

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 7, 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: Thomas Hurrie, William Sampson, Annita Donovan, Nancy & Theodore Lambert, Richard Charon, Kevin Forgue, Judith Rosbe, Eleanor Mower and Francis T.M. Griffith.

Meeting convened at 7:00 PM Wednesday, December 7, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 3, 2005 by J. Oakes, N. Hills, R. Merlino and J. Mendes.

7:00 PM **THE KITTANSETT CLUB** - NOI (SE041-1035) to relocate and expand a portion of an existing parking area at 11 Point Road, and construct a practice putting area in its place (continued from October 19, 2005). J. Oakes left the room. The Applicant's Engineer has requested another continuation to the January 4, 2006 meeting. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:00 PM January 4, 2006; J. Mendes seconded; voted by majority with S. Briggs abstaining. J. Oakes returned to the room.

7:01 PM **COLE DAUGHTERS REALTY TRUST** – NOI (SE041-1037) to construct a dwelling at Lot 11 Delano Road. This hearing was closed on November 16, 2005, but N. Hills wanted to research D.E.P. regulations regarding denials of projects before voting to issue the Order of Conditions. Shortly after the November 16th hearing had been closed, Richard Charon of Charon Associates, Inc. had requested permission to submit a revised plan showing a smaller house. Richard Charon was present tonight with the property Owner, Nancy Cole Lambert, and submitted a revised plan showing a smaller house (24' x 40'). He explained that although the 15' no-touch zone was compromised in one area, it was wider elsewhere, for a total of 1,500 square feet of no-touch area, the same as would be required with a normal 15'-wide swath. The Commission Members all agreed that R. Charon has put in a good effort to design a home that will fit on that lot, and discussed the legality of a deed restriction regarding the number of bedrooms. N. Hills said he would

prefer a boulder line or permanent plantings in place of the proposed split rail fence. R. Charon agreed to waive the 21-day Order of Conditions issuance deadline in hopes that the Commission will act favorably toward this project.

7:17 PM **THOMAS P. HURRIE** – NOI (SE041-1038) to construct a single-family dwelling at Lot 119 Edgewater Lane (continued). This hearing had been continued so that another site inspection could be done on December 3, 2005 with the botanist that did the flagging. At that site visit the wetland line was approved as flagged based on soil samples. Mr. Hurrie was present with his Engineer, Kevin Forgue, who said they were able to maintain the 30' no-build zone and 15' no-touch zone, and has proposed a permanent split-rail fence. R. Merlino moved to close the hearing; J. Mendes seconded; voted unanimously.

7:23 PM **ROBERT S. MOWER** – RFD (41D-1252) to verify the delineation of the Bordering Vegetated Wetland line as flagged at Lot 1E Front Street. Mrs. Mower was present with her attorney, Judith Rosbe. J. Oakes said the Commission agrees with the line as flagged. Mrs. Mower explained that the catchbasins on Front street were installed in the 1930's, and that road runoff from them is the reason for the standing water on her lot. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously. J. Oakes moved to issue a Positive Determination for Boxes #1 and 2A; R. Merlino seconded; voted unanimously.

7:30 PM **WILLIAM A. SAMPSON** – RFD (41D-1253) to raze the house at 43 Dexter Road, Dexter Beach, and reclaim the overgrown yard. Mr. Sampson was present and explained that his Father died in 1985. He said he tried to update the structure at that time but was told he'd have to address the septic system first, which he did but John Rockwell appealed that. J. Oakes said the wetland line shown on the plan is accurate and approved. J. Oakes said the edge of wetlands is the area that is now cleared. Mr. Sampson said the lot has 75' frontage. J. Oakes said a silt fence should be placed 15' upland of the wetland line to show the limits of work area, or Mr. Sampson can string tape between bamboo poles set 15' from the wetland line to mark the limits of work area. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously. J. Oakes moved to issue a Positive Determination for Box 2A accepting the wetland line, and a Conditional Negative Determination for Boxes 2 and 3 with a condition requiring the limit of work area (15' upland of the wetland line) to be marked; R. Merlino seconded; voted unanimously.

J. Oakes moved to issue a Certificate of Compliance for Box #3 (Order has expired, work was never done) to William and Michael Sampson for installing a tight tank at 43 Dexter Road, Dexter Beach; R. Merlino seconded; voted unanimously (SE41-901).

7:40 PM **FRANCIS M. GRIFFIN** – Appointment for discussion regarding a portion of the yard at 170 Olde Meadow Road where Mr. Griffin wishes to park his boat. Mr. Griffin was present. A site inspection was done on December 3, 2005 to see where the wetlands (if any) are. J. Oakes explained that the wetlands begin at the tree trunks, but the boat can be stored on the lawn to the right of the tree trunks.

N. Hills drafted the Cole Daughters Realty Trust Order of Conditions for a new dwelling on Lot 11 Delano Road, and moved to issue it as written; R. Merlino seconded; voted unanimously (SE041-1037).

J. Oakes drafted Thomas Hurrie's Order of Conditions for a new dwelling on Lot 119 Edgewater Lane and moved to issue it as written; N. Hills seconded; voted unanimously (SE041-1038).

R. Merlino moved to accept the Commission's November 16, 2005 minutes as corrected; N. Hills seconded; voted unanimously.

N. Hills graciously volunteered to draft the Commission's 2005 Annual Report.

Meeting adjourned at 8:20 PM.

Diane R. Drake, Secretary

Approved January 18, 2006