

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JULY 28, 2010

Members Present: Norman A. Hills, Chairman
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau
Bruce C. Hebbel, Associate

Members Absent: Sherman E. Briggs, Jr.
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: George and Zoila Estudante, Jack O'Leary, Joan Hartnett-Barry, Nathan Elder, Thomas McGuire, Mike Clements, John and Craig Lawrence, Susan Nilson, Matthew and Lisa Baltz, C. Jay Wilbur, Will Saltonstall, Barry Gaffey, Michael Isabelle and David Davignon

Meeting convened at 7:00 PM Wednesday, July 28, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 24, 2010 by N. Hills, J. Hartley, L. Dorman and W. Carreau.

The Commission Members welcomed Bruce C. Hebbel as an Associate Member, for the remainder of Horace S. Kenney's term ending June 30, 2011. Bruce is a former Conservation Commission Associate Member and full Member.

7:00 PM **GEORGE F. ESTUDANTE** - RFD (41D-1417) to construct a 10' x 16' wooden shed and a 25' x 30' steel garage at 19 Giffords Corner Road (continued from June 23, 2010). Mr. and Mrs. Estudante were present. An updated site plan with a revised wetland line has been submitted. N. Hills said he would like to see the site again and moved to continue the hearing, with the Applicant's consent, to 7:20 PM on August 11, 2010; J. Hartley seconded; voted unanimously.

GREGORY KOSS - N. Hills had drafted an additional letter to Mr. Koss in response to the recent mowing at 32 Beach Street (SE 041-676). L. Dorman moved to issue it as written; J. Hartley seconded; voted unanimously.

7:10 PM **MASSACHUSETTS DEPARTMENT OF TRANSPORTION - HIGHWAY DIVISION** - RFD (41D-1426) to trim or remove all dead, dying or unsafe trees within the road layouts of Routes 6, 105 and I-95 in Marion. Mike Clements and Thomas McGuire represented the MA DOT and described the proposed work. They said Routes 6 and 105 will be cut eight feet from the road/sidewalk, and I-95 will be cut 15' from the road. Work will be done this fall. Their tree expert will determine which trees will be removed. T. McGuire said Route 105 is a designated

scenic road so they will work with the Marion tree warden for work to be done on that road. T. McGuire submitted literature on how trees are selected depending on the type of road. This is ongoing work. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:24 PM **JOHN AND CRAIG LAWRENCE** - appointment for discussion regarding work that was done in the buffer zone to a wetland at 5 Pawkechatt Way. John and Craig Lawrence were present. Their hot tub contractor had placed a pile of dirt in the wetlands (file 41D-1402). L. Dorman said he would like the wetland line to be re-established, the dirt removed from the wetlands, and a siltation fence installed. N. Hills suggested having Christian Farland re-establish the wetland line and draw up a new plan showing the as-built conditions with the cement pad, and then another site inspection can be held.

7:35 PM **MARION LANDS TRUST LLC, c/o DAVID CROLL** - requested amendment to an order of conditions (SE 041-1137) for landscaping activities at Holly Knoll, off Wareham Street. The amendment is to plant a vegetative buffer of rhododendrons within the 15' no-touch zone to the wetlands in portions of the site. Susan Nilson of CLE Engineering, Inc. represented Mr. Croll and described the work. She said planting the rhododendrons within the 15' no-touch zone will still allow some lawn area, but if the Commission won't allow that, then the rhododendrons could be planted between the boulders at the 15' no-touch line. J. Hartley thought a line of rhododendrons would work just as well as a boulder line, at least on the left-hand-side of the road. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:46 PM **ALAN L. MINARD and NANCY S. JOHNSON** - proposed second amendment to an order of conditions (SE 041-1110) to construct a dwelling, a driveway and a sewage disposal system at Lot 30 Allens Point Road. W. Carreau left the room. The amendment is for changes to the dwelling footprint and location, driveway shape and location, grading schematics and utility layouts. The new owners of the property, Matthew and Lisa Baltz, were present with their engineer (David Davignon of N. Douglas Schneider & Associates) and their architect (Will Saltonstall of Saltonstall Architects). D. Davignon described the proposed changes. J. Hartley thought the driveway is quite a bit wider than as proposed and shown on the plans and would like someone to measure its width; D. Davignon said the road is 17' wide and he will visit the site and measure it again. N. Hills asked about the missing box culvert; M. Baltz said S. Briggs installed a temporary pipe while heavy equipment is crossing over it, and then the box culvert will be installed in place of the temporary pipe. D. Davignon said the driveway will be gravel. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. W. Carreau returned to the table.

