice chairman is out of the country often and this way their hearings would not need to be continued. N. Hills said he would be in favor of being included. S. Briggs said the invitation was just a Planning Board courtesy to see if anyone else was interested. It was agreed that the Conservation Commission does not have that problem and it was not necessary to adopt the Mullin Rule.

N. Hills had drafted a letter to the Natural Heritage and Endangered Species Program regarding the decertification of one of BAY WATCH REALTY TRUST's vernal pools (SE 041-1104). L. Dorman asked what good would come out of sending this letter; N. Hills said a process that will work for everyone. L. Dorman said he did not think the letter would change anything. N. Hills moved to send the letter as amended; W. Carreau seconded; voted by majority with J. Hartley and S. Briggs abstaining.

Minutes were reviewed. L. Dorman moved to accept the July 28, 2010 minutes as written; N. Hills seconded; voted unanimously. N. Hills moved to accept the September 22, 2010 minutes as amended; L. Dorman seconded; voted unanimously. L. Dorman moved to accept the October 13, 2010 minutes as written; W. Carreau seconded; voted unanimously.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved January 26, 2011