

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 17, 2003

Members Present: Robert J. Merlino, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary  
Janice M. Mendes, Treasurer  
Joel D. Hartley, Member  
Norman A. Hills, Associate Member

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

Secretary: Diane R. Drake

Others Present: John Farnham, Steve Cushing, Thomas & Linda Cooper, Bill Saltonstall, David & Valerie Knott, William F. Madden, Susan Nilson, Horace S. Kenney Jr.

Meeting convened at 7:02 PM Wednesday, December 17, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 13, 2003 by R. Merlino, J. Oakes, J. Mendes & N. Hills.

7:02 PM **MARION SOCIAL CLUB** - RFD (41D-1159) to expand the parking lot at 44 Pumping Station Road (continued). Stephen Cushing, a Social Club member, was present. The Commission had received a plan by LEC Environmental Consultants showing an updated wetlands line, and another site inspection was held on December 13, 2003. J. Oakes said there is an area designated as upland on the plan, which the Commission does not agree with, and soil samples were not submitted with the plan to verify the flagging. J. Oakes said there are two berms, with wetlands between them. S. Briggs said he was present when LEC was flagging the new line, and LEC did do soil sampling. R. Merlino suggested continuing the hearing so that the Applicant can submit a copy of the soil logs from LEC. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:00 PM January 7, 2004; J. Mendes seconded; voted unanimously.

7:12 PM **SIPPICAN LANDS TRUST** – RFD (41D-1169) to construct a 300'-long walkway over a portion of "Howland Marsh" located behind 392 Point Road, maintain a woods trail, and erect an osprey pole. Horace S. Kenney, Jr. explained that he is present on behalf of the Lands Trust, not as a Conservation Commission Member. William Saltonstall, Jr. was also present on behalf of the Lands Trust, and described the project. The walkway will consist of two planks supported by PVC pipe. R. Merlino said maintaining the woods trail and erecting the osprey pole are allowable, but the Wetland Regulations do not allow much activity where marsh is involved, which this is. R. Merlino said a Notice of Intent filing will be required for the walkway. J. Oakes said the Army Corps of Engineers

may be involved because the marsh floods at least once a year. J. Oakes said the Regulations require the height of the walkway to be at least the same as the width. W. Saltonstall said that if it is going to become a major project, the Lands Trust probably won't pursue it. H. Kenney asked if they could construct a walkway in the first 25'-30' at the end of the path; J. Oakes said that area is not marsh, so that may be possible. W. Saltonstall said he erected a 14'-long sample of the proposed walkway. J. Oakes said a shorter walkway might be approved without the Army Corps of Engineers getting involved. R. Merlino suggested closing this hearing, and issue a Determination approving the path and osprey pole, but denying the walkway. Another site inspection will be held on January 17, 2004. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:25 PM **DAVID & VALERIE KNOTT** – NOI (SE41-1000) to construct a 100' x 50' metal building addition for boat storage at 42 Benson Brook Road (continued). Mr. and Mrs. Knott were present with their engineer, William F. Madden of G.A.F. Engineering. This hearing was continued so that J. Oakes could carefully review the site, which he did on December 13, 2003. W. Madden said the representative for the Planning Board hearing did not submit the requested information. W. Madden supplied a stormwater quality volume report for the site. He said 609 cubic feet of infiltration has been proposed for the 575 cubic feet of runoff that may occur on site. J. Hartley said a permanent limit-of-work delineation of boulders or fencing is not shown on the plan; W. Madden said that was an oversight and will not be a problem. J. Oakes said he is comfortable with the project as proposed. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:40 PM **RICHARD CORLISS** – NOI (SE41-996) to replicate a failed wetlands replication at 51 Dexter Road, Dexter Beach (continued). No one was present on behalf of Mr. Corliss. As the Commission was running behind schedule, J. Hartley moved to continue the hearing to 8:10 PM tonight; J. Mendes seconded; voted unanimously.

