

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 19, 2005

Members Present: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman
Janice M. Mendes, Treasurer (left at 7:30 PM)
Sherman E. Briggs, Jr., Recording Secretary

Members Absent: Robert J. Merlino, Member
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Margaret Ishihara, Dr. Martha Stark, David Davignon, David Pain, Matthew Howell, Kevin Fogue, Joel Gandolfi, Matt Gandolfi, Joseph Zora Jr., John Rockwell, Tim Lynch, John & Shelly Keith, Susannah Davis and Richard Duffy.

Meeting convened at 7:00 PM Wednesday, January 19, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 15, 2005 by J. Oakes, N. Hills and J. Mendes.

7:00 PM Correspondence was reviewed. J. Mendes moved to ratify the FY 2006 budget as submitted; N. Hills seconded; voted unanimously. J. Mendes moved to ratify the payment of \$170.00 for J. Oakes and N. Hills to attend the M.A.C.C. Annual Conference in Worcester on March 5, 2005; S. Briggs seconded; voted unanimously.

7:10 PM **PATRICIA VAN DEN BROEK** - RFD (41D-1209) to fill potholes and eroded areas along the seawall at 34 Point Road (continued). Richard Duffy represented Ms. van den Broek. In response to the Commission's request for a better description of the work to be done, a detailed cost breakdown by the contractor, Dale Briggs, had been received. J. Mendes moved to close the hearing and issue a Conditional Negative Determination for Box #2, with Conditions that the work shall be done as shown on the cost breakdown, and concurrent with the abutter's (Curran) seawall project; N. Hills seconded; voted unanimously.

Zora Enterprises, Inc.'s request for a three-year Extension Permit for relocating a house and garage from Ryder Lane to 39 Giffords Corner Road was discussed (SE41-949). J. Oakes moved to issue the Extension Permit with a letter asking the Owner to remove the fill from the wetlands at Flags B-7, B-8 and B-9; J. Mendes seconded; voted unanimously.

J. Mendes moved to issue a full Certificate of Compliance for David and Valerie Knott's boat storage addition at 42 Benson Brook Road (SE41-1000); N. Hills seconded; voted unanimously.

7:20 PM **TEMERAIRE REALTY TRUST** – RFD (41D-1210) to upgrade a septic system at 38 Register Road. David Davignon of N. Douglas Schneider & Associates, Inc. represented the Trust and described the project. He said the Board of Health has approved the one-foot waiver from groundwater elevation, and this will be a raised system (3-1/2' on the back grade). J. Oakes said he disagrees with the botanist that flagged the line, particularly Flags 105 and 106, and would like D.E.P. delineation forms to be submitted to convince him that the line is correct, because he thinks half of the proposed leaching field shown on the plan is actually in wetlands. S. Briggs asked D. Davignon if he considered flopping the old septic system over, stripping it all out, and replacing it in the same location; D. Davignon said that is a possibility. D. Davignon said he would revise the plan and asked the Commission to accept the 28' contour line shown on the plan being the B.V.W. line; J. Oakes said he would agree to that. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:30 PM February 2, 2005; N. Hills seconded; voted unanimously.

J. Mendes left the meeting at 7:30 PM to attend a Housing Committee meeting.

7:31 PM **LAWRENCE B. & JAN H. DORMAN** – NOI (SE41-1024) to construct a 5' x 75' fixed timber pier with a 4' x 20' timber gangway and an 8' x 18' timber float at 166 Allens Point Road. David Davignon represented Mr. and Mrs. Dorman and described the project. He said the float will be held 2' off the bottom no matter what the contour is, and a boat size limit of 16' is mandated by the Planning Board. He said he and the Shellfish Officer, Isaac Perry, viewed the site by boat to determine where the best spot for the pier and float would be, and the location they agreed on coincides with the historical pier location and avoids eelgrass. N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously.

7:40 PM **DR. MARTHA STARK** – NOI (SE41-1021) for work at 4 West Avenue, Planting Island, including: (1) constructing three ground-level, break-away panel storage areas; (2) constructing an outdoor shower; (3) constructing first and second floor deck additions; and (4) rebuilding existing access stairs. David Davignon represented Dr. Stark, who was also present. Tim Lynch, Dr. Stark's immediate abutter at 8 West Avenue, was the only other person present for this hearing. D. Davignon submitted color-coded plans showing the proposed work (triangular deck expansion, southeasterly deck expansion and stairway reconfiguration, front easterly landing and stairway reconstruction, front [entry] deck expansion with additional stairs, second floor deck addition, and three break-away panel storage areas), and said the plan had been revised to add more sono tubes and two bay windows. N. Hills questioned the lack of hay bales along Flag #5; D. Davignon said that was an error, and hay bales will be placed there as well. Abutter Lynch asked to see the plan and said he was concerned with the following: (1) the deterioration of the hay bale line; J. Oakes said a new hay bale line will be placed prior to the start of work; (2) the septic system; J. Oakes said the Board of Health is happy with it; and (3) the structural integrity of

the breezeway; J. Oakes said the Building Commissioner will verify its integrity. As there were no more questions, N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously.

