

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON APRIL 5, 2006

Members Present: Jeffrey W. Oakes, Chairman  
Norman A. Hills, Vice Chairman & Treasurer  
Sherman E. Briggs, Jr., Recording Secretary  
Joel D. Hartley, Member  
Bruce C. Hebbel, Member  
Lawrence B. Dorman, Associate Member

Members Absent: Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Susan Nilson, John Kelly, D. Joseph Duggan II

Meeting convened at 7:00 PM Wednesday, April 5, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 1, 2006 by J. Oakes, N. Hills, J. Hartley and L. Dorman.

7:00 PM **JAMES MILCH** - Appointment for discussion regarding a partial Certificate of Compliance for the new house at 24 Parlowtown Road (SE41-995). Mr. Milch was not present, but sent a fax specifying the wording he wants included on the Certificate of Compliance. N. Hills moved to issue a Second Partial Certificate of Compliance for everything except the revegetation; J. Hartley seconded; voted unanimously.

7:05 PM Minutes of the March 15, 2006 meeting were reviewed. N. Hills moved to accept them as amended; J. Hartley seconded; voted unanimously.

7:10 PM **D. JOSEPH DUGGAN II** - NOI (SE41-1041) to reconstruct a boardwalk over the salt marsh at 17 Dexter Road, Dexter Beach (continued from March 15, 2006). J. Oakes left the room. Mr. Duggan was present with his engineer, Susan Nilson of CLE Engineering, Inc., who described the project. She said the deck will be 3' wide and they will try to re-use as many of the existing piling locations as possible. Mr. Duggan said the deck was washed out by Hurricane Bob in 1991. S. Nilson said the new deck will be 3'-4' above the salt marsh, and she feels the proposed reconstruction in this case is better than the Corps of Engineer's suggestion of a boardwalk on single poles. S. Nilson said the Natural Heritage & Endangered Species Program has until April 17, 2006 to submit their comments, and she would like to continue the hearing. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:00 PM May 3, 2006; J. Hartley seconded; voted unanimously.

7:20 PM **THE KITTANSETT CLUB** - Appointment for discussion regarding a general maintenance plan for the golf course. S. Briggs left the room; J. Oakes remained out of the room. John Kelly of Kittansett was present with Susan Nilson and submitted a written summary of their maintenance plans. He said most of the land is subject to coastal storm flowage, with a portion in the buffer zone to wetlands. He said future projects include enlarging and building up target areas, and installing an irrigation system. S. Nilson said daily/weekly/yearly maintenance activities have not had to come before the Commission, but if Kittansett has to come before the Commission on a case-by-case basis, what need would there be to file for a general maintenance plan? J. Hartley said adding culverts to drain water from playing areas should require a filing; S. Nilson asked whether it should be a Notice of Intent or a Request for a Determination of Applicability? N. Hills asked what activities might be done that are not described in the summary; J. Kelly said work on the bunkers may require the addition of sand each year. B. Hebbel asked if there are drawings of the course; S. Nilson showed maps of the course (three sheets) but said not all the wetlands are shown, and the irrigation system is not shown. In response to L. Dorman's request to walk the course; J. Kelly said any time in late April or early May would be good, and agreed to give the Commission a tour on May 13, 2006. J. Oakes and S. Briggs returned to the table.

Discussion followed on whether or not to have the Conservation Commission meetings televised. S. Briggs said Town Board meetings will be shown on a new community Channel, 95, as well as on Channel 9. Consensus was thank Reginald Foster for the offer, but respectfully decline the opportunity at this time.

J. Oakes said D.E.P. did a site inspection yesterday at Donald Torres' 23 Dexter Road property regarding his project to extend sewer to the house on the island (SE41-1040). J. Oakes said it is up to Earth Tech to convince D.E.P. to issue a Superseding Order allowing the project.

J. Oakes said D.E.P. thinks he might have a conflict of interest on the Torres sewer project (SE41-1040). Jack Dolan had asked D. Drake for a written summary of her telephone conversation with Dorothy Blickens regarding Torres. In that memo D. Drake said Dorothy Blickens told her that J. Oakes had signed something regarding Chapter 91 licensing there, and Teena Davies was checking to see if that would be considered a conflict of interest. J. Oakes said he never signed anything, Susan Nilson did, and he would like the memo to be corrected to reflect that.

N. Hills said he is the Commission's representative on the Open Space Committee, and he would like comments from the Commission, such as what goals do we have, preservation of stream and river banks, etc.

Eleita Babbitt's wish to enclose her carport on Water Street was discussed. J. Oakes said he thinks the site is in the Velocity Zone, and if she intends to go forward with this project, then she should file a Request for a Determination of Applicability with the Commission. (Note: The Building Commissioner denied a permit for this work, so the project has been abandoned.)

J. Oakes said the culvert under Cottage Lane may be replaced, and asked whether the Commission would like a NOI or RFD filing for that work. J. Oakes said D.E.P. has a new culvert policy which might require a NOI. J. Oakes said he would prefer a NOI, but agreed that this is an existing structure, not a new one. S. Briggs said the existing sewer line is 4' deep and runs just above that culvert. Plymouth County Mosquito Control may also be grubbing in that area.

S. Briggs said he allowed Barden's Boat Yard to cross his land on Spring Street, rather than going through The Wave Restaurant parking lot, to dump dredge spoils for the railroad grade project. S. Briggs said D.E.P. is upset about the change in the delivery route, even though the destination of the disposal site has not changed, and is threatening to fine Barden's. S. Briggs said J. Oakes and N. Hills visited the site and agreed the spoils were not near any wetlands. S. Briggs asked the Commission for something in writing saying they are aware of the adjusted path, that it is not near wetlands, and the dredge spoils are contained within 60' of the bike path. J. Oakes said another site visit can be done.

Meeting adjourned at 9:05 PM.

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Diane R. Drake, Secretary

Approved August 2, 2006