

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 14, 2010

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman (absent from 7:00-7:15 PM)
Sherman E. Briggs, Jr. (absent from 7:00-7:25 PM)
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau, Associate

Members Absent: Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Daniel Tyson, Gary Brackins, Susan Nilson, William Sampson, Richard Charon, Christian Farland and David Davignon.

Meeting convened at 7:00 PM Wednesday, April 14, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 10, 2010 by N. Hills, J. Oakes and J. Hartley.

7:00 PM **WILLIAM and KAREN CURLEY** - NOI (SE 041-1136) to fill, grade and construct a single-family dwelling, driveway, and retaining wall at 9 Edgewater Lane. David Davignon, the Curley's representative, had requested that the hearing be continued to 8:10 PM tonight due to a scheduling conflict. L. Dorman so moved, W. Carreau seconded, voted unanimously.

DEXTER BEACH IMPROVEMENT ASSOCIATION – request for a fourth three-year extension permit for adding beach sand at Dexter Beach (SE 041-811). N. Hills so moved, J. Hartley seconded, voted unanimously.

MARION LANDS TRUST, C/O DAVID CROLL – request for a three-year extension permit to his Order of Resource Area Delineation (SE 041-1064) verifying the wetland resources at 369/371 Wareham Street. J. Hartley so moved, L. Dorman seconded, voted unanimously.

7:10 PM **DOLA STEMBERG** – NOI (SE 041-1126) to reconstruct the existing dwelling and garage at 85 Moorings Road, install an in-ground pool, and make improvements to landscaping, parking and walkways (continued from February 24, 2010). Susan Nilson represented Ms. Stemberg and said the foundation is being redesigned to be in compliance with the proposed 2011 revised FIRM Maps. She said the architectural details won't be ready but the site design, foundation, and drainage will be. L. Dorman moved to continue the hearing until 7:30 PM on April 28, 2010, J. Hartley seconded, voted unanimously.

7:11 PM **MARION LANDS TRUST, C/O DAVID CROLL** – NOI (SE 041-1137) for landscaping activities at Holly Knoll, off Wareham Street (regrading the former nursery area, maintenance mowing of a field lawn, pruning of tree canopy, removal of selected trees, and continued clearing of brush). A site inspection was held on April 10, 2010 with S. Nilson and D. Croll. S. Nilson represented D. Croll and described the work. N. Hills would like the right-hand line (16 R series) to be marked with boulders to deter the landscaper from mowing. N. Hills said the Order of Conditions will have conditions to maintain the flags and boulder line. S. Nilson said Mr. Croll would like permission to mow/cut/trim beyond the 15 foot no-touch zone. N. Hills said he would like to view the site again. L. Dorman moved to continue the hearing until 7:40 PM on April 28, 2010, W. Carreau seconded, voted unanimously. S. Briggs joined the meeting at 7:25 PM.

7:25 PM **SHAUN and ANN CARNEY** – RFD (41D-1412) to construct a detached 24' x 28' two-stall garage at 310 Front Street. Gary Brackens was present with the contractor, Mr. Tyson, on behalf of Mrs. Carney. G. Brackens said the slab will be set at 15.2 foot elevation and will be unheated for use as storage. A corner of the garage is in the AE 15 flood zone, but the rest is in the Zone X 500 year zone. He did not know if these flood zones were going to change on the new FIRM Maps. J. Hartley moved to close the hearing, J. Oakes seconded, voted unanimously.

7:30 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. Mr. Sampson was present and said this work was approved in the last Determination which has expired. N. Hills said the BVW line is outdated and there was no way to see where it is. J. Oakes said the BVW line needs to be reestablished using soil tests. J. Oakes said he is not in favor of clearing the lot if construction is not proposed. N. Hills said the site is a VE zone. Mr. Sampson was disappointed that the submitted plan could not be used. J. Oakes said he will not be in favor of clearing the lot. N. Hills recommended continuing the hearing for a month. N. Hills moved to continue the hearing, with the applicant's consent, to 7:00 PM on May 12, 2010, J. Oakes seconded, voted unanimously.

7:45 PM **HEATHER and KITT SAWITSKY** – RFD (41D-1414) to continue cutting phragmites at 95 Holly Road. N. Hills said it would be alright with him to cut the phragmites to one inch and poison it with Rodeo. N. Hills noted that they should also consider controlling the bamboo. J. Oakes moved to close the hearing, L. Dorman seconded, voted unanimously.

