

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 27, 2010

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau, Associate

Members Absent: Sherman E. Briggs, Jr.
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Ricky Pursley, Bob Rogers, David Davignon, Susan Nilson,
James Manganello, Brian Dupras, Frank Maguire and Chris Hickey

Meeting convened at 7:00 PM Wednesday, January 27, 2010 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 23, 2010 by N. Hills, J. Oakes, L. Dorman and J. Hartley.

7:00 PM **A. NEIL PAPPALARDO** - NOI (SE 041-1127) to demolish the existing (main) dwelling at 90 Moorings Rd and construct a new dwelling with stone retaining walls and elevated patios in its place (continued from January 13, 2010). Robert Rogers was present on behalf of Mr. Pappalardo. This hearing was continued to show that the present and proposed flood zones will not change - they remain at AE. N. Hills asked if the crawl space needed to have breakaway windows; R. Rogers said he did not believe so. He said the new house will be in the existing house footprint or the lawn area. R. Rogers said Ford Construction did a good job renovating the cottage and he is sure they will be careful with fill. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:10 PM **DOUGLAS CROCKER** – RFD (41D-1403) to construct a 14' x 30' porch at 60 Water Street. Mr. Crocker's contractor, Chris Hickey, was present on his behalf. The work had already been issued a Building Permit and had begun. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

MATTAPOISETT RIVER VALLEY WATER DISTRICT – J. Oakes moved to issue a two-year Extension Permit for installing a new water main along the railroad grade from the Mattapoisett/Marion town line to Benson Brook Road; J. Hartley seconded; voted unanimously (SE 041-1051).

7:20 PM **BRIAN DUPRAS** - NOI (SE 041-1128) to construct a new dwelling at 993 Point Road, and convert the existing dwelling into a detached garage. Mr. Dupras was present with his engineer, David Davignon, who described the project. The Building Department had issued a permit before this meeting so the footing has already been poured. Mr. Dupras said the silt fence will be pulled closer to the building than shown on the plan in the left corner and right side. Natural Heritage has signed off on this project. Mr. Dupras said all available dirt will be used to fill the basement of the old house to make it a garage. J. Oakes said the project meets the 15' and 30' Conservation Commission setbacks. Mr. Dupras said he would like to clean up some of the neighbor's trash which is partially blocking the flow of the stream. N. Hills would like a line of boulders six feet apart to mark the 15' no-disturb zone to the wetlands. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

7:32 PM **MARK A. and CAROL M. CAFARELLA** – RFD (41D-1404) to construct a 16' x 20' addition on the east side of the dwelling at 437 Delano Road. Mr. and Mrs. Cafarella are out of state and cannot attend tonight's meeting. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

BUILDING DEPARTMENT PROCEDURES were discussed as some Building Permits are being issued for work that requires a filing with the Conservation Commission first. N. Hills will speak with the Building Commissioner.

7:40 PM **DOLA STEMBERG** - NOI (SE 041-1126) to reconstruct the dwelling and garage at 85 Moorings Road, install an in-ground pool, and make improvements to landscaping, parking, and walkways (continued from January 13, 2010). J. Oakes left the room. Susan Nilson of CLE Engineering, James Manganello of LEC Environmental, and Frank Maguire represented Ms. Stemberg. S. Nilson said she has spoken with Chris Markovich with respect to the FEMA mapping and feels his determination of the VE zone is inaccurate. She showed an overlay map explaining her findings using road intersections to explain why she feels her findings are accurate. N. Hills passed out Flood Insurance Study literature and excerpts that were done after the existing maps, and they show this site will be in a VE zone. N. Hills said his feeling is that the house is not designed in accordance with the latest available information and should be redesigned for a VE zone construction. S. Nilson said that is inconsistent with other permits for nearby sites; N. Hills agreed stating that the Commission was not fully aware of data supporting the proposed map changes. S. Nilson said that storm damage prevention is not a reason to stop construction. N. Hills responded that the house, in his opinion, needs to have a flow-through foundation as required for VE zones. L. Dorman does not agree with N. Hills and construction needs to start before the flood zone changes are put in place. J. Hartley said that Ms. Stemberg doesn't have to do this project and it will be an improvement to what is there now. W. Carreau agreed with L. Dorman that work should be in accordance with the existing regulations and flood maps. S. Nilson said Chris Markovich's job is with the Department of Conservation and Recreation, not DEP, and his job is to explain to Towns why it is important to accept the revised flood maps. L. Dorman moved to continue the hearing with the Applicant's consent to 7:20 PM on February 10, 2010; J. Hartley seconded; voted unanimously. J. Oakes returned to the room.

A. NEIL PAPPALARDO – J. Oakes drafted the Order of Conditions and moved to issue it as written, L. Dorman seconded; voted unanimously (SE 041-1127).

MARK A. and CARLA M. CAFARELLA – J. Oakes drafted a conditional Negative Determination with the need to install a line of plantings. L. Dorman moved to issue it as written; J. Hartley seconded; voted unanimously (41D-1404).

BRIAN DUPRAS - J. Oakes drafted the Order of Conditions. L. Dorman moved to issue it as written; J. Hartley seconded; voted unanimously (SE 041-1128).

DOUGLAS CROCKER – J. Oakes moved to issue a Negative Determination for Boxes 2 and 3; J. Hartley seconded; voted unanimously (41D-1403).

DOUGLAS CROCKER – It was noted during the site inspection for RFD (41D-1403) that extensive landscaping had recently been accomplished in the back of the house in what should be wetlands based on the BVW lines from adjacent properties. The recent Garden Tour literature commented about the extensive effort. J. Oakes will draft a letter requesting he schedule a meeting with the Commission.

BAY WATCH REALTY TRUST – N. Hills will draft a letter to Bob Gray to coordinate site inspections of PVP 3. He has provided a quote of \$1600.00 for three visits (SE 041-1104).

Meeting adjourned at 8:35 PM.

Diane R. Drake, Secretary

Approved August 11, 2010