

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 7, 2006

Members Present: Jeffrey W. Oakes, Chairman (absent from 8:03 PM-8:15 PM)
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: Maurits Hudig, Robert N. Linde, David Davignon, Jennifer Turcotte, Will Saltonstall, Katie Barnicle, Michael Court, Mr. and Mrs. Frank Marston, Lindsay Coolidge, Robert Luchetti, William F. Madden, William Saltonstall Jr.

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

7:00 PM **JONATHAN HOWLAND** - ANRAD (SE41-1043) to verify the Bordering Vegetated Wetlands lines as flagged on Lot 19 Point Road (continued from May 3, 2006). Wetlands biologist Jennifer Turcotte represented Mr. Howland and submitted a revised plan. She said this filing is to prove to the Assessors that the site is not buildable so that J. Howland can apply for a rebate. The D.E.P. soil delineation forms have been submitted. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

7:10 PM **J. MAURITS HUDIG & KATE HUDIG ET AL** - RFD (41D-1278) to replace the culvert under Cottage Lane. Mr. Hudig was present with his Engineer, David Davignon of N. Douglas Schneider & Associates, Inc., who described the project and showed photographs of the site and pipe when high and when dry. D. Davignon said the project is to replace the existing 12" culvert with a 36" culvert, but only the top 18" of the new culvert will be above grade. He described the other options and why they are not being proposed. The culvert is 40' long (five 8-foot sections). The road has a 25' layout. D.P.W. Superintendent Robert Zora by letter endorsed the project. J. Oakes said he also endorses the project, but feels a Notice of Intent should have been filed. S. Briggs said the Commission has given the D.P.W. a blanket permit for replacing culverts, and if the work is done when the stream is dry, as described on the plan, there will be minimal effects. S. Briggs said that when the Sippican School addition project was being done, it was determined that the stream was intermittent, not perennial. J. Oakes said he would like to see a summary of the upstream and downstream impacts on velocity that could be caused

by this project. S. Briggs said the culvert is collapsing and will eventually affect the gas and water lines. Mr. Hudig's neighbor, Robert N. Linde, was present and said he supports this project. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

7:35 PM **DOUGLAS KING** - RFD (41D-1276) to expand the dwelling at 10 South Street and rebuild the existing garage and the guest house. Will Saltonstall represented Mr. King and explained the proposed work. He said the Zoning Board of Appeals has approved the project. He said it is a simple flood plain issue, and the buildings will be well above the required FEMA elevation. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

7:41 PM **FRANK MARSTON** - RFD (41D-1277) to convert a portion of a deck at 11 Dexter Road into a 14' x 20' addition. Mr. and Mrs. Marston were present. Mr. Marston said the addition will be built on piers, and all work will be done approximately 20' above ground. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

7:46 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 May 17, 2006). Lindsay Coolidge was present with her Engineer, William F. Madden, Architect Robert Luchetti, and Wetlands Biologist Katie Barnicle. W. Madden submitted a revised plan showing the structure 29-1/2 feet from the Bordering Vegetated Wetlands. He said a split-rail fence is proposed along the wetland line. K. Barnicle submitted a standard letter report with soil logs. N. Hills suggested moving the driveway to get it further from the wetlands; R. Luchetti said that would be possible and would not impact the huge sycamore tree. R. Luchetti said they don't plan to remove trees, just the undergrowth. L. Dorman said the site was visited again on June 3, 2006, and asked why the wetland lines seem to be moving closer to the wetlands; R. Luchetti said he placed orange flags just to locate trees; K. Barnicle said ENSR's flags are the pink line, and the yellow flags are the original line. W. Madden said the utilities will be placed under the driveway. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously.

J. Oakes left the building at 8:02 PM for a brief period.

8:05 PM **ELLEN BOWLER** - NOI (SE41-1045) to remove nuisance weeds, enhance a dune and construct a patio across from 7 Shawondasse Road (continued from May 17, 2006). Michael Court of CLE Engineering, Inc. represented Ms. Bowler. This hearing had been continued due to the lack of a file number. B. Hebbel said he feels the Applicant won't be able to control the weeds and will be back for another filing. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously.

8:10 PM **SIPPICAN LANDS TRUST** - RFD (41D-1279) to repair an existing stone wall along Front Street at Holmes Brook (across from 173 Front Street). William Saltonstall, Jr. represented the Trust and explained what repairs are needed. He said the wall will extend an additional three feet toward the neighbor's house, and he would also like to cut back the bamboo and knotweed approximately 15'. J. Oakes returned to the table at 8:15 PM S. Briggs said he thought the D.P.W. was given a blanket approval to clean the

streams and banks. J. Oakes said knotweed is not a wetland plant and can be cut. W. Saltonstall said removing that will give the mason room to do the repairs. The Commission recommended W. Saltonstall use Rodeo to try to control the knotweed. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

N. Hills said he has received all the comments for the Community Preservation Act, of which he is the Secretary.

Mario DiBona's 40B project on River Road was discussed again. No one has filed a Request for Determination of Applicability yet. S. Briggs said he does not think the site will be able to handle septic systems for 28 houses. J. Oakes said he will look at past filings in that area.

Reappointments were discussed. J. Hartley said he would like to return to being an Associate Member, and L. Dorman can replace him as a full Member. J. Oakes moved to reappoint N. Hills as the Conservation Commission's representative to the Community Preservation Committee; the motion was seconded and voted unanimously.

J. Oakes moved to cancel the Commission's July 5, 2006 meeting due to potential quorum problems (J. Oakes and N. Hills cannot attend that night); N. Hills seconded; voted unanimously.

J. Oakes said Mrs. Cole's efforts to remove the fill from the wetlands at 28 Abel's Way needs more work.

N. Hills moved to issue a Negative Determination for Box #2 to Douglas King for his renovations at 10 South Street (41D-1276); S. Briggs seconded; voted unanimously.

N. Hills moved to issue a Negative Determination for Box #2 for Frank Marston's deck addition at 11 Dexter Road (41D-1277); S. Briggs seconded; voted unanimously.

N. Hills moved to issue a Negative Determination for Boxes 2 and 3 for Sippican Lands Trust's stone wall repair on Front Street (41D-1279); J. Oakes seconded; voted unanimously.

J. Oakes moved to accept the wetland line at Jonathan Howland's Lot 19 Point Road as an accurate line (SE41-1043); J. Hartley seconded; voted unanimously.

J. Hartley moved to issue a Positive Determination for Boxes 1 and 3 for J. Maurits Hudig's and Kate Hudig's Cottage Lane culvert repair (41D-1278). S. Briggs said the whole project can be done in one day in August when the stream is dry. N. Hills seconded the motion; voted by majority with S. Briggs opposed.

J. Hartley drafted Ellen Bowler's Order of Conditions for removing nuisance weeds, enhancing a dune and constructing a patio across from 7 Shawondasse Road

(SE41-1045), and moved to issue it as written; N. Hills seconded; voted by majority with J. Oakes abstaining.

B. Hebbel drafted the Order of Conditions for Coolmar Limited Partnership's dwelling/barn relocation and driveway project at 604 Point Road (SE41-1042). N. Hills moved to issue the Order as written; J. Hartley seconded; voted unanimously.

J. Oakes and S. Briggs left the building.

N. Hills, J. Hartley, B. Hebbel and L. Dorman discussed The Kittansett Club's general maintenance plan.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved November 1, 2006