

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 3, 2006

Members Present: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman & Treasurer
Joel D. Hartley, Member
Bruce C. Hebbel, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member
Lawrence B. Dorman, Associate Member

Secretary: Diane R. Drake

Others Present: Susan Nilson, Carl St. Pierre, William Saltonstall, J. Maurits Hudig, Joseph Duggan, Chris Garnett, Andrew Eick, John Kelly, Sheila Staples, Dana Altobello, Richard Schaefer, George Unhoch and Alan Ewing

Meeting convened at 7:00 PM Wednesday, May 3, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 29, 2006 by J. Oakes, N. Hills, J. Hartley, B. Hebbel and L. Dorman.

7:00 PM **D. JOSEPH DUGGAN** - NOI (SE41-1041) to reconstruct a boardwalk over the salt marsh at 17 Dexter Road, Dexter Beach (continued). J. Oakes left the room. This hearing had been continued from April 5, 2006 due to the lack of a response from the Natural Heritage & Endangered Species Program, which has since been received. Susan Nilson of CLE Engineering, Inc. represented Mr. Duggan, who was also present, and said the plans submitted at the April 5, 2006 meeting incorporated the Shellfish Officer's comments. J. Hartley moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes returned to the table.

7:05 PM **SIPPICAN LANDS TRUST** - RFD (41D-1265) to construct a 100'-long boardwalk and maintain an existing footpath on Lots 1 and 1A Delano Road (continued). This hearing had been continued so that another site visit could be held with William Saltonstall, Jr., the Lands Trust's representative, to view alternate trails. Wm. Saltonstall, Jr. was present and asked to withdraw the boardwalk portion of this filing. He said he would just like to maintain the path as it is. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously. J. Hartley moved to issue a Negative Determination for Box #3 (buffer zone) for maintaining the path, and noting the Applicant has withdrawn the boardwalk portion of the filing, which would have been denied; N. Hills seconded; voted unanimously.

7:10 PM **JONATHAN HOWLAND** - ANRAD (SE41-1043) to verify the wetland line(s) as delineated at Lot 19 Point Road. This hearing had been continued from April 19, 2006 so that the Applicant's botanist can supply the additional information requested by the Commission. Mr. Howland's engineer sent a letter requesting another continuation because the botanist has not yet been able to return to the site. N. Hills moved to continue the hearing again, at the Engineer's request, to 7:10 PM June 7, 2006; J. Hartley seconded; voted unanimously.

N. Hills moved to purchase two new "Marion Conservation Commission" magnetic car signs, at a cost of \$100.00; J. Hartley seconded; voted unanimously.

The Community Preservation Act was discussed. N. Hills said he did not receive B. Hebbel's comments; B. Hebbel said he will email them again.

7:20 PM **CARL StPIERRE** - RFD (41D-1268) to construct a wind turbine at 127 Bullivant Farm Road. Mr. St. Pierre was present and said the turbine is very similar to a flag pole and will supply him with 4,000 KWH per year. He said guy wires are not necessary, and the turbine will only be able to be lowered in one direction. He said it is a 4-1/2" treated steel pole. J. Oakes said he has no concerns with the turbine, which is sited barely within the Buffer Zone to wetlands, but the grass cuttings and leaves that have been placed in wetlands in the back left corner of the lot must be removed and that area allowed to revegetate. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously. N. Hills moved to issue a Conditional Negative Determination for Box #3 (buffer zone) with a condition that the lawn cuttings and leaves are to be removed from the wetlands; J. Hartley seconded; voted unanimously.

7:30 PM **NELSON E. & SHEILA STAPLES** - RFD (41D-1268) to construct an addition and deck at 7 Captain's Way. Mr. and Mrs. Staples were present with their engineer, Dana Altobello of Thompson Merrill, who described the project. He said the work will be 80' from the coastal bank, and the addition will match the existing floor, which is above the flood plain. Mrs. Staples said the addition will have a cement foundation and the ground level area will be used only for storage. The deck will be built on sono tubes. J. Oakes said the siltation fence should be installed prior to any other work there. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously. N. Hills moved to issue a Conditional Negative Determination for Box #2 (flood plain) and Box #3 (buffer zone), with a condition that no work or staging equipment shall be placed behind the siltation fence; J. Hartley seconded; voted unanimously.