7:55 PM **ZORA ENTERPRISES, INC.** – ANRAD (SE41-1023) to verify the delineation of the resource areas on some of the lots of Olde Willow Road. Joseph Zora, Jr. was present with his legal counsel, Margaret Ishihara, and engineer, Kevin Fogue of G.A.F. Engineering, Inc. J. Oakes said he would like B.V.W. work sheets for the flags shown on the plan. M. Ishihara said the Wetland Regulations do not require field data sheets. J. Oakes said the work sheets are required by a Commission policy, and without the field data sheets on the “A” series flagging, he would be inclined to deny the verification because he feels the field data sheets will result in a new wetland line. N. Hills pointed out that the requirements for wetlands delineation changed in 1995, requiring information not provided in the 1986 submittal. A new submittal is required. M. Ishihara said she would like to continue the hearing in order for her to consult with her client regarding the requested data which will be at considerable cost. N. Hills moved to continue the hearing, with the Applicant’s consent, to 7:40 PM February 2, 2005; S. Briggs seconded; voted unanimously.

8:05 PM **JOEL GANDOLFI** – RFD (41D-1211) to construct an addition at the rear of the dwelling at 159 Spring Street. Joel and Matt Gandolfi were present with their engineer, Kevin Fogue of G.A.F. Engineering, Inc. J. Oakes said the excavator should take care not to disturb the large clay pipe - possibly a gravity drain – that is about ten feet from the ditch. N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously.

8:11 PM **JOHN KEITH** – NOI (SE41-1022) to construct an in-ground swimming pool and a 17’ wide by 40’ long (overall) addition on the north side of the dwelling at 15 Shellheap Road. John and Shelly Keith were present with their representative, Kevin Fogue of G.A.F. Engineering, Inc., who said this is a scaled-back version of a prior Order of Conditions (SE41-933) that was approved by the Commission. He said the hornbeam tree shown on the plan should have been labeled “existing” instead of “proposed.” N. Hills moved to close the hearing; S. Briggs seconded; voted unanimously.

The Commission discussed the request for a fourth three-year Extension Permit for extending the pier at 604 Point Road (the Estate of Charles Coolidge, Jr.) an additional 48’ (SE41-534). Harbormaster Charles Bradley, by memo, said this project will not impact navigation. Shellfish Officer Isaac Perry, by memo, expressed his wish that the float not be allowed to sit on the bottom at low tide. J. Oakes said the Shellfish Officer’s photograph does not show where the eel grass is growing, and because the plan of record is over 12 years old, he would like the Plan of Record to be updated. N. Hills drafted a letter to the Estate of Charles A. Coolidge, Jr. requesting a revised Sheet 2 of the 1992 Plan of Record, to show the eel grass and water depths in the area of the float. A response is requested by March 31, 2005 as to whether the requested information will be provided in a timely manner, or whether they no longer wish to extend the Order of Conditions. N. Hills moved to issue the letter as written; S. Briggs seconded; voted unanimously.

N. Hills moved to issue a Negative Determination for Box #3 for Joel Gandolfi's addition at 159 Spring Street (41D-1211); S. Briggs seconded; voted unanimously.

S. Briggs moved to issue a Conditional Negative Determination for Box #2 for Patricia van den Broek's erosion project at 34 Point Road (41D-1209), with a Condition that the work shall be done concurrently with the abutter's (Curran) seawall reconstruction project; N. Hills seconded; voted unanimously.

S. Briggs drafted Lawrence B. & Jan H. Dorman's Order of Conditions for their pier project at 166 Allens Point Road (SE41-1024), and moved to issue it as written; N. Hills seconded; voted unanimously. The Planning Board's maximum boat length condition of their Special Permit will be included in this Order.

J. Oakes drafted John Keith's Order of Conditions for his swimming pool and addition project at 15 Shellheap Road (SE41-1022), and moved to issue it as written; N. Hills seconded; voted unanimously.

N. Hills drafted Dr. Martha Stark's Order of Conditions for her ground-level storage areas, outdoor shower, deck additions and stairs at 4 West Avenue, Planting Island (SE41-1021), and moved to issue it as written; S. Briggs seconded; voted unanimously.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved April 6, 2005