

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JULY 19, 2006

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

Members Absent: Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Dana Altobello, Donald Wing, William Moonan, Carol Amick, Walter Hartley, John Beech, Robert Field, Rita MacLeod, Jay Stroud, Albin R. Johnson III, Annemarie Fredericks, Steven & Susan Hurley, Shirley Rodrigues, Peter Quandt, Albin Johnson III, Jonathan and Elizabeth Howland.

Meeting convened at 7:00 PM Wednesday, July 19, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 15, 2006 by J. Oakes, N. Hills and L. Dorman. At the Board of Selectmen's meeting on July 18, 2006 they appointed L. Dorman a full Member and J. Hartley an Associate Member.

7:02 PM **TABOR ACADEMY** - NOI (SE41-1046) to reconstruct a licensed pier, walkway, ramp and float at the "Pond House," 183 Front Street (continued from June 21, 2006). Donald Wing and Jay Stroud were present with their Engineer, Dana Altobello of Thompson Merrill Surveying, who described the project. D. Altobello had submitted revised plans incorporating the Commission's comments from the last meeting, and a summary in response to D.M.F.'s comments. J. Oakes said all the items seem to have been addressed. N. Hills moved to close the hearing; L. Dorman seconded; voted by majority with S. Briggs abstaining.

7:17 PM **STEVEN J. HURLEY** - NOI (SE41-1048) to raze the house at 19 Quelle Lane, construct a new house, a boat house, a swimming pool, and associated site grading. Mr. and Mrs. Hurley were present with their Engineer, Robert Field of Field Engineering, who described the project. R. Field said a 15' buffer to the B.V.W. is proposed as well as a 30' no build zone. J. Oakes said that Flag #6 should be moved 8' in to the west, but other than that the B.V.W. line is fine. R. Field said that will affect the pool patio, but he can adjust the patio to make it fit. L. Dorman asked about the grading; R. Field said the foundation of the house on the east will act as a retaining wall, about 1-1/2" of fill is needed at the south driveway, and the flow from the road will be redirected into a 3'-wide swale on

the northwest driveway. R. Field said another swale could be made on the southeast side of the site. J. Oakes questioned the percentage of coverage on the lot; R. Field said just under 40% of the 1/2-acre parcel will be covered, and wetlands are not differentiated in the calculations. R. Field said the project will be done in phases, with the house being the first phase, and the lot will not be dug up all at once for all the structures. R. Field said the elevation 12' shown on the plan is for the parking garage underneath the house, and the first floor level will be at or above 15' elevation as required by F.E.M.A. Regulations.

Walter Hartley said he retained Robert Cummings of Engineering & Management Services to review the Notice of Intent. He submitted a letter by R. Cummings noting the lack of storm water management and calculations on the plans; the lack of details of the structures to show compliance with F.E.M.A. Regulations; and noted the grading on the plan will direct runoff onto Mr. Hartley's property.

Carol Amick of 16 Quelle Lane submitted a letter concerning grading violations on Mr. Hurley's last project on nearby Bayview Road; the Zoning Board of Appeals' need to review this project due to variances on lot size, frontage, etc.; the Natural Heritage & Endangered Species Program's comments on this project; part of the dwelling and pool are in violation of the Commission's Standard #1 requiring no building within 30' of the B.V.W. line and no clearing within 15' of the B.V.W. line; the Commission's Standard #3 regarding construction in flood zones is not met; the filing is not complete without complete building plans; and because the wetland line was done by an engineer, the Commission should exercise their right under Standard #4 to retain a consultant to review the project; and the original plan includes a lot no longer included in the project.

William Moonan submitted a letter signed by several Quelle Lane residents. Their concerns included: the F.I.R.M. map dates from 1988; Mr. Moonan's house is directly across from this small home, and Mr. Moonan's foundation had to have flow-through openings, which this plan does not show; and Mr. Beech submitted a plan showing a different Velocity Zone for the site. R. Field said he can double check the VE Zone delineation on Mr. Hurley's plan.

J. Oakes said the Commission's issues include: runoff calculations for the site and its being re-routed, with the possibility of ponding; correctness of the flood zone delineation; soil logs showing the edge of the B.V.W. may actually be the edge of fill that was added over the years; and responses to D.E.P.'s comments.

