

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 17, 2005

Members Present: Janice M. Mendes, Treasurer (left at 8:05 PM)
Sherman E. Briggs, Jr., Recording Secretary
Robert J. Merlino, Member
Horace S. Kenney, Jr., Associate Member

Members Absent: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Colleen Carreiro, William Madden, Robert Luchetti, Kyle Riseley, William Riseley, David Davignon, Kathryn Barnicle, Mary H. Coolidge and several other members of the Coolidge family that did not sign in.

Meeting convened at 7:00 PM Wednesday, August 17, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 13, 2005 by N. Hills and R. Merlino.

7:00 PM **ROBERT LANE** - RFD (41D-1220) to construct a dwelling, a guest house, a septic system and a driveway at Lots 89 and 90A Holly Road, Piney Point (continued). The Applicant has requested another continuation. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:10 PM September 21, 2005; S. Briggs seconded; voted unanimously.

7:10 PM **STEPHEN CLARK** – RFD (41D-1201) to place a line of boulders and to level and reseed an existing lawn at 713 Mill Street (continued). Another site inspection was held. Everything is OK except for a pile of dirt that is to be removed. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:20 PM September 21, 2005, with another site inspection to be held on September 17, 2005; J. Mendes seconded; voted unanimously.

7:P16 PM **COOLMAR LTD. PARTNERSHIP** – Appointment for discussion with William F. Madden of G.A.F. Engineering, Inc. regarding filling an isolated land subject to flooding at 604 Point Road (SE41-963). William F. Madden said the Owners of the property (who were also present) wish to divide the site into nine house lots, with five of those lots toward the water (Blankenship's Cove) and four lots behind them. He said 5,000 square feet of the isolated wetland needs to be filled due to the grades going from elevation 10 to 13. The Owners' wetlands specialist, Kathryn Barnicle, said bittersweet is prevalent there and she believes the actual wetland is at least ten feet less than flagged.

W. Madden said he would like to replicate the filling across the road at a three-to-one ratio. K. Barnicle said limited projects do allow for more than 5,000 square feet of filling. R. Merlino said the Commission can only deal with a maximum of 5,000 square feet. W. Madden said the isolated wetland is approximately 9,600 square feet. R. Merlino said the Owners can file a Request for a Determination of Applicability to verify the adjusted wetland line. R. Merlino verified that the Commission would consider a Notice of Intent filing for filling 5,000 square feet and replication. R. Merlino said J. Oakes was unable to attend the meeting tonight. R. Merlino said he would like J. Oakes to be involved in this decision, and suggested the Coolidges and/or their representatives discuss this matter with J. Oakes and perhaps meet him at the site. R. Merlino said the suggestion of posting a bond for a successful wetland replication is an excellent idea.

7:43 PM **ZORA ENTERPRISES, INC.** – ANORAD (SE 041-1023) to verify the Bordering Vegetated Wetlands delineation at Olde Willow Road (continued). Zora Enterprises' legal counsel, Margaret Ishihara, has requested another continuation. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:00 PM September 21, 2005; S. Briggs seconded; voted unanimously.

7:46 PM **BARBARA SHINGLETON & WILLIAM NOTMAN** – Appointment for discussion with David Davignon of N. Douglas Schneider & Associates regarding reconstruction of an existing pier at 414/418 Point Road. D. Davignon said there are ten abutments still in place, but he cannot find a license for it. He said the Owners will share the pier and would like to completely remove the cribs) by hand and build a new pile and timber pier in the same location. He said he needs to clear the project with the Planning Board first due to this being an "association" pier. D. Davignon said he viewed the site by boat with Shellfish Officer Isaac Perry, and was told there are no navigation of shellfish issues. D. Davignon asked the Commission for something in writing acknowledging that he met with the Commission on this matter, and that the Commission could approve the project with conditions. S. Briggs said that Jonathan Howland's pier further north in Planting Island Cove is very long, too. D. Davignon said there will be a substantial net gain of salt marsh by removing the existing cribs. The Commission compared this project with Tabor Academy's new Marine Sciences building and the long walkway over the marsh from the new building to the Fireman Center for Performing Arts building. D. Davignon said the total length of the structure is 642'. He said a 4'-wide boardwalk will need to clear M.E.P.A. due to it being over 2,500 square feet.

J. Mendes left the meeting at 8:05 PM to attend a Housing Authority meeting at the Sippican School.

8:12 PM **CHRISTIAN B. LELAND** – RFD (41D-1232) to upgrade a septic system at 471 Point Road (continued). No one represented Mr. Leland. R. Merlino said the proposed leaching field is 45' from the wetlands, and the Board of Health requires a minimum 50' setback. S. Briggs said that would not be a problem if the leaching field was built parallel to the house, rather than extending out toward the wetlands. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:50 PM September 7, 2005 so that the

Applicant can work out a solution with the Board of Health and submit a revised plan; S. Briggs seconded; voted unanimously.

8:15 PM **GEOFFREY NEAL** – NOI (SE 041-1033) to construct a single-family dwelling, a driveway, install utilities, grade and landscape Lot 120 Olde Meadow Road (continued). R. Merlino said another site visit was done, but no new flags had been placed there. Kevin Walker, Mr. Neal's engineer, by telephone promised to have the flags placed in time for the next site inspections. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:30 PM September 7, 2005, and view the site again on September 3, 2005; S. Briggs seconded; voted unanimously.

8:20 PM **ANDIAMO NOMINEE TRUST, C/O BARBARA FOSTER, TRUSTEE** – RFD (41D-1234) to construct an 18' x 46' storage shed/stall addition at 168 Allens Point Road. The addition is in the buffer zone to a coastal bank, and in the flood plain. R. Merlino moved to close the hearing and issue a Negative Determination for Boxes 2 and 3; S. Briggs seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit to Alexander A. Biner for constructing a garage, a driveway, a lap pool and stone wall at 546 Point Road (SE41-966); H. Kenney seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved September 21, 2005