

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 15, 2006

Members Present: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman & Treasurer
Bruce C. Hebbel, Member
Lawrence B. Dorman, Associate Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Joel D. Hartley, Member
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: John Hubbard, Richard & Mary Corliss, David Cheney, Donald Torres & Joseph Freeman

Meeting convened at 7:00 PM Wednesday, February 15, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 11, 2006 by J. Oakes, N. Hills, J. Hartley, B. Hebbel and L. Dorman.

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. This hearing was continued from the Commission's January 18, 2006 meeting. Due to ongoing issues with an abutter, Kittansett's engineer has requested an indefinite continuation. B. Hebbel moved to continue the hearing indefinitely, with the Applicant's consent; L. Dorman seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

N. Hills said he will attend the M.A.C.C. Annual Conference on Saturday, March 4, 2006.

7:10 PM The Commission met with John R. Hubbard, at his request, to discuss the buildability of a vacant lot on Front Street (Map 23, Lot 5A). Mr. Hubbard said the lot was flagged by Alan Grady of G.A.F. Engineering about one year ago. J. Oakes explained the Commission's 30' no-build and 15' no-touch policy to Mr. Hubbard, as well as the Board of Health's 75' setback from wetlands requirement. N. Hills advised Mr. Hubbard to file a Request for a Determination of Applicability to verify the flagging shown on the plan, and consult with the Building Commissioner, William Moore.

7:20 PM **TIMOTHY F. AND & SANDRA A. LYNCH** – RFD (41D-1254) for clearing brush and extending a lawn (after-the-fact), and proposed landscaping at 8 West Avenue,

Planting Island. This hearing was continued from the Commission's January 18, 2006 meeting. Mr. Lynch has requested another continuation because his landscaper (DuPonte Landscape & Design of Mattapoisett) has not yet prepared a plan showing the proposed plantings. N. Hills moved to continue the hearing, at the Applicant's request, to 7:10 PM March 15, 2006; B. Hebbel seconded; voted unanimously.

N. Hills moved to issue a Full Certificate of Compliance to Janet Keeler for upgrading her septic system and landscaping at 101 Cove Circle, Piney Point (SE41-782); B. Hebbel seconded; voted unanimously.

L. Dorman moved to issue a three-year Extension Permit to Hermitage Trust for increasing the height of the seawall and raising the adjacent ground at 34 Hermitage Road (SE41-976); B. Hebbel seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

B. Hebbel moved to issue a three-year Extension Permit to Gregory Koss for rebuilding the dwelling at 32 Beach Street which was destroyed by fire (SE41-987); N. Hills seconded; voted unanimously.

7:30 PM **RICHARD CORLISS** – RFD (41D-1258) to extend an open elevated deck and construct a covered elevated deck at 51 Dexter Road, Dexter Beach. Mr. and Mrs. Corliss were present and said a total of seven pilings will be required for the elevated decks. N. Hills moved to close the hearing; B. Hebbel seconded; voted unanimously. N. Hills moved to issue a Negative Determination for Boxes 2 and 3; B. Hebbel seconded; voted unanimously.

7:40 PM **DAVID CHENEY** – RFD (41D-1259) to fill the southwest corner of his property at 11 Olde Farm Road. Mr. Cheney was present and said the standing water is a health issue because his wife's immune system is compromised due to chemotherapy sessions every week. J. Oakes said the area appears to be a wetland and cannot be filled without replication elsewhere, and at the very least a Notice of Intent filing would be needed. J. Oakes said a good engineer might be able to find a way to solve this problem. The Commissioners thought the riprap at the end of the drain system in the road might be blocked, perhaps adding to the ponding. N. Hills moved to close the hearing; B. Hebbel seconded; voted unanimously.

8:00 PM **DONALD AND ORA MAE TORRES** – NOI (SE041-1040) to abandon the existing cesspool at 23 Dexter Road, and install a sewer line and five utility conduits (electric, telephone, water, cable TV and a spare) to the dwelling there. This hearing was continued from the Commission's January 18, 2006 meeting. Mr. Torres was present with his engineer, Joseph Freeman of Earth Tech. The D.E.P. file number has been assigned, with several comments. Mr. Freeman submitted a letter in response to those comments, and said the plan will be revised to show the resource areas on site, even though they won't be impacted. N. Hills said he was concerned with the flexibility of the 12"-diameter pipe being installed five-feet deep. Mr. Freeman agreed to include siltation measures on the island, as suggested by B. Hebbel. B. Hebbel thought the work should be done during

high tide, rather than low tide, because the pressure of the water on a high tide would help to prevent a fracout. N. Hills moved to close the hearing; B. Hebbel seconded; voted unanimously. N. Hills drafted the Order of Conditions. J. Oakes moved to issue it as written upon receipt of the revised plan showing siltation control and resource areas; B. Hebbel seconded; voted unanimously.

The Commission discussed James Milch's request for a Certificate of Compliance for constructing a single-family dwelling at 24 Parlowtown Road (SE41-995). The house and deck are fine, but there are several issues with the grounds (some of the wetland flags are missing; the permanent fence is too close to the wetlands; the 15' no-touch zone needs to be replanted; the siltation fence is not being maintained; additional loam and reseeding is needed; and the driveway presently pitches towards the wetlands). N. Hills moved to deny the Certificate of Compliance at this time and send a letter stating the reasons for the denial; B. Hebbel seconded; voted unanimously.

The Commission discussed Gregory Koss's request for a fourth three-year Extension Permit for wetlands replication at 32 Beach Street (SE41-676). Everyone agreed that this has gone on long enough and there is no reason the work cannot be completed within a year. B. Hebbel moved to issue a fourth Extension Permit, but only for one year, with an accompanying letter requiring an extension/continuation of the proposed replication area to the toe of the existing unnamed stream channel's west bank, an area approximately 3' wide by 50' long; N. Hills seconded; voted unanimously.

N. Hills moved to issue a Positive Determination for Box #1 for David Cheney's ponding problem at 11 Olde Farm Road (41D-1259); B. Hebbel seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved March 15, 2006