

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 6, 2006

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman (left at 9:15 PM)  
Sherman E. Briggs, Jr., Recording Secretary (absent from 7:00-7:30 PM,  
left at 8:55 PM)  
Lawrence B. Dorman, Member  
Joel D. Hartley, Associate Member (absent from 7:00-7:32 PM)

Members Absent: Bruce C. Hebbel, Member  
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Walter Hartley, Wassim & Elizabeth Chedid and son, Robert Luchetti, John Kelly, Robert & Virginia Becher, Jason Reynolds, Shaun D. Handy, Mark & Barbara Claff, Peter Kirschmann, Michael Popitz, Alison Coolidge, John & Ruth Nicolaci, Kenneth R. Ferreira, William St. Cyr, Richard & Leedia Macomber, John Whittemore & Susan Nilson (and possibly more who did not sign in).

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

7:00 PM **THE MATTAPOISETT RIVER VALLEY WATER DISTRICT** - NOI (SE41-1051) to install 9,500 L.F. of 12"-I.D. water main from the Industrial Drive in Mattapoisett to Benson Brook Road in Marion (continued from November 15, 2006). The engineer has requested another continuation. L. Dorman moved to continue the hearing to 7:20 PM December 12, 2006; J. Oakes seconded; voted unanimously.

7:02 PM The Commission discussed Steven Hurley's request for a one-year Extension Permit for constructing his single-family dwelling at 17 Bayview Road (SE41-921). Abutter Walter Hartley was present and submitted a letter from his engineer, Robert Cummings, regarding means to insure a timely response for bringing that project into compliance. J. Oakes said S. Hurley's engineer, Robert Field, has not yet submitted a schedule of events as requested in the Commission's recent letter. J. Oakes said the lateness of this request for an Extension Permit is due to the recent denial of the request for a Certificate of Compliance. W. Hartley asked the Commission to consider issuing an Extension Permit for less than one year, and to demand a plan be submitted in one month showing how the project will be brought into compliance; J. Oakes said that time frame may not be feasible during the holiday season. J. Oakes moved to issue a six-month Extension Permit with a

letter requesting a plan of the proposed corrective measures by the end of January, 2007; L. Dorman seconded; voted unanimously.

L. Dorman moved to accept the November 1, 2006 minutes as amended; J. Oakes seconded; voted unanimously.

7:20 PM **COOLMAR LIMITED PARTNERSHIP** - NOI (SE41-1057) to move the house at 604C Point Road approximately 220' westerly, add fill and construct a driveway to the structure. The property owner, Alison Coolidge, was present with her Architect, Robert Luchetti, and Engineer, Shaun Handy of G.A.F. Engineering, who described the project. J. Oakes said the Natural Heritage and Endangered Species Program has determined that there are Diamondback Terrapins and Eastern Box Turtles at the site. J. Oakes said Natural Heritage would like the project to be done from November to March of the following year, but if that is not possible, to surround the entire work area with a siltation fence, leaving one opening only wide enough for the contractors' equipment. J. Oakes said the length of the requested siltation fence does not make sense. S. Handy said the house will be set on top of the fill, and the flood zone delineation will be adjusted so that the house will be in Zone X. (S. Briggs joined the meeting at 7:30 PM.) J. Oakes asked S. Handy to provide the Commission with a copy of the letter from F.E.M.A. changing the flood zone. J. Oakes moved to close the hearing; L. Dorman seconded; voted by majority with S. Briggs abstaining. (J. Hartley joined the meeting at 7:32 PM.)

7:32 PM **WASSIM M. CHEDID** - NOI (D.E.P. file number not yet issued) to construct a single-family dwelling, a septic system, install utilities, fill and grade at Lot 123 Indian Cove Road. Wassim and Elizabeth Chedid and their son were present with their Engineer, Kenneth Ferreira, who submitted revised plans and described the project. He said the missing flags will be replaced, and the stone wall is now shown on the revised plan along with a 15' no touch zone. K. Ferreira said the first floor will be set at 15' M.S.L. as required in Zone A. K. Ferreira said the plan will be revised again to show the driveway 10' from the side property line, rather than 6', as requested by the Building Commissioner. K. Ferreira described the time frame for the phases of the work. K. Ferreira said he is sure the site is not in a Natural Heritage and Endangered Species protected area, but D.E.P. has requested a copy of the Notice of Intent to be sent to Natural Heritage anyway, which is probably the reason the D.E.P. file number has not been assigned yet. K. Ferreira described the replication plan. J. Oakes said the replication area is shown at elevation 10, but the surrounding area is at elevation 9; K. Ferreira said that is an oversight and he will correct that. K. Ferreira said he will discuss the replication area with Rene Drouin, his wetlands biologist for this project. J. Oakes asked if there is a deed restriction prohibiting filling of wetlands on that lot; K. Ferreira said he is not aware of any deed restrictions, and Water Quality Certificate restrictions didn't come into effect until the late 1980's. J. Hartley asked if filtration fabric will be used along the driveway; K. Ferreira said he will include it on the revised plan. N. Hills suggested using stones from the existing stone wall and from the excavation to mark the 15' no touch zone, instead of a permanent fence; K. Ferreira said any boulders will be taken off site, and the smaller stones will be used in place of the fence. K. Ferreira said he plotted the Velocity Zone on the plan first, then the accepted wetland line, then the septic system, then the house configuration. K. Ferreira said the hay bale line will be extended along the corner of the driveway at the road, as requested by William St. Cyr. K. Ferreira said he can design a swale at the septic system to prevent runoff onto the abutting lots. Peter Kirschmann, the owner of abutting Lot 122, said he was concerned that the current wetlands will

