

FINAL

## MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 6, 2006

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary (absent from  
7:00 PM - 7:10 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: Francis J. Farrell Jr., Francis J. Farrell III ("Mike"), Linda Kenney Baden, Walter Hartley, Albin Johnson III, Michael H. Cormier, David Watling, Shaun D. Handy, Gregory Houdelette, Eivind Strand, Susan Nilson, Robert Field, Robert N. Linde, Steven & Susan Hurley, Carol Amick, John Beech & David Davignon.

Meeting convened at 7:00 PM Wednesday, September 6, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 2, 2006 by N. Hills, J. Oakes, B. Hebbel and L. Dorman.

7:00 PM **LINDA KENNEY BADEN** - RFD (41D-1285) to construct an inground swimming pool at 128 Point Road. Mrs. Baden was present and explained the project. She said the pool will be at least 30' from the seawall. N. Hills said a haybale line or siltation fence is needed along the coastal bank to contain any runoff. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes moved to issue a Conditional Negative Determination for Boxes 2 and 3 with a Condition that a siltation fence or haybale line shall be installed along the coastal bank; L. Dorman seconded; voted unanimously.

7:05 PM **COOLMAR LIMITED PARTNERSHIP** - NOI (SE41`-1049) to expand a porch, add fill, construct a new concrete driveway and a drainage system at 604B Point Road (continued from August 16, 2006). Shaun Handy of G.A.F. Engineering represented the Trust. As requested by the Commission, he had submitted a revised plan detailing the oil separator and a siltation fence rather than a haybale line. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously. S. Briggs jointed the meeting at 7:10 PM.

7:10 PM **FRANCIS J. FARRELL, JR.** - RFD (41D-1282) to verify the delineation of the Bordering Vegetated Wetlands at the end of Cranberry Way (Lot 25, Parcel B)

(continued from August 16, 2006). Mr. Farrell was present with his son, Mike, and submitted a revised plan showing the adjusted wetland line and a letter from his Engineer, Robert Braman, stating the wetlands are not protected because there is no hydraulic connection. J. Oakes said that may be true, but he would like to do another site inspection to verify that there is no connection. S. Briggs said he has walked every inch of that site and cannot understand why existing elevations are not shown on the plan. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:40 PM September 20, 2006 so that a revised plan can be submitted showing elevations, and another site inspection can be done; B. Hebbel seconded; voted by majority with S. Briggs abstaining.

7:25 PM **TOWN OF MARION** - Amendment to an Order of Conditions (SE41-993) to repair the seawall at the Harbormaster's pavilion, 1 Island Wharf. J. Oakes left the room. Harbormaster Michael Cormier was present with his Engineer, Susan Nilson, who described the changes to the scope of work. She said the central concrete stairs will be removed. B. Hebbel moved to close the hearing and issue the Amended Order of Conditions as written; L. Dorman seconded; voted unanimously. B. Hebbel moved to issue a three-year Extension Permit for this Order; L. Dorman seconded; voted unanimously.

7:30 PM **THE MATTAPOISETT RIVER VALLEY WATER DISTRICT** - NOI (SE41-1051) to install 9,500 linear feet of 12"-I.D. water main from the Industrial Drive in Mattapoisett to Benson Brook Road in Marion (continued from August 16, 2006). Another continuation has been requested. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM September 20, 2006; B. Hebbel seconded; voted unanimously.

7:30 PM **THE KITTANSETT CLUB** - Appointment for discussion regarding their driving ranges. S. Briggs left the room; J. Oakes remained out of the room. S. Nilson was present and submitted photographs of the cleared area that previously had materials and rubbish stockpiled there. She said dredge spoils from The Haven are still stockpiled there but it will be screened and used elsewhere on the course. S. Nilson asked what the Commission requests for a Notice of Intent filing; B. Hebbel said he was unsure whether the area should be restored. N. Hills said he would like something to document the work that has been done. S. Nilson asked if an after-the-fact Request for a Determination of Applicability would suffice; N. Hills said he prefers a Notice of Intent. S. Nilson said Kittansett would like to continue the dredge spoils pile because the dredging of The Haven is done approximately every two years. B. Hebbel said the dredging activity should also be included in the N.O.I. J. Oakes and S. Briggs returned to the room.

