

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON MAY 17, 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: John Rockwell, Douglas Thackeray, Stephen J. Morss, Tinker & William Saltonstall Jr., Peter & Patricia Dean, Kathryn Barnicle, Coolidge family (Lindsay, Caroline, Janie, Charlie & Katrina), Robert Luchetti, William Madden, Ellen Bowler, Barbara & Brad Shingleton, Nancy & John Mills, Susan Nilson, Chip Garnett, Richard Schaefer, John Kelly, David Davignon, Dale Briggs & Steve Bowman

Meeting convened at 7:00 PM Wednesday, May 17, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 13, 2006 by J. Oakes, N. Hills, J. Hartley and B. Hebbel.

7:00 PM **MOORE FAMILY REAL ESTATE TRUST** - RFD (41D-1272) to replace the rotted decking of the pier at 468 Point Road. Douglas Thackeray, the caretaker of the estate, was present with Stephen Morss, the contractor/mason for the project. D. Thackeray said all work will be done by hand, including the rails. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

7:05 PM **WILLIAM G. SALTONSTALL, JR.** - RFD (41D-1275) to replace two small decks at 159 Front Street with a 12' x 32' deck, install a fence, and landscape the area. Tinker and William Saltonstall, Jr. were present. W. Saltonstall said the shed will be anchored because a portion of the site is in the velocity zone. He said the expense to do Phase I is \$193,000, which is less than 50% of the appraised value. W. Saltonstall said Building Commissioner William Moore is comfortable with this phase, with the condition that everything must be signed off by him before he will issue a building permit for Phase II. W. Saltonstall said each section of the fence will be anchored by cable to prevent it from washing away in storm events. He said he has owned the property for 23 years, and the ponding is due to the neighbors building up their properties and in effect "damming" him in, and he would like to add fill up to the top of the dam. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

7:20 PM **COOLMAR LIMITED PARTNERSHIP** - NOI (SE41-1042) to move a dwelling/barn structure at 604 Point Road, and construct a new driveway to it (continued from April 19, 2006). Partnership owners present included Lindsay, Caroline, Janie, Charlie and Katrina Coolidge. Also present were their botanist (Kathryn Barnicle), architect (Robert Luchetti), and engineer (William F. Madden). W. Madden described the project and said the fill is to raise the elevation of the land so that the building will be above the AE15' flood zone, and he will ask FEMA to revise the F.I.R.M. map after the fill has been placed. K. Barnicle said the wetland line has been adjusted, and asked for a waiver to the Commission's Policy Standard prohibiting construction within 30' of a wetland. S. Briggs said this was the first family compound to go before the Planning Board, and the lot can never be divided. Architect Robert Luchetti explained how the building, which was originally built as a stable, would be moved. N. Hills asked what other options the Partnership has to site the building further from the wetlands; J. Hartley agreed with N. Hills and said the building is presently in compliance with the Commission's policies, but this project will make it very much out of compliance. N. Hills asked whether the wing of the structure must be so close the wetlands; R. Luchetti said the family wants to retain the house as it is. R. Luchetti said there are possibly 10 acres of wetlands out of the 82 acres there, plus another ten acres of the property are restricted for open space. J. Oakes suggested moving the house 10' to the west, and said a 20'-wide buffer zone with heavy plantings might suffice. J. Oakes asked W. Madden to revise the plan and write a narrative of the proposed changes. R. Luchetti said he prefers a retaining wall or fence to delineate the no-touch zone; J. Oakes said stones/boulders are preferred. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM June 7, 2006; J. Hartley seconded; voted unanimously.

7:45 PM **WHITE EAGLE TRUST** - Appointment for discussion with John Rockwell regarding the complete open space restriction for this property which needs the Commission's signatures. J. Hartley moved to sign the conservation restriction; N. Hills seconded; voted unanimously.

7:50 PM **418 POINT ROAD TRUST, C/O BARBARA SHINGLETON, TRUSTEE** - NOI (SE41-1044) to reconstruct a boardwalk and pier at 418 and 414 Point Road. Due to a conflict with hearings, Ms. Shingleton's engineer had requested a continuation of this hearing to 8:20 PM this evening. N. Hills moved to continue the hearing to 8:20 PM this evening; J. Hartley seconded; voted unanimously.

