

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 2, 2006

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary (absent from
7:00 PM to 7:26 PM)
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: Susan Nilson, Chris Regan, Jon Gregory, Walter Hartley,
Jeffrey Osborn, Dana Altobello

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

7:00 PM **THE KITTANSETT CLUB** - RFD (41D-1281) to erect a 6'-high chain link fence along the western property lines of Lots 8B and 32 at 11 Point Road. J. Oakes left the room. Susan Nilson of CLE Engineering represented The Kittansett Club and described the project. She said the property stakes keep disappearing but the fence will extend to the seawall. B. Hebbel said temporarily clearing a 3'-wide path should be enough to erect the fence. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously. J. Oakes returned to the table.

7:10 PM **COOLMAR LIMITED PARTNERSHIP** - Amendment to an Order of Conditions (SE41-1042) for moving a barn/dwelling and creating a new driveway to it at 604D Point Road. The Amendment is to add a porch, a walkway, and do vista pruning. Coolmar's engineer had requested a continuation to the next meeting when all the members of the partnership could be present. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:45 PM August 16, 2006; L. Dorman seconded; unanimously.

7:11 PM **COOLMAR LIMITED PARTNERSHIP** - NOI (SE41-1042) to expand a porch, add fill, construct a new concrete driveway and a drainage system at 604B Point Road. Coolmar's engineer had requested a continuation to the next meeting when all the members of the partnership could be present. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:50 PM August 16, 2006; L. Dorman seconded; voted unanimously.

The Kittansett Club - N. Hills had drafted a letter to the Club regarding their General Maintenance Plan. B. Hebbel had additional comments about it. Another draft will be done. Susan Nilson was present and promised to submit a Notice of Intent for carrying out the plan.

7:20 PM **ROGER & HANNE REISER** - NOI (SE41-1050) to remove a swimming pool at 43 Piney Point Road, construct a new swimming pool and terrace, and associated landscaping. The Reisers' engineer, Dana Altobello of Thompson Merrill was present, along with the landscape architect, Chris Regan, and groundskeeper, Jeffrey Osborn. D. Altobello and C. Regan described the project. (S. Briggs joined the meeting at 7:26 PM.) J. Osborn said he will work with the Commission to find a suitable slow-release biodegradable fertilizer. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:30 PM **THE MATTAPOISETT RIVER VALLEY WATER DISTRICT** - NOI (D.E.P. has not issued the file number yet) to install 9,500 linear feet of 12" I.D. water main from Industrial Drive in Mattapoisett to Benson Brook Road in Marion. Jon Gregory of Tata & Howard represented the Applicant and said most of the work will be in the footprint of the abandoned railroad grade, with a portion of it using a right-of-way over Sippican Lands Trust land near the new water tower on Benson Brook Road. J. Gregory said the purpose of this project is to improve water quality and to supply water for the fire departments. He said spotted turtles and eastern box turtles are the only species in that area of interest to the Natural Heritage & Endangered Species Program. He said siltation fences will be used instead of hay bales, and the work will be done between November 15th and March 20th. He said no dewatering is anticipated. He said no work is proposed in wetlands, just in the buffer zone to wetlands. J. Oakes said there is an Enforcement Order in place, mandating that the steel culverts be replaced. J. Gregory said the water main generally has 5' of cover over it; J. Oakes said he thought 1-2' of coverage might not be enough in some places due to the unevenness of the grade. J. Gregory said a small metering station will be built at the Mattapoisett/Marion town line area of the railroad grade. J. Oakes and S. Briggs strongly recommended the M.R.V.W.D. contact John Rockwell, the Open Space Committee/Bike Path Committee representative, to coordinate everyone's efforts. N. Hills said there are seven culverts in Marion on the railroad bed to be repaired/replaced. Mr. Gregory said they would probably put wood chips on the path in the area near the Bordering Vegetated Wetland on the Sippican Lands Trust property. J. Oakes asked for a berm to be constructed on the wetland side of the right of way on the Sippican Lands Trust property near the wetlands. S. Briggs suggested scattering hay on the path to hold the seed and prevent erosion. Due to the lack of a file number, J. Oakes moved to continue the hearing, with the Applicant's consent, to 8:00 PM August 16, 2006; B. Hebbel seconded; voted unanimously.

MASSACHUSETTS HIGHWAY DEPARTMENT - Request for an Extension Permit for maintaining the State's roadways (I-195, Rte. 6 & Rte. 105) in Marion (SE41-945). S. Briggs said he has complained to Bernard McCourt of the Massachusetts Highway Department several times about a malfunctioning drainage system between the east and west lanes of I-195 near the Sippican River. N. Hills said there are problems with Route 105 just before the Rochester town line. The Commission decided to view possible problem areas of the State's roads before voting to issue an extension.

STEVEN HURLEY - A draft response to the Zoning Board of Appeals regarding Steven Hurley's 19 Quelle Lane project was discussed (SE41-1048). S. Briggs said S. Hurley needs to go before the Planning Board for an Approval Not Required application to combine all the lots into one. On a motion duly made and seconded, it was voted to send the response as amended.

STEVEN HURLEY - Possible violations to Steven Hurley's Order of Conditions (SE41-921) for his new dwelling at 21 Bayview Road was discussed. Abutter Walter Hartley was present and questioned the process for correcting unauthorized work, giving as examples excessive fill causing stormwater runoff onto neighboring properties, and rebuilding and expanding the footprint of an elevated walkway to the shore. J. Oakes said Enforcement Orders are usually issued. S. Hurley's Order of Conditions had been extended and will expire in December 2006. A draft letter to S. Hurley regarding noncompliance with his Order was drafted. L. Dorman moved to issue the letter as written, with a separate letter to Walter Hartley regarding his concerns; B. Hebbel seconded; voted unanimously.

Mario DiBona's proposed River Road 40B housing project was discussed. J. Oakes said he will check to see whether or not the Marion Conservation Commission can file a Request for a Determination of Applicability for constructing the entrance driveway for this project, as well as issuing a Determination of Applicability for that work.

Minutes were reviewed. L. Dorman moved to accept them as follows: April 5, 2006 as amended; April 19, 2006 as amended; May 3, 2006 as amended; May 17, 2006 as written; and June 21, 2006 as written. B. Hebbel seconded the motion; voted unanimously.

N. Hills drafted Roger and Hanne Reiser's Order of Conditions for their swimming pool and landscaping project at 43 Piney Point Road (SE41-1050). L. Dorman moved to issue the Order as written; J. Oakes seconded; voted unanimously.

L. Dorman moved to issue a Conditional Negative Determination for Boxes 2 and 3 for The Kittansett Club's chain-link fence project at 11 Point Road, with a Condition that a maximum three-foot-wide swath shall temporarily be cleared for the installation; B. Hebbel seconded; voted by majority with J. Oakes and S. Briggs abstaining.

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved August 16, 2006