7:44 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 (continued from August 16, 2006). Mr. and Mrs. Hurley were present with their Engineer, Robert Field, who had submitted a revised plan. R. Field said he has not received comments from Walter Hartley's Engineer, Robert Cummings. N. Hills said the Zoning Board of Appeals should make their decision on this project before the Conservation Commission can. The Commission received a letter from Mr. Zimmerman stating his right of way goes right through the proposed pool. J. Oakes questioned the storm discharge ratios and said there is an inconsistency in drainage area 2. N. Hills told Mr. Field that after

the Z.B.A. makes its decision, and the easement issue is resolved, the Conservation Commission will probably exercise their right to have a private consultant review the project, at the Applicant's expense. W. Hartley submitted a letter by his Engineer, Robert Cummings of E.M.S., noting several observations/concerns with the project, including the delineation of the VE Zone. Albin Johnson, representing the seller, said the building was built in 1926, and there was another house between it and the water. John Beech verified that there was another house there, which was removed by the 1954 Hurricane, and the area was filled after that. Mr. Beech said his Engineer has re-verified the Velocity Zone delineation on the site, and it is halfway through the lot. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:10 PM October 4, 2006; B. Hebbel seconded; voted unanimously.

8:10 PM **J. MAURITS HUDIG & KATE HUDIG ET AL** - RFD (41D-1287) to verify the delineation of the Top of Inland Bank at Cottage Lane, and to verify that the stream is intermittent, not perennial. David Davignon represented the Hudigs and submitted calculations documenting the rainfall data for the period when the stream was dry. J. Oakes moved to close the hearing; N. Hills seconded; voted unanimously.

8:15 PM **GARY D. GRAINGER** - RFD (41D-1288) to upgrade a septic system at 102 Point Road. David Davignon represented Mr. Grainger and described the proposed work. He said the percolation rate is much better closer to the coastal bank. He said the Board of Health hearing for this project is October 10, 2006. He said there are two septic systems located on this lot, one for this house and one for the neighboring house, which may lead to problems with the sale of the house. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

8:21 PM Steven Hurley's home at 21 Bayview Lane was discussed (SE41-921). Mr. Hurley had sent a letter in response to the Commission's letter listing concerns with the project as built. Another letter will be sent to Mr. Hurley.

Francis Jones' new houses at 207 and 211 Wareham Road were discussed (41D-1267). Fill has been illegally placed within 15' of the Bordering Vegetated Wetlands. S. Briggs said the fill was free, from the Wareham sewer project. S. Briggs said Mr. Jones is going to do this same work to the next two houses behind these houses, but a Notice of Intent will need to be filed for that. J. Oakes would like a siltation fence to be placed immediately at the toe of the slope, and the machinery to be removed from the wetlands/buffer zone to wetlands. J. Oakes said the wetland line on the Plan of Record was not inspected and is not accepted. An Enforcement Order was drafted. L. Dorman moved to issue the Enforcement Order as written; B. Hebbel seconded; voted by majority with S. Briggs abstaining.

James Davidian's new seasonal pier at 21 East Avenue, Planting Island was discussed regarding prop dredging and not storing the boats on top of the float (SE41-1005). N. Hills would like to ask the Harbormaster to keep the Commission informed of any further problems there.

Zora Enterprises' new house at 24 Olde Sheepfield Road was discussed regarding its reconfiguration from that shown on the Plan of Record, and proposed decks (SE41-986).

Joseph Zora and his Grandson, Heath Harriman, were present at the site visit. A retaining wall has been built in lieu of a fence. J. Oakes said the decks and reconfiguration are OK and no further action is needed at this time.

Walter Kmiec's property at 14 Aucoot Avenue was discussed. At Mr. Kmiec's request, boulders from the sewer extension project in that area were piled on Mr. Kmiec's lawn/edge of wetlands without a permit. Mr. Kmiec's intent is to build a seawall someday, using these boulders. On a motion duly made and seconded, a letter was drafted to Mr. Kmiec asking him to not get any more rocks, and to come see the Commission before he plans to move those rocks; voted unanimously.

J. Oakes drafted Coolmar Limited Partnership's Order of Conditions (SE41-1049) to expand a porch, add fill, and construct a new concrete driveway and drainage system at 604B Point Road, L. Dorman moved to issue it as written; B. Hebbel seconded; voted unanimously.

J. Oakes drafted a letter to Steven Hurley in response to his letter to the Commission (SE41-921). L. Dorman moved to send the letter as written; B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a three-year Extension Permit for the Town of Marion's Harbormaster's pavilion seawall repair project (SE41-993); L. Dorman seconded; voted by majority with S. Briggs and J. Oakes abstaining.

J. Oakes moved to issue a Positive Determination for Boxes 1 and 2 to J. Maurits Hudig and Kate Hudig accepting the Top of Inland Bank delineation at Cottage Lane, and verifying the stream is intermittent (41D-1287); B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a Negative Determination for Box #2 for Gary D. Grainger's septic system upgrade project at 102 Point Road (41D-1288); L. Dorman seconded; voted unanimously.

N. Hills drafted an Amended Order of Conditions for the Town of Marion's seawall repair project at the Harbormaster's office, 1 Island Wharf Road (SE41-993). B. Hebbel moved to issue the Amended Order as written; L. Dorman seconded; voted by majority with S. Briggs and J. Oakes abstaining.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved November 1, 2006