7:53 PM **HARDWICK SIMMONS** - RFD (41D-1273) for minor seawall repairs and landscaping at 83 Hammett's Cove Road. Steve Bowman of Charles Dupont Landscaping represented Mr. Simmons. Dale Briggs, the contractor for the seawall work, was present and said he can do the work from the landward side. He said he only needs to bring in five or six flat stones for the proposed steps. J. Oakes said the 4" PVC pipe sticking out of the wall is probably for roof runoff; S. Briggs said it can't be for sewage because all the homes on Hammett's Cove Road are hooked up to town sewer. S. Bowman described the proposed landscaping work. J. Oakes said he is concerned that an excessive amount of fertilizers may be used there, and encouraged Mr. Bowman to use all possible means to

lessen the nitrogen use there. J. Hartley moved to close the hearing; N. Hills seconded; voted by majority with S. Briggs abstaining.

8:00 PM **ELLEN BOWLER** - NOI (D.E.P. file number not issued yet) to remove nuisance weeds, enhance a dune and construct a patio across from 7 Shawondasse Road. J. Oakes left the room. Mrs. Bowler was present with her engineer, Susan Nilson of CLE Engineering, Inc., who described the project. She said Mrs. Bowler is purchasing the property and would like to remove all the boats from the coastal dune, and plant that area with beachgrass this fall. She also wants to remove nuisance vegetation, mostly knotweed, regrade the area with clean sand and loam, and construct a patio with a path to Shawondasse Road. Rodeo will be used to kill the vegetation. The site is 250' from any Natural Heritage area. Charles Dupont will do the plantings. J. Hartley said the plan does not show the salt marsh and a jetty on the site. Due to the lack of a file number, N. Hills moved to continue the hearing, with the Applicant's consent, to 7:40 PM June 7, 2006; J. Hartley seconded; voted unanimously. J. Oakes returned to the table.

8:13 PM **MARGARET M. THEROUX FIELDSTEEL** - RFD (41D-1274) to reconstruct and extend a porch at 7 South Street, and extend the second floor above the porch. Neither Mrs. Fieldstone nor her representative, David Titus, were able to attend tonight's hearing. The site is in the flood plain but the home and all the work will be in compliance with FEMA Regulations and elevations, so the 50% Rule does not apply to this project. J. Hartley said he would like the Determination to include a condition that a full foundation is not allowed, even though pilings are proposed. J. Hartley moved to close the hearing; B. Hebbel seconded; voted unanimously.

8:20 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 and S. Briggs left the room. Susan Nilson represented Kittansett. Also present were Kittansett's Manager (John Kelly) and President (Chip Garnet), and their legal counsel (Richard Schaefer). This hearing was continued from May 3, 2006 so that another site inspection could be held. S. Nilson submitted a revised plan showing significantly less clearing than originally proposed. She said it may take up to three years for the fescue grass to stabilize. The 40' x 40' mowed area is to be for the Club's members to sit and enjoy the view, and to be used for parking only in overflow events. N. Hills suggested placing rocks to delineate the area to be mowed. In response to B. Hebbel's concern of wildlife habitat there, S. Nilson said the site is not designated as an area of special concern on the Natural Heritage & Endangered Species' rare wildlife map. S. Nilson said the existing trees will not be cut. J. Hartley moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes and S. Briggs returned to the room.

8:30 PM **418 POINT ROAD TRUST, C/O BARBARA SHINGLETON, TRUSTEE** - NOI (SE41-1044) to reconstruct a boardwalk and pier at 418/414 Point Road. This hearing was continued from earlier tonight due to a scheduling conflict. Barbara and Dr. Brad Shingleton were present with their engineer, David Davignon of N. Douglas Schneider & Associates. D. Davignon said the pier was licensed in 1926, but because the structure has not been there for five years, a completely new license is needed. He said work on the

boardwalk will be done from the lawn. He said the piles will be set by a gantry, and showed pictures of how a gantry was used in a similar project. He said work on the pier will be done from a barge only during high tides. D. Davignon said any holes left from removing the stone pillars will be filled with material suitable for regenerating marsh, as recommended by the Natural Heritage & Endangered Species Program. He said the decking will be 2" x 4" with 1" spacing, and the structure will be built higher than required to minimize shading impacts. Dr. Shingleton said he would like to include water and electrical lines, and possibly lighting, to the end of the pier. D. Davignon said he does not anticipate any dewatering. J. Oakes said there is no need to remove any of the stone piles below 2' B. Hebbel discussed the Division of Marine Fisheries' concern of possible prop dredging at the float; Dr. Shingleton said his plans are to use a Boston Whaler that draws 1-1/2' and an Avon Rubber Dinghy there. Abutters Peter and Patricia Dean said they are in favor of this project. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