R. Field said the cantilevered deck will not affect the 30' no-touch zone, and Mr. Hurley's hearing with the Z.B.A. regarding a nonconforming lot is on August 10, 2006. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:00 PM August 16, 2006; L. Dorman seconded; voted unanimously.

7:55 PM **JONATHAN & ELIZABETH HOWLAND** - Appointment for discussion regarding the unfinished cul-de-sac at the end of Howland Road (SE41-198; SE41-454; and SE41-862). Jonathan and Elizabeth Howland were present and said the waterfront lot of their three lots has been reclassified as a buildable lot. J. Howland said he doesn't have

it in writing, and there is no work stoppage order, but John Rockwell of the Conservation Commission had "verbally" told him during the house construction to "stop construction of the road to the cul-de-sac because that area was wetlands." J. Howland said he hired Sabatia to flag the wetlands for a later project, and the cul-de-sac is, in fact, wetlands and he does not think it can be altered. J. Howland said he needs to settle this issue with the Board of Assessors before his August 2006 real estate taxes are due. J. Oakes thought the plan showing the wetland line with a letter to the Assessors could help his cause. J. Oakes said the letter might state that the driveway extension would alter over a 200' stretch of wetlands, and might not be approved by the Commission or D.E.P. J. Oakes said the percent of uplands necessary to build may not be met, either. J. Oakes drafted a letter to Mr. Howland regarding the above. B. Hebbel moved to send the letter as written; L. Dorman seconded; voted unanimously.

8:17 PM **WALTER HARTLEY** - Appointment for discussion regarding drainage issues at 22 Bayview Road (SE41-921) cause, he believes, by Steven Hurley's regrading at 21 Bayview Road (SE41-921). J. Oakes said the Conservation Commission Members were not sure whether the drainage issues were partially caused by installing the new sewer line. W. Hartley said the grading by Mr. Hurley's steps is 2' higher than shown on his plan of record; i.e. the plan shows the elevation as being 6' but he believes it is at least 8', possibly more. S. Briggs recommended sending Mr. Hurley a letter requesting an as-built plan showing elevations, including grading.

N. Hills moved to issue a three-year Extension Permit to AnnMarie Levins for eradicating phragmites at 53 Dexter Road, Dexter Beach (SE41-972); B. Hebbel seconded; voted unanimously.

L. Dorman moved to issue a three-year Extension Permit to AnnMarie Levins for adding beach sand at 53 Dexter Road, Dexter Beach (SE41-911); B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a full Certificate of Compliance for Horace Furumoto's new garage at 101 Indian Cove Road (SE41-836); N. Hills seconded; voted by majority with S. Briggs abstaining.

L. Dorman moved to issue a three-year Extension Permit to Island Wharf Road, LLC (Barden's Boat Yard) for dredging and a float system at 2 Island Wharf Road (SE41-988); B. Hebbel seconded; voted by majority with J. Oakes abstaining.

L. Dorman moved to issue a three-year Extension Permit to Stephen F. Gormley for dredging and installing a dock system at 1A Main Street (SE41-990); B. Hebbel seconded; voted by majority with J. Oakes abstaining.

N. Hills drafted Tabor Academy's Order of Conditions (SE41-1046) to reconstruct a pier, etc. at 183 Front Street. B. Hebbel moved to issue it as written; L. Dorman seconded; voted by majority with S. Briggs abstaining.

PNH Realty (Hiller Dodge) had asked the Commission to accept a revised plan (adjusting the storm drainage at 635 Mill Street) as the new Plan of Record (SE41-789). N. Hills said the changes are minor and moved to send PNH a letter accepting the revised plan as the new Plan of Record; B. Hebbel seconded; voted unanimously.

Reorganization of the Commission was discussed. J. Oakes moved to nominate N. Hills as Chairman and Treasurer; L. Dorman seconded; voted unanimously. L. Dorman moved to nominate J. Oakes as Vice Chairman; B. Hebbel seconded; voted unanimously. It was unanimously voted to have S. Briggs continue as Recording Secretary. The Board of Selectmen had appointed L. Dorman a full Member (he was an Associate Member) and J. Hartley an Associate Member (he was a full Member) at their July 18, 2006 meeting.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved November 1, 2006