

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 5, 2005

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

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

Secretary: Diane R. Drake

Others Present: Mark Epstein, Bronwen Cunningham, Richard Schaefer, Susan Nilson, Richard Garnett, Robert Lane, Ronald Bukoski, Steven Hurley, Andrew Butler, Gilbert McManus, George Unhoch.

Meeting convened at 7:00 PM Wednesday, October 5, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 1, 2005 by N. Hills and J. Mendes.

7:00 PM **THE KITTANSETT CLUB** - NOI (SE 041-1035) to relocate and expand a portion of an existing parking area at 11 Point Road, and construct a practice putting area in its place. J. Oakes and S. Briggs left the room. Richard Garnett and Robert Lane represented Kittansett. Also present were Kittansett's legal counsel, Richard Schaefer, and engineer, Susan Nilson of CLE Engineering, Inc. S. Nilson submitted revised drawings, due to Dorothy Blickens of the Department of Environmental Protection preferring Kittansett to use the old tried-and-true stormwater system regulations rather than the new biofilter system. S. Nilson said there are 45 striped parking areas in the present lot, and there were 130 cars at the last tournament. She said the lot will have to minimally graded to ensure runoff. She said the proposed lawn area is mainly aesthetic, but will be used for parking during tournaments. She said Fire Chief Richard Guerzoni told her it would be useful as a helicopter landing pad for emergencies. She said the manhole is not for drainage, it is for access to where all the drainage pipes meet, for maintenance. N. Hills noted concerns with the proximity of the expansion lot to the coastal bank, unnecessary conversion of natural vegetation to lawn, grading necessary to accomplish the water flows indicated on the plans, proposed incursion into the coastal bank for fire access, and size of proposed expansion lot. Abutter Mark Epstein was present with his engineer, William Madden of G.A.F. Engineering, Inc. W. Madden submitted a letter listing several concerns he has with the project, including (but not limited to): the original plan did not propose any grading; test pits were not dug but soil surveys should be done; a backflow valve should be included; the dry hydrant would impact additional mitigation areas; the additional ten parking areas would

require a site plan review filing with the Planning Board; and a filing will be needed with the Environmental Protection Agency because the project is over one acre. R. Merlino said zoning issues could change the scope of work. R. Schaefer said the Town Bylaws are crystal clear, and do not pertain to this project. R. Merlino suggested continuing the hearing so that S. Nilson and W. Madden can work out all the issues listed in W. Madden's letter. R. Merlino moved to continue the hearing, with the Applicant's consent, to October 19, 2005 at 7:50 PM; J. Mendes seconded; voted unanimously. J. Oakes and S. Briggs returned to the table.

7:36 PM **BRONWEN CUNNINGHAM** – RFD (41D-1240) to construct a front entry, a dining alcove, a garage, and a second story over the house at 23 Cross Street (also known as 23 Arrowhead Lane). Ms. Cunningham was present. N. Hills questioned the old wetland line and the limit of lawn. J. Oakes said the engineering drawings show the site to be in the flood plain, and she needs to either find proof that the first floor elevation of the house is above the flood plain (from an elevation certificate or an engineer's stamped drawing showing the top of foundation), or submit a cost breakdown showing the work will cost less than 50% of the assessed value of the house. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:00 PM October 19, 2005; N. Hills seconded; voted unanimously. Ms. Cunningham's neighbor, Steve Hurley, was present but did not comment on the project.

7:54 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). Stephen Clark was present and said the pile of dirt that the Commission wanted removed is now gone. S. Clark said he put down bark mulch between his garage and the Town's pump station for parking mainly on the weekends. R. Merlino said the driveway into the back yard has been paved. R. Merlino moved to hold off issuing this Determination until the Conservation Commission's next meeting on November 2, 2005 at 7:10 PM; S. Clark said he would submit a filing for the paving in time for that meeting; N. Hills seconded; voted unanimously.

8:04 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). J. Oakes left the room. Andrew Butler, the owner of the property, was present with his engineer, Susan Nilson of CLE Engineering, Inc. S. Nilson said the scope of work has been downgraded to just verifying the wetland line, with no construction proposed. Abutter Gilbert McManus was present and questioned the ownership of the lot – Lane or Butler; S. Nilson said the Butlers own the lot and there are 24,000 square feet of uplands on that lot. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously. J. Oakes returned to the room.

8:13 PM **CHARLES MEAD** – RFD (41D-1241) to upgrade a septic system at 133 County Road. S. Briggs left the room. Ronald Bukoski of CGE Engineering, Inc. represented Mr. Mead. J. Oakes said the work is in the buffer zone to wetlands approximately 50 feet away, but regulations for the Rivers Protection Act do not pertain to this project because it is an existing dwelling and is a septic system upgrade. J. Mendes

moved to close the hearing; R. Merlino seconded; voted unanimously. S. Briggs returned to the table.

Discussion followed regarding the Enforcement Order issued to Gilda's Stone Rooster for filling in/near wetlands behind 27 Wareham Road (41D-1146). N. Hills said he, J. Mendes and S. Briggs met with Gilda's contractor, Brad Silva, at the site on October 1, 2005. At that time B. Silva had said he would do whatever the Commission wants in order to lift the Enforcement Order. N. Hills recommended moving the boulder line closer to the building (leaving 20 feet clearance at the back corner of the building) and grading the bank outside of the revised boulder line to remove fill and contour the bank. Boulders may be used in that area to help stabilize the bank. B. Silva said he would do that very soon because the property is being sold.

The Commission discussed Horace Furumoto's garage project at 101 Indian Cove Road (SE41-836). Mr. Furumoto would like the Commission to accept a revised plan (showing a detached garage rather than an attached garage) as the new plan of record, without requiring a formal Amendment to the Order of Conditions because the garage will be no closer to the wetlands than previously approved. R. Merlino moved to send a letter to Mr. Furutomo accepting the revised plan as the new plan of record; N. Hills seconded; voted unanimously.

J. Oakes moved to nominate N. Hills as the Commission's representative on the Community Preservation Act Committee; S. Briggs seconded; voted unanimously.

R. Merlino moved to accept the Commission's September 21, 2005 minutes as written; J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a Positive Determination for Box #2 for Robert Lane's wetlands delineation at Lots 89 and 90A Holly Road (41D-1201); N. Hills seconded; voted by majority. J. Oakes had left the room during this conversation and did not participate in the discussion and the vote.

J. Oakes moved to issue a Negative Determination for Box #2 for Charles Mead's septic system upgrade at 133 County Road (41D-1241); N. Hills seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved October 19, 2005