

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 2, 2005

Members Present: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman
Janice M. Mendes, Treasurer
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: George Estudante, Jeffrey Osborn, Jeremy Stern, Alan Heureux

Meeting convened at 7:00 PM Wednesday, March 2, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 28, 2005 by N. Hills.

7:00 PM **GEORGE ESTUDANTE** - RFD (41D-1214) to construct a 12' x 16' storage shed at 19 Giffords Corner Road. Mr. Estudante was present and said the shed will be 32'-33' from the wetland line, in accordance with the Commission's 30' setback policy, and is proposed in that location because he may want to add a garage to the house someday. J. Oakes asked Mr. Estudante to leave a 15' no touch zone between the shed and wetlands. J. Mendes moved to close the hearing; S. Briggs seconded; voted unanimously.

7:10 PM **JEREMY & WENDY STERN** - NOI (SE41-1025) to construct a ramp, pier, boat lift, gangway and float at 93B Piney Point Road. Dr. Jeremy Stern was present with his engineer, Alan Heureux. Mr. Heureux described and submitted copies of all the paperwork he has submitted/received to date for this project. He submitted plans revised (03/01/05) to include the Harbormaster's comments, as described in a cover letter with the plans. Mr. Heureux described the project. He said Tripp Marine will be the contractor. He said the pier is 34' from the property line due to a large boulder in the way. He described the barge (with independent legs) and crane that will be used for the project. He said the greenheart piles will be vibrated into place, not jetted. He said the float drums will be encased so the foam will not be exposed. The resource areas are flood plain, velocity zone, coastal bank and rocky intertidal shore. He said the gangway will be electrically lifted 2'-3' off the float when not being used to minimize wave action on the float. J. Oakes questioned what alternatives are proposed if the piles meet refusal before 12'; Mr. Heureux said he is contemplating doing test borings to see if there will be any problem areas. He said the contractor may consider placing a large boulder beside any pile that does not reach 12', and bolt the pile to the rock for stability. He said the Harbormaster placed a float

where the proposed float will be. Mr. Heureux said he met with the Harbormaster in the Town House conference room on Monday, February 28, 2005, and worked out any potential problems. He said there is 6' clearance under the pier for pedestrian lateral access. J. Oakes asked if the Harbormaster has approved the revised plans; Mr. Heureux said he mailed the revised plans to the Harbormaster but has not heard anything from him. Mr. Heureux said he would agree to continuing this meeting so that the Commission can speak with the Harbormaster about the revised plans. He said he is meeting with the Zoning Board of Appeals and Planning Board Secretaries to apply for their permits. J. Oakes mentioned that the pier could be built with various widths to work around refusal of pilings; Dr. Stern said he could live with that but he didn't think his wife would. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:20 PM March 16, 2005; S. Briggs seconded; voted unanimously.

7:40 PM **ZORA ENTERPRISES, INC.** – ANORAD (SE41-1023) to verify the Bordering Vegetated Wetland lines at some of the lots on Olde Willow Road (continued). Due to the excessive snow preventing soil sampling, Margaret Ishihara (Zora Enterprises' legal counsel) had requested a two-month continuation. J. Mendes moved to continue the hearing to 7:10 PM May 4, 2005; N. Hills seconded; voted unanimously.

Warren and Tiina Smith's request for a three-year Extension Permit for adding beach sand at 125 Allens Point Road was discussed (SE41-955). Jeffrey Osborn was present on behalf of the Smiths. He explained that he is the caretaker of that property and dumped only 10 yards of sand the first year and eight yards the second, so any sand now would be top dressing. J. Mendes moved to issue a three-year Extension Permit to add beach sand on an as-needed basis; N. Hills seconded; voted unanimously.

Sippican Corporation's request for a three-year Extension Permit to erect and maintain an 8' high chain link fence around their property off Barnabas Road was discussed (SE41-953) (J. Oakes had left the room). Sippican has not yet had a chance to erect the fence. S. Briggs moved to extend the Order for three years; J. Mendes seconded; voted unanimously. J. Oakes returned to the room.

The Commission discussed Tabor Academy's request for a three-year Extension Permit for constructing their marine sciences building at 255 Front Street (SE41-950). Apparently the footbridge over the marsh to the Fireman Center is not complete. N. Hills said he visited the site and the deck is more extensive than proposed, and does not have a permanent railing. S. Briggs said he would represent Tabor and explained that the 5' deep pit/culvert on the Fireman Center end of the footbridge is for the discharge from the tanks in the marine sciences building. N. Hills moved to issue a three-year Extension Permit; J. Mendes seconded; voted by majority with S. Briggs abstaining from the vote.

J. Mendes moved to sign the Eastover Farm Conservation Restriction "Self Help Program Project Agreement" as requested by John Rockwell of the Marion Open Space Plan; N. Hills seconded; voted unanimously.

Possible wetlands violations at Theodore Laycock's property at 391 and 391A Front Street (behind The Children's Depot) was discussed. J. Oakes said the chain link fence being erected is partially in the pond. S. Briggs said he visited the site today and walked the line with Mr. Laycock. S. Briggs said Mr. Laycock's insurance company is requiring the fence to discourage theft from the site. Mr. Laycock told S. Briggs that the last three posts were installed by error, and will be removed. S. Briggs said Mr. Laycock will erect the fence another 30-50' from where it now stops, then off on a 90 degree angle. S. Briggs said the Town owns that right-of-way. J. Oakes said he was glad Mr. Laycock agreed to remove the last three posts.

Possible continuing wetlands violations at Mario DiBona's property at 20 Olde Knoll Road was discussed. J. Oakes said he thought there had been more disturbances in the buffer zone to wetlands since the Commission's January 15, 2005 site visit. N. Hills submitted photos of the site that he had taken on February 19, 2005. A comparison of the photos showed there had not been any further work near the wetlands.

J. Mendes moved to order ink cartridges for printing all the photos being taken during site inspections; S. Briggs seconded; voted unanimously.

N. Hills moved to approve spending \$15.85 for an updated (March 1, 2005 revision) copy of the Wetlands Protection Act from the State House Bookstore; J. Mendes seconded; voted unanimously.

N. Hills said he had spoken with Lealdon Langley at D.E.P. regarding wetlands violations at Arthur and Cheryl Walker's property at 587 Front Street (41D-1208).

The Commission's February 2, 2005 minutes were reviewed and unanimously accepted as written on a motion by J. Mendes; seconded by N. Hills.

J. Oakes moved to issue a Negative Determination for Box #3 for George Estudante's storage shed project at 19 Giffords Corner Road (41D-1214); J. Mendes seconded; voted unanimously.

J. Oakes and N. Hills had attended the February 23, 2005 Wetlands Regulation changes workshop at D.E.P. in Lakeville. J. Oakes said the Commission's Policy Standard No. 1 requiring a 15' no-touch and 30' no-build zone from wetlands may be moot if D.E.P. adopts their proposed 50' no-touch zone.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved April 6, 2005