

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 4, 2006

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Bruce C. Hebbel, Member
Lawrence B. Dorman, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Rich Rheume, Carol Amick, Ron Zimmerman, John Beech, Walter Hartley, David Watling, Robert Field, Susan & Steven Hurley, Daniel Perry, Albin Johnson III, Brad Silva, and one illegible signature.

Meeting convened at 7:00 PM Wednesday, October 4, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 30, 2006 by N. Hills, J. Oakes, B. Hebbel and L. Dorman.

7:00 PM **DAVID CROLL** - RFD (41D-1291) to install a bay window and construct a small addition at 10 Lewis Street. Richard Rheume of Prime Engineering represented Mr. Croll and described the proposed work. The site is in the flood plain and a portion of the work is in the buffer zone to the coastal bank/seawall. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

The Commission discussed Steven Clark's expanded parking area at the Town's effluent line pump station abutting 713 Mill Street (SE41-868). It appears that fill has been placed in wetlands, or in the buffer zone to wetlands, to make additional parking for Mr. Clark's employees. N. Hills and J. Oakes suggested speaking with Robert Zora, the D.P.W. Superintendent, about this and research the pipe bursting file for the Town to see how much, if any, wetlands have been filled on the Town's land. J. Oakes thought the Building Commissioner sent Mr. Clark a letter, telling him not to use that area for parking.

7:10 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 September 6, 2006). Mr. and Mrs. Hurley were present with their Engineer, Robert Field, who addressed Robert Cummings' comments on behalf of abutter Walter Hartley. R. Field said he has accurately depicted the Velocity Zone delineation for that site, it is very close to the original line, and the buildings are out of the VE Zone.

N. Hills said the revised plans are not stamped or signed by an engineer; R. Field said he can submit stamped plans tomorrow. Daniel Perry of Perry, Hicks and Deschaies represented Mr. and Mrs. Hurley and explained why the right of way is not in effect. He asked the Commission to issue the Order of Conditions without waiting for the Zoning Board of Appeals to make their determination. R. Field said the slab for the dwelling will be at 17' rather than 15', the first floor will be mainly for mechanical, and essentially all the living space will be on the second floor. R. Field said the house will not exceed the 35' threshold height. R. Field described the proposed storm water recharge areas and said a commercial maintenance plan can be used if required. J. Oakes said the Impervious coverage on the plan is shown as being 39%, but it looks to him to be at least 50%. J. Oakes asked to have the calculations stamped and signed by an engineer, as well as the plans. Walter Hartley said his Engineer (Robert Cummings) and legal counsel (Margaret Ishihara) just received the latest drawings and calculations, and due to his Engineer's recent surgery he may not have been able to review that information yet. N. Hills said the proposed design should keep the runoff on that lot. N. Hills said that without a stamped plan and stamped calculations, the Order of Conditions does not have to be issued tonight. Daniel Perry suggested the Commission rely on the review by Robert Cummings to verify the calculations and drainage, as he is already familiar with the site; Mr. Hartley agreed with that suggestion. Daniel Perry asked for a two-week continuation. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:35 PM October 18, 2006; L. Dorman seconded; voted unanimously.

7:45 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 September 20, 2006). Jon Gregory, Tata & Howard's Engineer for this project, had requested another continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM October 18, 2006; B. Hebbel seconded the motion; voted unanimously.

7:47 PM **DOLA STEMBERG** - RFD (41D-1293) after-the-fact filing to cut or trim dead or downed trees and brush, and to remove Chinese bamboo and bittersweet at Lots 9D, 9E and 10A Moorings Road. J. Oakes left the room. Bradford Silva was present on behalf of Ms. Stemberg. B. Silva said the work he did was permitted by the Conservation Commission in the past, but apparently that Determination had expired. He apologized for doing the work this time without a permit. L. Dorman said the old permit was not for clearing, which was done this time. B. Silva said he usually cuts the area each year but this year Mrs. Stemberg asked him to dig it out rather than keep cutting it. N. Hills said the area should be allowed to revegetate and just remove the knotweed as it reappears. B. Hebbel said an engineer will be needed to establish the wetland line, and then another R.F.D. can be submitted to verify the correctness of the line. L. Dorman said the work done at 85 Moorings Road this time was excessive. B. Silva said CLE Engineering is doing work on the abutting lot and it would make sense to have them do whatever is necessary for this work. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously. J. Oakes returned.

8:05 PM After extensive discussion, B. Hebbel moved to issue a Negative Determination for Boxes 2 and 3 for David Croll's addition and bay window at 10 Lewis Street (41D-1291); L. Dorman seconded; voted unanimously.

8:10 PM Regarding Dola Stenberg's Determination for the work Brad Silva had done at 85 Moorings Road (41D-1293), N. Hills moved to issue a Positive Determination for Box #1 for the area and Box #2B for the lack of a plan; L. Dorman seconded; voted by majority with J. Oakes abstaining from the discussion and vote. N. Hills drafted an Enforcement Order to D. Stenberg for the work that was done there. L. Dorman moved to issue it as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Arthur Walker's draft Enforcement Order was discussed (41D-1208). J. Oakes moved to send it to Town Counsel to have it served by the Police; B. Hebbel seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved November 1, 2006