

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 20, 2006

Members Present: Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Bruce C. Hebbel, Member
Joel D. Hartley, Associate Member

Members Absent: Norman A. Hills, Chairman
Lawrence B. Dorman, Member
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Matthew Messina, Christopher Makepeace, Albin Johnson III,
David Jones and Robert Sanderson

Meeting convened at 7:00 PM Wednesday, September 20, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 16, 2006 by N. Hills and J. Oakes.

7:06 PM **MATTHEW & KATHLEEN MESSINA** - RFD (41D-1289) to construct an in-ground swimming pool, a patio and a pool house at 98 Moorings Road. Dr. Matthew Messina was present and said he cannot guarantee where the pool will be, because that is up to the installer, but said it will be at least 75' away from the Coastal Bank. The Commission told him that would be fine. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously.

7:16 PM **CHRISTOPHER MAKEPEACE** - RFD (41D-1286) to construct an open 14' x 14' deck and to restore a water view at 77 Piney Point Road. S. Briggs left the table. Christopher Makepeace was present and described the proposed work. J. Oakes explained that vista pruning is an activity in a wetland, but there are no wetlands there and the site is not in the 200' river protection district, so those regulations do not apply and this is a simple flood plain project. B. Hebbel moved to close the hearing; J. Hartley seconded; voted unanimously. S. Briggs returned to the table.

7:25 PM **ROBERT SANDERSON** - RFD (41D-1286) to verify the delineation of the Bordering Vegetated Wetlands at Lot 37 Ryder Lane. Mr. Sanderson was present and said the Assessors are now appraising the site as a buildable lot, at a much higher value. He said the paperwork had been done years back to combine this lot with the abutting lot, but that document was not recorded at the Plymouth Registry of Deeds. Mr. Sanderson asked if it would be possible to add fill in front of the lot in order to get to the back of the lot to construct a garage or barn; J. Oakes explained that a Notice of Intent would need to be

prepared, the filled wetlands would have to be replicated, and an engineer would have to prepare a plan of the proposed work. J. Oakes said B.V.W. Flag 4 was labeled 6 in the field, and most of the flags are gone, so the wetland line would have to be re-verified if he proceeds with a Notice of Intent. S. Briggs explained that once a permit is issued, then a bobcat can be used to do the work. J. Oakes recommended approving the line shown on the plan for this hearing until any work is proposed, at which time soil tests will be required along with re-flagging the wetland line. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously.

7:35 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, over the railroad grade to Benson Brook Road in Marion. Their Engineer had requested another continuation. J. Oakes said the Army Corps of Engineers did a site inspection with Tata & Howard and there is discussion on whether or not there is a stream there. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:20 PM October 4, 2006; S. Briggs seconded; voted unanimously.

7:37 PM **FRANCIS JONES** - Appointment for discussion regarding the Commission's Enforcement Order to him concerning excessive fill being placed in the buffer zone to wetlands at 207 and 211 Wareham Road (41D-1267). Mr. Jones was present and said he could not just drop from 10' elevation to 7' elevation; J. Oakes said the fill could have been tapered instead. Mr. Jones said the stockade fence is 10' within the lot, not on the property line. Mr. Jones said he has installed silt fences and is not going to add any further fill. He said the Fire Department wants an access road behind the house. Mr. Jones said he has been working with the Housing Authority for two years regarding low income housing for the houses behind these two, which he would like to add fill to get them out of the flood zone. S. Briggs said the existing plan Mr. Jones is discussing with the Housing Authority will suffice for the Notice of Intent for all the work. J. Oakes suggested contour lines be added to the plan for the area in the rear. Mr. Jones said he will have G.A.F. revise the plan and he will prepared and submit a Notice of Intent as soon as possible.

7:54 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 September 6, 2006). No one was present on Mr. Farrell's behalf. A revised plan had been received showing contour elevations and that the wetland is isolated. J. Oakes said another site inspection was done and there are no hydraulic connections, so that is an isolated wetland and not protected. J. Oakes said the wetland delineation is correct and Mr. Farrell can go forward with a Notice of Intent using the new plan. B. Hebbel moved to close the hearing; J. Hartley seconded; voted by majority with S. Briggs abstaining.

B. Hebbel moved to issue a Negative Determination for Boxes 2 and 3 for Christopher Makepeace's open deck and water view restoration at 77 Piney Point Road (41D-1286); J. Hartley seconded; voted by majority with S. Briggs abstaining.

B. Hebbel moved to issue a Positive Determination for Boxes 1 and 2A to Francis J. Farrell, Jr. (41D-1282) for delineating the B.V.W. at the end of Cranberry Way; J. Hartley seconded; voted by majority with S. Briggs abstaining.

B. Hebbel moved to issue a Positive Determination for Boxes 1 and 2A for Robert Sanderson's wetlands delineation at Lot 37 Ryder Lane (41D-1290); J. Oakes seconded; voted by majority with S. Briggs abstaining.

B. Hebbel moved to issue a Negative Determination for Boxes 2 and 3 to Dr. Matthew Messina for his in-ground swimming pool project at 98 Moorings Road (41D-1289); S. Briggs seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved November 1, 2006