7:40 PM **THE KITTANSETT CLUB** - RFD (41D-1264) to maintain a low vegetative cover at Butler's Point (11 Point Road, Lots 8B and 32) by cutting brush/vegetation and mowing. J. Oakes left the room. This hearing had been continued from April 19, 2006 at Kittansett's Engineer's request. Present on behalf of the Kittansett Club were Andrew Eick, John Kelly, Chip Garnett, George Unhoch, and the Club's legal counsel, Richard Schaefer. Also present was the Club's Engineer, Susan Nilson of CLE Engineering, who described the history of the site. She said the Club's Notice of Intent to expand parking to that area has been withdrawn. She said keeping the vegetation low will allow the Club members to

access the site for parking during overflow events. B. Hebbel questioned the Club's doing the test pits in resource areas prior to the filing of the Notice of Intent that had been withdrawn. S. Nilson said the Commission verified in an earlier Determination that the site is land subject to coastal storm flowage, and a portion of it is in the buffer zone to a coastal bank, but there are no wetlands. N. Hills said he was concerned that repeatedly mowing would kill the vegetation, which could cause erosion. S. Nilson said she does not want to manicure the area, and will plant low plants if necessary. She said 120 cars can park in that area, including the street, and the area up to 62' from the old foundations will remain untouched. She said each tree will have a 15' radius that will be untouched. N. Hills said he would like as much of the vegetation as possible to remain, with perhaps a path or two. John Kelly of the Club said he does not think mowing to 3" or 4" will destroy the vegetation; B. Hebbel said the area will most likely be used for parking, and people won't want to walk on the spikes of the cut stalks. Richard Schaefer asked the Commission if they would object to the brush being lowered somewhat, to waist high, to allow a water view; N. Hills and B. Hebbel said they prefer to leave the entire area uncut. S. Nilson asked the Commission if they would consider a smaller cleared area, with pathways; N. Hills said she could propose that. J. Hartley suggested installing a split-rail fence to discourage traffic in the protected areas; S. Nilson said the ground there is pretty hard for that. J. Hartley reminded the Commission that there has to be something in the Wetlands Protection Act to substantiate denying this project, not just personal preference. B. Hebbel said he would like the paths to be no more than 3' wide, and would like the 100' area that is to be cleared to be marked. S. Nilson said the Commission has an appointment to tour the Club grounds with John Kelly, the Club's Manager, on May 13, 2006, and they could view this area again at that time. S. Nilson asked to continue the hearing. J. Hartley moved to continue the hearing, with the Applicant's consent, to 8:10 PM May 17, 2006; B. Hebbel seconded; voted unanimously. J. Oakes remained out of the room.

8:10 PM **THE KITTANSETT CLUB** - RFD (41D-1270) to reconstruct target greens, renovate a practice bunker, and create a nursery at 11 Point Road. J. Oakes remained out of the room. Superintendent John Kelly and Assistant Superintendent Chip Garnett represented the Club. Also present on behalf of the Club were Andrew Eick, George Unhoch, and the Club's legal counsel, Richard Schaefer. J. Kelly described the proposed work. He said the target greens are 25' across, and some are 35'-40'. N. Hills said the plans should show those diameters. J. Kelly said the heads of the existing irrigation system would be removed, but basically he would like to install a new irrigation system. J. Kelly said he would like to take the area of the nursery down 8", use that removed material on the target greens, and add more suitable soil for the plants. J. Hartley said there is a lot of material, like sod, piled near the Haven, and it looks like that is a dumping ground. J. Kelly said another dumpster will be delivered tomorrow to remove that material. N. Hills said he would like to view that area again during their tour on May 13, 2006. B. Hebbel suggested placing a siltation fence around the drain pipe from The Haven when work in that area is being done. J. Hartley moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes returned to the table.

8:30 PM **JOHN F. MENZEL** - RFD (41D-1271) to upgrade a septic system at 27 Moorings Road. Alan Ewing represented Mr. Menzel and said the new system will be

sized for five bedrooms. N. Hills moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Hartley moved to issue a Negative Determination for Box #2 (flood plain) and Box #3 (buffer zone); B. Hebbel seconded; voted unanimously.

The Commission discussed Joanne Blake's complaint of alleged wetlands flagging and clearing in wetlands/conservation restriction behind her house at 21 Olde Meadow Road (SE 41-694). J. Oakes drafted a letter to the Indian Cove Trust regarding their clearing a path from 21 Olde Meadow Road to the end of Holly Pond Road. N. Hills moved to send the letter as written; J. Hartley seconded; voted unanimously.

Mario DiBona's proposed 40B housing project on River Road was discussed. Although the site is high and dry, the driveway entrance may be in the flood plain or buffer zone to wetlands. J. Oakes drafted a letter to the Chairman of the Housing Committee, Stuart Richardson, saying a Request for a Determination of Applicability filing is needed for the driveway to the development. J. Oakes moved to send the letter as written; N. Hills seconded; voted unanimously.

The Commission discussed Zora Enterprises' 39 Giffords Corner Road project (SE41-949). A new driveway was built and a house and garage were relocated to that site. The abutter has concerns with drainage problems that may have been caused by the new driveway. The Commission will visit the site this summer.

N. Hills drafted D. Joseph Duggan II's Order of Conditions (SE41-1041). J. Hartley moved to issue it as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

Meeting adjourned at 9:35 PM.

Diane R. Drake, Secretary

Approved August 2, 2006