8:02 PM **SARDINHA FAMILY TRUST** - NOI (SE 041-1140) to expand the gravel parking lot behind 454 Wareham Street, and install a landscape berm and a storm water management system (continued from July 14, 2010). B. Hebbel left the room. Jack O'Leary of Merrill Associates represented the Trust. Another site inspection had been held. N. Hills showed a plan from 1926 of the abutting Curry property, which had a ditch at the rear of the lot. Nathan Elder of 148 Spring Street, the direct abutter to the south, was present and was invited to join the discussion. W. Carreau moved to close the hearing; J. Hartley seconded; voted unanimously.

NATHAN and AIDA ELDER - discussion regarding work that was done in the buffer zone to wetlands at 148 Spring Street (41D-1200). Nathan Elder was present and said the property line

stakes show the wetland line is further back on his lot than originally thought. N. Hills thanked N. Elder for attending this meeting and said he should not mow any further back than the area presently mowed. B. Hebbel returned.

8:12 PM **BAYBERRY LANE ASSOCIATION** - the Harbormaster had reported wetland violations taking place at the end of Bayberry Lane. Barry Gaffey of 43 Converse Road was present and said he owns the lot where the cutting has taken place. He submitted a letter explaining that he did not know the work was being done and did not permit it. He said he removed the lawn furniture that had been placed on his lot, but more appeared. L. Dorman suggested posting the property to prevent trespassing. N. Hills said the work does not seem to be permanent and the vegetation should grow back. Mr. Gaffey said the seaweed and sand that was used to smother the cut rosa rugosa were removed when the Harbormaster viewed the site. Mr. Gaffey said he will monitor the site more closely now and asked about donating it to the Town. N. Hills suggested Mr. Gaffey speak with the Town Administrator about that.

BAY WATCH REALTY TRUST - N. Hills' draft letter to Natural Heritage in response to Oxbow Associates' June 30, 2010 letter to Natural Heritage regarding not certifying vernal pool #2 and potential vernal pool #3 was discussed (SE 041-1104). N. Hills moved to send the letter as written; L. Dorman seconded; voted unanimously.

SARDINHA FAMILY TRUST - N. Hills drafted the amended order of conditions and moved to issue it as written; J. Hartley seconded; voted unanimously (SE 041-1140).

MA D.O.T. - HIGHWAY DIVISION - L. Dorman moved to issue a conditional negative determination for boxes 2 and 3, with conditions that trees in wetlands will be hand cut, stumps shall not be pulled, all cut trees and debris shall be removed from the area, and work shall be done in accordance with the MA DOT "Tree Trimming and Removal Guidelines" dated March 29, 2010; N. Hills seconded; voted unanimously (41D-1426).

ALAN L. MINARD and NANCY S. JOHNSON - J. Hartley drafted the second amended order of conditions (SE 041-1110) and moved to issue it as written; L. Dorman seconded; voted unanimously.

MARION LANDS TRUST LLC, c/o DAVID CROLL - W. Carreau drafted the amended order of conditions (SE 041-1137) and moved to issue it as written; J. Hartley seconded; voted unanimously.

N. Hills said a special meeting might be needed next week regarding the Bay Watch Realty Trust project (SE 041-1104).

The yearly reorganization of the Commission was discussed. N. Hills said he has been the Chairman for four years and would like to step down. He asked if anyone would like to become the Chairman, and if no one was interested, he would move to endorse J. Hartley as Chairman. B. Hebbel said J. Oakes has conflicts through his work at CLE Engineering, W. Carreau has conflicts through her work at Saltonstall Architects, and S. Briggs has conflicts through his work as a local contractor. J. Hartley said he would prefer to decline the Chairmanship at this time and be

considered next year. W. Carreau said she is not experienced enough to be Chairman and would support S. Briggs if he would attend all the site inspections and meetings. B. Hebbel said he would prefer to have all the Members present to vote on the reorganization; L. Dorman agreed. N. Hills withdrew his motion to endorse J. Hartley and revisit this matter at the next meeting.

Meeting adjourned at 9:13 PM.

Diane R. Drake, Secretary

Approved December 8, 2010