B. Hebbel moved to issue a Negative Determination for Box #2 for the Moore Family Real Estate Trust's pier decking project at 468 Point Road (41D-1272), with a condition that all work shall be done by hand tools from the land, not on the shore; N. Hills seconded; voted unanimously.

J. Hartley moved to issue a Negative Determination for Box #2 and #3 for Hardwick Simmons' landscaping and seawall project at 83 Hammett's Cove Road (41D-1273); N. Hills seconded; voted unanimously.

B. Hebbel moved to issue a Negative Determination for Box #2 for William G. Saltonstall, Jr.'s deck/fence/landscaping project at 159 Front Street (41D-1275); J. Hartley seconded; voted unanimously.

B. Hebbel moved to issue a Negative Determination for Box #2 for Margaret M. Theroux Fieldsteel's house reconstruction and porch extension project at 7 South Street (41D-1274); J. Hartley seconded; voted unanimously.

James Milch's request for a full Certificate of Compliance for the new house and septic system at 24 Parlowtown Road was discussed (SE41-995). J. Oakes said Mr. Milch has \$7,500 in an escrow account from the sale of the house, but the money won't be released until a full Certificate of Compliance is issued, and the only outstanding issue is the grass. J. Hartley moved to approve a Full Certificate of Compliance now, but not issue the Certificate until a Commission Member visits the site to verify that the grass has grown; B. Hebbel seconded; voted unanimously.

J. Oakes said Patti Kellogg of D.E.P. Lakeville had planned to be in Marion this morning to view a pond at 157 County Road that had been filled in by Victor Brier. J. Oakes said he asked Ms. Kellogg to view Arthur Walker's property at 587 Front Street as well, because further clearing and stumping has taken place, in violation of Mr. Walker's Enforcement Orders (41D-1162, 41D-1208).

Mario DiBona's 40B Housing project at River Road was discussed. J. Oakes said Chris Collings, an abutter to that property, may file a Request for a Determination of Applicability for the entrance driveway, which may be in the Buffer Zone to wetlands. Plans for Gilda's Stone Rooster septic repair and plans of Richard Dix's property will be researched for wetlands.

J. Oakes drafted Barbara Shingleton's Order of Conditions (SE41-1044) for reconstructing a boardwalk and pier at 418 Point Road. J. Hartley moved to issue the Order as written; N. Hills seconded; voted unanimously.

J. Oakes said the Natural History Museum sponsors "Biodiversity Days" every year, when they ask people to document things and submit their findings to M.A.C.C. On a motion and a second, it was unanimously voted to participate in Biodiversity Days. J. Oakes will contact them (telephone 508-567-0473).

N. Hills said he is still collecting comments for his Community Preservation Act recommendations.

J. Oakes and S. Briggs left at 9:45 PM because they could not participate on the remaining agenda items.

J. Hartley moved to issue a Negative Determination for Box #2 and Box #3 for The Kittansett Club's brush cutting project at 11 Point Road (41D-1264), with conditions that the work shall be done in accordance with the Plan of Record as revised May 17, 2006; the perimeter of the grass area shall be permanently marked by a stone border; and the grass will be undisturbed except for parking during overflow events; B. Hebbel seconded; voted unanimously.

N. Hills moved to issue a Negative Determination for The Kittansett Club's project to reconstruct target greens, renovate a practice bunker, and create a nursery at 11 Point Road (41D-1270), with a condition that erosion control shall be installed around the 12" drain on the south side of the target greens during target green restoration; J. Hartley seconded; voted unanimously.

Meeting adjourned at 10:00 PM.

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Diane R. Drake, Secretary

Approved August 2, 2006