become even wetter, and the driveway might restrict some of the flow. K. Ferreira said he is doing everything possible, under D.E.P. regulations, to prevent impeding the existing flow. P. Kirschmann said the site is not level but the driveway will be, which could cause ponding. J. Oakes said he would like the plan to show existing site elevations between the pavement and the wetlands, at 5' intervals, to ensure the finished grade will not be changed; K. Ferreira said he will do that. Michael Popitz, the owner of abutting Lot #124, said he is worried about runoff during construction; K. Ferreira said haybales will be placed around the septic system area during construction to prevent flow onto the abutting properties. K. Ferreira said the swale around the raised septic system will handle any runoff which would be minimal there. K. Ferreira said the septic system is Title 5 approved, and this project will be in compliance with regulations concerning runoff. M. Popitz asked whether the lot will be grandfathered if the owner changes; K. Ferreira said it remains in effect as long as the owner does not own contiguous property. Lydia Macomber said water does run over that property; K. Ferreira said a few trees will be removed, but in a year from now the flow over that lot will not have changed. K. Ferreira said stormwater remediation is not shown on the plan due to the high water table, but roof runoff can be directed into drywells. J. Hartley suggested lowering the replication area even more to hold more water, like a detention basin; K. Ferreira said that is possible. L. Dorman recommended the paving at the garage be changed to cobblestones or paver stones. K. Ferreira said he will locate the new stone wall 15' from the wetlands, as requested by the Commission. Due to the lack of a file number and the need for a revised plan, J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:00 PM January 3, 2007; L. Dorman seconded; voted unanimously.

8:25 PM **THE KITTANSETT CLUB** - RFD (41D-1298) to remove large rocks in the area between the 4th and 16th fairways at 11 Point Road. J. Oakes and S. Briggs left the room. John Kelly and John Whittemore represented Kittansett and said they would like to place some of these rocks in piles and cover them with dirt to make mounds approximately 5' high. J. Kelly said rocks around trees will not be touched. J. Whittemore said the contractor that was going to take away the below-ground rocks for free has changed his mind, so those rocks will remain as is. J. Hartley said he would like siltation fencing to be in place during the creation of the mounds, to prevent any silt from entering the drainage ditches. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

8:38 PM **DOLA STEMBERG** - NOI (SE41-1058) to limb and/or remove underbrush, add fill/loam, regrade the area, create a wetland restoration area, and install 955 linear feet of stockade fencing at 85 and 99 Moorings Road. J. Oakes and S. Briggs remained out of the room. Susan Nilson of CLE Engineering, Inc. represented Ms. Stemberg and submitted a revised plan showing the osprey pole. S. Nilson said the wetlands have been delineated, and there is an area of grass which will be restored to a wetland. She said trees will not be removed, just vines. S. Nilson said Ms. Stemberg will likely approve a line of rocks to demarcate the wetland line. S. Nilson said the fence will be split rail, not stockade. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. S. Briggs returned to the room.

The Kittansett Club has requested a third three-year Extension Permit for maintenance dredging of "The Haven" at 11 Point Road (SE41-791) (J. Oakes remained out of the room). S. Briggs described the work he does every year for this project. L. Dorman moved to issue a third

three-year Extension Permit; J. Hartley seconded; voted by majority with S. Briggs abstaining. S. Briggs left the building at 8:55 PM.

Richard D. Webb has requested a second three-year Extension Permit for adding beach sand at 91A Allens Point Road (SE41-920) (J. Oakes remained out of the room). L. Dorman moved to issue a second three-year Extension Permit; J. Hartley seconded; voted unanimously.

The Kittansett Club's Determination (41D-1298) for removing large rocks was discussed (J. Oakes remained out of the room). L. Dorman moved to issue a Conditional Negative Determination for Boxes 2 and 3 with a condition requiring siltation fencing to be installed to prevent runoff; J. Hartley seconded; voted unanimously. J. Oakes finally returned to the room.

J. Oakes drafted Coolmar Limited Partnership's Order of Conditions (SE41-1057) and moved to issue it as written; L. Dorman seconded; voted unanimously.

The Commission had been notified of possible wetland violations (construction debris in wetlands, a new retaining wall, extensive landscaping, etc.) at Dr. Ralph Iannuzzi's 9 Shellheap Road property (SE41-246). A site inspection was held on December 2, 2006 at which time the violations and debris appeared to have been corrected.

The Commission discussed possible wetland violations at Gregory Koss's 32 Beach Street property (SE41-987 for reconstructing the house that was destroyed by fire, and SE41-676 for wetlands replication there). At the December 2, 2006 site visit, the Contractor submitted photographs showing the former retaining wall, which at that time was made of timbers. N. Hills said he will draft a letter regarding this project, to be discussed at the next meeting.

N. Hills drafted Dola Stenberg's Order of Conditions (SE41-1058) for landscaping at 85 and 99 Moorings Road, and moved to issue it as written upon receipt of the revised plan; J. Hartley seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

---

Diane R. Drake, Secretary

Approved March 21, 2007