

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 1, 2006

Members Present: Jeffrey W. Oakes, Chairman
Sherman E. Briggs, Jr., Recording Secretary (absent from
7:00 PM to 7:13 PM)
Joel D. Hartley, Member
Bruce C. Hebbel, Member

Members Absent: Norman A. Hills, Vice Chairman & Treasurer
Horace S. Kenney, Jr., Associate Member
Lawrence B. Dorman, Associate Member

Secretary: Diane R. Drake

Others Present: John & James Milch, Barbara Beatty, Thomas Guard, Byron
"Jack" Gierhart, Susan Nilson & John Kelly

Meeting convened at 7:00 PM Wednesday, March 1, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 25, 2006 by J. Oakes, N. Hills, J. Hartley, B. Hebbel and L. Dorman.

7:00 PM **JAMES MILCH** – Appointment for discussion regarding a Partial Certificate of Compliance for just the dwelling and septic system at 24 Parlowtown Road, not the landscaping (SE41-995). Another site inspection had been held on February 25th with the property owner, James Milch, and the contractor, his brother, John Milch. James and John Milch were present with their realtor, Barbara Beatty. The property is being sold this week. J. Oakes explained the work that still needs to be done, as specified in Appendix A, before a full Certificate of Compliance can be issued. J. Oakes said Item 5 of the Appendix regards runoff from the driveway, not the construction of the driveway, and can be corrected by planting juniper or other low shrubs at the end of the driveway to stop runoff into the wetlands. James Milch promised to correct all the items this summer and will request a full Certificate of Compliance this fall. J. Hartley moved to issue a Partial Certificate of Compliance for constructing the house and septic system, not the landscaping; B. Hebbel seconded; voted unanimously.

7:10 PM **THOMAS GUARD** – RFD (41D-1260) to construct an inground swimming pool, a patio around the pool, and a pool house at 32 Tucker Lane. Thomas Guard was present. J. Oakes said the project as proposed is in the buffer zone to wetlands, but

complies with the Commission's setback policies. J. Hartley moved to issue a Negative Determination for Box #3; B. Hebbel seconded; voted unanimously.

J. Hartley moved to accept the February 1, 2006 minutes as written; S. Briggs seconded; voted unanimously. It was agreed to hold off acceptance of the February 15, 2006 minutes until the Commission's next meeting, so that N. Hills can review them.

7:20 PM **BYRON J. & KAREN H. GIERHART** – RFD (41D-1261) for maintenance cutting of phragmites at 75 Holly Road, Piney Point. Byron Gierhart was present and explained that the former owner of the property had a Determination of Applicability (41D-1084) to do the cutting, but that has expired and he would just like to continue cutting the same area. J. Oakes explained how other Town residents have filed Notices of Intent to more aggressively treat the phragmites. J. Oakes asked Mr. Gierhart to remove the cut stalks to prevent buildup and to allow the salt water to reach the stalks. J. Hartley moved to close the hearing and issue a Conditional Negative Determination for Box #2, with a Condition that the stalks shall be removed from the site; S. Briggs seconded; voted unanimously. Mr. Gierhart was given a Notice of Intent form and a copy of the U.S. Fish and Wildlife Service's "Managing Common Reed (*Phragmites australis*) in Massachusetts" which is the publication recommended by the Department of Environmental Protection for controlling phragmites.

The Kittansett Club has requested a three-year Extension Permit for their Order of Conditions (SE41-979) for regrading areas of the 4th, 5th and 6th Fairways at 11 Point Road. J. Oakes and S. Briggs left the room. Susan Nilson of CLE Engineering was present with John Kelly, Kittansett's new grounds keeper. J. Hartley explained that the Extension Permit will be addressed at the Commission's next meeting, due to the lack of a voting quorum tonight, but he and B. Hebbel would like to informally discuss an overall maintenance plan for the entire site. B. Hebbel showed photos that were taken during the February 25th site inspection, and said the recently-cut trees and woodchips that were spread and are also building up by the shed are activities that probably should have been approved by the Conservation Commission first. S. Nilson and J. Kelly agreed to look into preparing a maintenance plan. J. Oakes and S. Briggs returned to the table.

The Commission briefly discussed the Town of Marion's Island Wharf stormwater remediation project (SE041-1028), which may not be functioning correctly. Several weeks ago the Commission asked Earth Tech for an as-built drawing showing elevations of the inverts and outlets. In response, Earth Tech said they would love to have whatever information the Conservation Commission has on the project. J. Oakes said he will discuss the project with John Rockwell of the Buzzards Bay Project.

S. Briggs said he allowed Barden's Boat Yard to store their dewatered dredge spoils on land he owns on Spring Street (near the wireless tower). The dredge spoils will eventually be placed on the railroad grade. S. Briggs said D.E.P.'s hazardous waste department is fining Barden's because the spoils are not being placed directly on the

railroad grade. S. Briggs said he has a Determination verifying there are no protected wetlands on that land, and just wanted to let the Commission know what was going on there.

Meeting adjourned at 8:00 PM.

Diane R. Drake, Secretary

Approved March 15, 2006