

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 3, 2007

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary  
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: Wassim Chedid, Kenneth Ferreira, William St. Cyr, Leedia Macomber, Ruth and John Nicolaci, Michael Popitz, Mark Claff, Dana Altobello and Michael Isabelle.

Meeting convened at 7:00 PM Wednesday, January 3, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 30, 2006 by N. Hills, J. Oakes, B. Hebbel and L. Dorman.

7:00 PM **WASSIM M. CHEDID** - NOI (SE41-1059) to construct a single-family dwelling, a septic system, install utilities, fill and grade at Lot 123 Indian Cove Road (continued from December 6, 2006). Wassim Chedid was present with his Engineer, Kenneth Ferreira, who submitted a revised plan addressing the Commission's concerns from the last meeting. Mr. Ferreira explained the revisions, specifically: (1) submission of a replication report by a wetland scientist; (2) move driveway 10' from the property line; (3) add hay bales along the St. Cyr property line; (4) add a rubber membrane around the septic system per the Board of Health request; (5) construct a stone trench along the driveway; (6) extend the hay bale line along Indian Cove Road; (7) add spot grades every 10 feet along the driveway for future confirmation of construction; (8) add downspouts to feed clean rainwater into the replication area; (9) replace bituminous concrete pavement at the garage with concrete pavers to aid in infiltration; and (10) direct water away from the abutter by constructing swales to the replication area. In addition, he said a post and rail fence will be installed along the driveway. He said Natural Heritage's response was that it was unnecessary to have submitted the Notice of Intent to them because the project was not in an area under their protection. J. Oakes said everything the Commission requested at the last meeting has been addressed, and the D.E.P. file number has been assigned. J. Oakes said he would like to look at the wetland replication report, and asked K. Ferreira if any drainage calculations have been done; K. Ferreira said it is a very small area, so he did not. Abutter Michael Popitz praised K. Ferreira for thoroughly addressing the Commission's concerns, but said he is still concerned with the wetlands. He distributed a drawing titled "Definitive Subdivision Plan of Indian Cove Owned by Indian Cove Trust Marion, Mass." dated October 14, 1971 by Walter E. Rowley & Associates, upon which someone had

recently drawn various Velocity Zones. M. Popitz said the Velocity Zones were taken from three different sources, and there is a big margin of error, but he feels the line going through the septic system is correct, and said he will appeal the Commission's decision if this project is approved. K. Ferreira explained to the Commission and audience how F.E.M.A. interprets different zones, and asked M. Popitz who the engineer was that had drawn the F.E.M.A. zones onto the subdivision plan because F.E.M.A. did not exist in 1971; M. Popitz said he had it done by an engineering firm, but refused to say which engineering firm. N. Hills said it appears three different engineering firms have come up with three different Velocity Zone delineations. Ruth Knowles asked about the two-year requirement for the replication area to be considered a success; K. Ferreira said that is a D.E.P. requirement, and the property Owner is obligated to continue to try to make the replication successful. Another Indian Cove resident said the storm drains beside the road do not seem to work in that area; S. Briggs said there are a couple of equalizer pipes running under the roadway which may be higher on one side. K. Ferreira said he will have Flags 11 and 12 rehung and will use F.E.M.A.'s official 1988 Flood Insurance Study booklet - which gives elevation reference marks corresponding to the newest F.I.R.M. maps - to plot the most accurate Velocity Zone delineation. J. Oakes asked K. Ferreira to do a rational study of runoff, and consider deepening the retention bowl. L. Dorman moved to continue the hearing, with the Applicant's consent, to 8:00 PM January 17, 2007; J. Oakes seconded; voted unanimously.

8:00 PM **KATHLEEN J. WELCH** - RFD (41D-1299) to upgrade the sewage disposal system at 82 West Avenue, Planting Island. Dana Altobello of Thompson Merrill Surveying represented Mr. Welch and described the project. He said the system will be installed where the parking lot is now, and parking will be above it. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously. B. Hebbel moved to issue a Negative Determination for Box #2; L. Dorman seconded; voted unanimously.

8:05 PM **ALAN MINARD AND NANCY JOHNSON** - RFD (41D-1300) to continue to maintain a hayfield and a garden area at 123 Allens Point Road (Lot 43B); and RFD (41D-1301) to continue to maintain a woods road, maintenance landscaping, occasional mowing, and to conduct further percolation tests (if required) at Lots 30 and 30C Allens Point Road. L. Dorman moved to continue the hearings to 7:20 PM and 7:21 PM, respectively, on February 7, 2007 so that the missing flags can be replaced and another site inspection done on February 3, 2007; J. Oakes seconded; voted unanimously.

8:08 PM **JAMES A. & MINDY H. PASCO-ANDERSON** - RFD (41D-1302) to construct two small additions at 15 Vine Street. Michael Isabelle, the owners' contractor, was present to answer any questions the Commission might have. N. Hills said the house is in the flood plain, but the work is well below 50% of its assessed value. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously. L. Dorman moved to issue a Negative Determination for Box #2; B. Hebbel seconded; voted unanimously.

8:10 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 December 20, 2006). At their Engineer's request, J. Oakes moved to continue the hearing again to 7:50 PM January 17, 2007; B. Hebbel seconded; voted unanimously.

A Certificate of Compliance has been requested for Albert P. Costa's site preparation associated with future expansion of "The Wave" restaurant and parking facilities at 120 Spring Street (SE41-472). J. Oakes moved to issue a Partial Certificate of Compliance for just the site clearing, and to check the invalid box because the Order has expired; L. Dorman seconded; voted unanimously.

The draft letter to Gregory Koss regarding compliance with his Orders of Conditions to rebuild the house (SE41-987) and replicate wetlands (SE41-676) at 32 Beach Street was discussed and revised. L. Dorman moved to send the letter as revised; B. Hebbel seconded; voted unanimously.

Meeting adjourned at 8:40 PM.

---

Diane R. Drake, Secretary

Approved March 7, 2007