7:45 PM **THE KITTANSETT CLUB** –RFD (41D-1170) to construct a 2,055 square foot deck behind the Clubhouse at 11 Point Road. J. Oakes and S. Briggs left the room. S. Nilson of CLE Engineering represented Kittansett. John Farnham was also present on behalf of Kittansett. S. Nilson submitted a revised plan and said the old deck will be rebuilt rather than replaced, and the entire deck will be on sonotubes. S. Nilson said no fill will be placed beneath the deck. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:50 PM **THE KITTANSETT CLUB** – RFD (41D-1171) to repave the parking lot at the Clubhouse, 11 Point Road, and to change an existing lawn parking area into a stone parking area. J. Oakes and S. Briggs were not present. John Farnham and Susan Nilson represented Kittansett. S. Nilson said the work is in the buffer zone. Due to the size of this project, J. Hartley preferred to address it under a Notice of Intent filing. J. Hartley questioned drainage issues, and said there seems to be a manmade drainage ditch as the end of the paved lot.; S. Nilson said there has always been natural drainage on the parking lot. S. Nilson said *rosa rugosa* will be planted between the paved lot and the shore after the paving is done. Regarding the lawn parking area, S. Nilson explained that in 1990 D.E.P. determined that this area is not a wetland because it is comprised of two resource

areas removed from the water body. J. Hartley moved to close the hearing; J. Mendes seconded; voted unanimously. S. Briggs and J. Oakes returned to the table.

8:00 PM **THOMAS COOPER** –SE41-978 – Mr. and Mrs. Cooper were present regarding their request for a Certificate of Compliance for their new house at 10 Cove's End Road. Mr. and Mrs. Cooper had spoken with the Commissioners during the site inspection held on December 13, 2003. Mr. Cooper said the house has a stone trench for roof runoff, and asked why the Commission is requiring downspouts and drywells, because the adjacent houses received Certificates of Compliance without downspouts. R. Merlino explained that if a house has gutters, then downspouts and drywells are required; if there are no gutters, then dripstrips are necessary. Mr. Cooper said he will lose his locked-in mortgage rate if he doesn't have his Certificate of Compliance by January 15, 2004. The Commission told Mr. Cooper that if he makes the downspouts enter the dripstrips by at least a few inches in time for another site inspection on January 3, 2004, that his Certificate of Compliance will likely be approved at the January 7, 2004 meeting.

8:08 PM R. Merlino moved to issue a Positive Determination for Box #4 for The Kittansett Club's parking lots project at 11 Point Road (41D-1171); J. Hartley seconded; voted by majority with S. Briggs and J. Oakes abstaining.

8:10 PM **RICHARD CORLISS** – NOI (SE41-996) to replicate a failed wetlands replication at 51 Dexter Road, Dexter Beach (continued from earlier tonight). No one was present on behalf of Mr. Corliss. A revised plan has been received from Sitec, Inc. showing a portion of the new replication area being placed along the wetlands by the shore. J. Hartley moved to close the hearing; J. Oakes seconded; voted unanimously.

J. Oakes drafted the Order of Conditions for David and Valerie Knott's project to construct a 100' x 50' metal building addition for boat storage at 42 Benson Brook Road (SE41-1000), and moved to issue it as written; J. Hartley seconded; voted unanimously.

J. Mendes moved to issue a Conditional Negative Determination for Box #2 for The Kittansett Club's deck project at 11 Point Road (41D-1170), with the condition that the existing shed shall be removed; J. Hartley seconded; voted by majority with S. Briggs and J. Oakes abstaining.

R. Merlino drafted the Sippican Lands Trust's Determination of Applicability for maintaining a path, erecting an osprey pole, and constructing a walkway at Howland Marsh, behind 392 Point Road.(41D-1169). R. Merlino moved to issue a Positive Determination for Box #3 for the walkway, and a Negative Determination for Box #2 for the path maintenance and erecting an osprey pole; J. Mendes seconded; voted unanimously.

J. Hartley drafted Richard Corliss's Order of Conditions (SE41-996) for replicating wetlands at 51 Dexter Road, Dexter Beach, and moved to issue it as written; J. Mendes seconded; voted unanimously.

Discussion followed concerning Cheryl and Arthur Walker's wetlands violations at 587 Front Street (41D-1162). Their Positive Determination for cutting brush and trees, and installing a chain link fence, was issued October 20, 2003. The Commission still has not received their Notice of Intent for that work. A letter will be sent to Mr. and Mrs. Walker asking for an update.

Bay Watch Realty Trust's 40B housing project off Front Street was discussed (41D-1044). Everyone had notes in response to the Zoning Board of Appeals' request for comments for the Environmental Notification Form. R. Merlino will compile all the comments into one response for the Z.B.A.

The 2003 Annual Report, as drafted by R. Merlino, was approved.

The Fiscal Year 2005 budget will be prepared at the next meeting on January 7, 2004.

The M.A.C.C.'s annual conference is scheduled for Saturday, March 6, 2004 at Holy Cross College, Worcester, MA. J. Oakes and N. Hills will attend.

Meeting adjourned at 9:35 PM.

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Diane R. Drake, Secretary

Approved April 7, 2004