

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 7, 2007

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: Walter Kmiec, David Davignon, Will Saltonstall, Alan Minard, Dana Altobello, Kenneth and Beverly Hanson, Ernest Yeaw, Thomas Lovett and Paul Belliveau

Meeting convened at 7:00 PM Wednesday, February 7, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 3, 2007 by N. Hills and B. Hebbel, and on Monday, February 5, 2007 by J. Oakes.

7:00 PM **DR. MARTHA STARK** - NOI (SE41-1061) to reconstruct a seawall and reposition the driveway at 4 West Avenue, Planting Island. David Davignon represented Dr. Stark and described the project. The wall will be no more than 4' high on the water side, and everything above the wall will become a lawn. The existing grades will not change in the driveway areas. D. Davignon said the project is scheduled for this April. J. Oakes said the new driveway is not 10' from the property line, as required by the Town's By-Laws, and the Building Commissioner/Zoning Enforcement Officer should be consulted in case the drawing needs to be revised to relocate the driveway. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:10 PM February 21, 2007; L. Dorman seconded; voted unanimously.

7:21 PM **ASHOK RAO AND JANIS GOGAN** - NOI (SE41-1060) to reconstruct a fire-damaged dwelling at 17 Nokomis Road. Dana Altobello of Thompson Merrill was present with Architect Will Saltonstall of Saltonstall Architects. The reconstructed house will have to meet F.E.M.A.'s Velocity Zone standards. W. Saltonstall said the Zoning Board of Appeals has approved the project as proposed. The house was built in 1973. The deck is below 16' elevation which is allowed as long as it is not fastened to the house. The existing grade will not change except for the garden. N. Hills said he would like the siltation fence to be extended an additional 20' up the lot. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:33 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. Alan Minard was present. These hearings had been continued from January 3, 2007 in order to do another site inspection on February 3, 2007. N. Hills said some of the stakes in the field (16, 17 and 18) do not seem to match those shown on the plan. Mr. Minard agreed to continue the hearing again so that another site inspection could be done on February 17, 2007. B. Hebbel moved to continue the hearings, with the Applicant's consent, to 7:20 PM and 7:21 PM February 21, 2007; J. Oakes seconded; voted unanimously.

7:43 PM **ERNEST YEAW** - RFD (41D-1305) to verify the delineation of the wetland resource areas at Lot 148 Doran Way, Dexter Beach. Ernest Yeaw was present with Dana Altobello of Thompson Merrill, who described the resource areas on the site. He said the wetland line was flagged by Holmes and McGrath in October 2006, then verified by Mark Manganello of Lelito Environmental Consultants (LEC). D. Altobello said the site is in Flood Zone AE 15', and soil tests and vegetation were verified by LEC. J. Oakes said he compared this plan with the plan for the sewer extension project, and something is different. D. Altobello said he would like the Commission to approve an adjusted no-touch zone, as they did recently for the Cole Daughters Realty Trust lot on Delano Road. J. Oakes said another site inspection will be required, but even then it might not be a buildable lot, and he is not inclined to trade buffer zones in order to make a lot buildable. J. Oakes said another site inspection is needed when there is some kind of vegetation growing. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:00 PM May 2, 2007 with a site inspection on April 28, 2007; J. Oakes seconded; voted unanimously.

8:10 PM **THE KITTANSETT CLUB** - NOI (SE41-1062) to modify existing parking areas a 11 Point Road and Butler's Point (continued from January 17, 2007). Another continuation has been requested by the Club's Engineer. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:00 PM March 7, 2007; L. Dorman seconded; voted by majority with J. Oakes abstaining.

8:12 PM **TREVOR HATTON** - RFD (41D-1306) to construct an 8' x 60' deck extension at 183 Front Street, and convert a 24' x 33' section of the asphalt driveway into lawn. Trevor Hatton's Contractor, Paul Belliveau, was present and described the project, which is in Flood Zones VE 17 and VE 18. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

The Commission discussed a Certificate of Compliance to **MICHAEL CURRAN** for his seawall reconstruction, beach expansion, lawn expansion and planting Rosa Rugosa at 38 Point Road (se41-1020). J. Oakes questioned the band of Rosa Rugosa which does not appear to have been planted. Another site inspection will be done on February 17, 2007.

J. Oakes moved to issue a Full Certificate of Compliance to **PETER JONES AND SUZANNE MOOT** for constructing a shed, pier, landing pad, ramp and float at 118 Bullivant Farm Road (SE41-881); L. Dorman seconded; voted unanimously.

Site visits for the March 7, 2007 meeting will be held on Sunday, March 4, 2007 due to the M.A.C.C. Conference being held on Saturday, March 3, 2007.

**STEVEN HURLEY** - Regarding the new dwelling at 21 Bayview Road (SE41-921), Field Engineering did submit a plan and letter by the Commission's January 30, 2007 deadline, with a request for discussion on the swale. This will be discussed at the Commission's February 21, 2007 meeting.

J. Oakes moved to issue a Negative Determination for Box #2 to **TREVOR HATTON** for his deck extension and conversion of a portion of his driveway at 183 Front Street into lawn; L. Dorman seconded; voted unanimously (41D-1306).

J. Oakes drafted an Order of Conditions to **ASHOK RAO AND JANIS GOGAN** for their house reconstruction project at 17 Nokomis Road (SE41-1060) and moved to issue it as written; B. Hebbel seconded; voted unanimously.

Meeting adjourned at 9:00 PM.

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Diane R. Drake, Secretary

Approved July 18, 2007