7:50 PM **LAURENCE E. REINHART** – NOI (SE 041-1132) to remove an existing masonry pier at 13 East Avenue, Planting Island, place stones along the existing seawall and sides of the existing ramp, and construct a 128-foot-long private dock with a boat lift (continued from March 24, 2010). Richard Charon represented the owner. Comments from the Harbormaster, DMF, and Natural Heritage have been received. R. Charon said a 20' boat would be the maximum size. The shellfish will be removed at the Shellfish Officer's direction prior to the start of work. L. Dorman moved to close the hearing, J. Hartley seconded, voted unanimously.

8:00 PM **JOHN LUDES** – NOI (SE 041-1135) for landscaping activities at 135 Converse Road (maintain walking paths, a woods road and a picnic area; remove fallen trees; rebuild stone walls; remove bittersweet and Japanese knotweed; cut/mow phragmites; and plant native species). J. Oakes and S. Briggs left the room. Christian Farland represented Mr. Ludes and described the

history of the cutting and also the proposed work. C. Farland said there are four walking paths and one main path from 4' to 10' wide including Lot 4A. He said the stumps will not be pulled. C. Farland said these lots have been subdivided but not yet recorded. L. Dorman and N. Hills would prefer to issue an Order of Conditions using a plan showing the subdivided lots. L. Dorman would like the 4' paths to be marked somehow. J. Hartley did not see how a proposed path could be allowed; C. Farland said the paths are there, just overgrown. N. Hills would like the paths to be surveyed and marked on an updated plan. The picnic area is 25 feet in diameter. C. Farland said all work will be done by hand. N. Hills preferred C. Farland to propose and submit a detailed plan. L. Dorman moved to continue the hearing, with the Applicant's consent, until 7:50 PM on April 28, 2010, W. Carreau seconded, voted unanimously. J. Oakes returned to the table.

8:21 PM **WILLIAM and KAREN CURLEY** - NOI (SE 041-1136) to fill, grade and construct a single-family dwelling, driveway, and retaining wall at 9 Edgewater Lane (continued from 7:00PM tonight at their representative's request due to a scheduling conflict). S. Briggs remained away from the table. David Davignon represented the Curleys and submitted revised plans changing the 6' "bump out" to the BVW line. D. Davignon said the first floor will be at 19.5'. N. Hills would like the trees between the house and the water to remain with no vista pruning (under this filing). D. Davignon said the neighbor's landscape retaining wall extends 10' onto this lot and that will be corrected. D. Davignon said there are no downspouts proposed. J. Hartley moved to close the hearing, J. Oakes seconded, voted unanimously.

BAYWATCH REALTY TRUST – NOI (SE 041-1104). S. Briggs remained away from the table. N. Hills reported that Baywatch had sent a letter to the Commission questioning Vernal Pool #2 and noting that they had done their own study on Potential Vernal Pool #3. Bob Gray of Sabatia has submitted a quote of \$1620.00 (maximum) to represent the Commission regarding site visits to gather information in support of the certification of Vernal Pool #2 and Potential Vernal Pool #3. Baywatch will hold a site inspection next week. L. Dorman said Vernal Pool #2 is already certified so we should only pay to certify Potential Vernal Pool #3. N. Hills would like to review Baywatch's report for Vernal Pool #2 and Potential Vernal Pool #3. Apparently Baywatch had their Wetland Scientist do the field work last week. N. Hills will send a letter to Paul Dawson and Bob Gray with respect to Bob Gray's anticipated work. N. Hills moved to pay \$135.00 per hour up to \$1620.00 for consulting work, L. Dorman seconded, voted unanimously. S. Briggs returned to the table.

HEATHER and KITT SAWITSKY – RFD (41D-1414) - J. Oakes moved to issue a Conditional Negative Determination, J. Hartley seconded, voted unanimously.

SHAUN and ANN CARNEY – RFD (41D-1412) - J. Oakes moved to issue a Negative Determination for Box 2. W. Carreau noted that the smart vents should be placed at grade to allow water to escape, not where they are shown on the plan. J. Hartley seconded the motion, voted unanimously.

LAURENCE E. REINHART – NOI (SE 041-1132) - J. Oakes drafted the Order of Conditions. J. Hartley moved to issue it as written, W. Carreau seconded; voted unanimously.

WILLIAM and KAREN CURLEY - NOI (SE 041-1136) - N. Hills drafted the Order of Conditions. J. Hartley moved to issue it as written, J. Oakes seconded, voted by majority with S. Briggs abstaining.

MISCELLANEOUS – D. Drake explained that she has tried but can not use up the vacation time she has been allowed to accrue for 22 years and still get the Commission’s work load done. She is very backed up with minutes and other duties. She spoke with Paul Dawson today and he said to have the Commission request to increase her hours to use up the vacation time, such as 5 or 6 hours more per week. N. Hills will speak with Mr. Dawson.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved August 25, 2010