

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 21, 2007

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary  
Lawrence B. Dorman, Member

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

Secretary: Diane R. Drake

Others Present: Walter R. Hartley, Lars V. Olson, Robert Field, Steven and Susan Hurley,  
and David Davignon.

Meeting convened at 7:00 PM Wednesday, February 21, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 17, 2007 by N. Hills, J. Oakes and B. Hebbel.

7:00 PM **SARDINHA FAMILY TRUST** - NOI (SE41-1053) to replace the restaurant building at 450 Wareham Street with two new buildings (a restaurant and an office/retail building) (continued from January 17, 2007). Because this project is still being reviewed by the Planning Board, Sardinha's Engineer has requested another continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:10 PM March 21, 2007; J. Oakes seconded; voted unanimously.

7:01 PM **ROBERT KAPLAN** - Appointment for discussion regarding a new patio at 42 West Avenue, Planting Island. Contractor Lars Olson said Mr. Kaplan wants to remove two windows and install a door to a small (10' x 10') patio. Charles Dupont will do the excavation. L. Olson said there is sandy soil there and he will add gravel for drainage. J. Oakes said a Request for a Determination of Applicability will need to be filed for this project.

7:10 PM **DR. MARTHA STARK** - NOI (SE41-1061) to reconstruct a seawall and reposition the driveway at 4 West Avenue, Planting Island (continued from December 7, 2007). David Davignon represented Dr. Stark. He said the hearing was continued due to the new driveway being within 10' of the property line, which is a violation of the Town's By-Laws, unless the abutting property owner agrees to the driveway's location. He said the Marion Board of Selectmen will allow Dr. Stark's driveway to be built within 10' of the Town's property (Planting Island Causeway), so the plan does not need to be revised. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

The Commission discussed a letter from Tata & Howard regarding test drilling to be done in buffer zones along County Road, Marion, looking for a future source of Town well water.

7:20 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 41D-1301 to continue to maintain a woods road, do maintenance landscaping, occasional mowing, and to conduct further percolation tests (if required) at Lots 30 and 30C Allens Point Road. Both of these hearings were continued from February 7, 2007 in order to do another site inspection on February 17, 2007. J. Oakes said he did take soil samples this time to verify the wetland line, and the markers stayed basically the same. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously. The Determinations will be written at the Commission's March 7, 2007 meeting after receiving an updated plan of the revised wetland line from A. Minard.

7:25 PM J. Oakes moved to issue a Full Certificate of Compliance to **MICHAEL CURRAN** for reconstructing a seawall, expanding a beach area, expanding a lawn area and planting Rosa Rugosa at 38 Point Road (SE41-1020). Another site visit had been held and upon closer inspection, there did appear to be a line of some kind of plantings where the Rosa Rugosa was proposed. L. Dorman seconded the motion; voted unanimously.

7:27 PM J. Oakes moved to issue a three-year Extension Permit to **THE DEXTER BEACH IMPROVEMENT ASSOCIATION** for adding beach sand at Dinghy Road, Dexter Beach (SE41-811); L. Dorman seconded; voted unanimously.

7:30 PM **STEVEN HURLEY** - Appointment for discussion regarding Mr. Hurley's letter dated January 29, 2007 concerning 21 Bayview Road (SE41-921). Mr. Hurley was present with his Engineering, Robert Field, who said the grading will be done as soon as the frost is out of the ground. R. Field said a slight swale is shown on the plan, but there is a slight grade from the slab to the gutter line. J. Oakes said the restoration of the grade from the hay bale line to the marsh has been settled. N. Hills said drainage is the other issue. R. Field showed photographs of the road taken on February 14, 2007 during a rainstorm; he used dye tablets to show the flow pattern down the road, which shows there is no crown to the road. R. Field said the road was widened during the sewer expansion project. R. Field said the primary source of the water comes from Bayview Road, not S. Hurley's driveway, because runoff from the Hurley's house is directed to drywells under the house, and he does not think anything needs to be done to the driveway because runoff from his site stays on his side of the road, whereas runoff from the road goes to the Hartley's site. N. Hills said he would like to view the site again. N. Hills said Walter Hartley just submitted a new letter from his Engineer, Robert Cummings. N. Hills gave a copy of that letter to Mr. Hurley. J. Oakes asked W. Hartley if the swale at S. Hurley's driveway was more defined, does he agree that would help keep drainage from going to Hartley's lot? W. Hartley said the 2' of un-permitted fill at Hurley's house needs to be restored. R. Field said the February 14, 2007 photographs show that drainage to the Hartley lot comes from the road, not from S. Hurley's property. J. Oakes suggested each Commissioner view the site during a rainstorm to verify the drainage patterns. S. Hurley said he is willing to construct a swale at his driveway, but it won't change anything; J. Oakes agreed with S. Hurley and said there is no sense in constructing a swale if it won't work. S. Hurley said W. Hartley re-roofed his house and there are no gutters or drywells, and his own roof runoff is

causing some of their drainage problems. J. Oakes suggested adding this site to the Sunday, March 4, 2007 site inspection list, and each member agreed to view the site if it rains before then.

**ZORA ENTERPRISES** - Appointment for discussion regarding a proposed new dwelling at 3 Olde Sheepfield Road. Joseph Zora, Jr. and his legal counsel, Margaret Ishihara, were at the site on Saturday, February 17, 2007. Although the Commission did not walk the site, they notified Mr. Zora and Ms. Ishihara that any work on the site will require a filing with the Commission.

**ZORA ENTERPRISES** - Discussion regarding the status of their 39 Giffords Corner Road project to construct a driveway and move a house and garage to that site (SE41-949). Nothing has been done. Another site inspection will be done this coming summer.

**TOWN OF MARION** - Discussion regarding reports of wetland violations taking place at the Sprague's Cove storm water treatment ponds off Front Street at Silvershell Beach (SE41-556). The clearing of vegetation being done on the banks of the pond is a maintenance issue, under the jurisdiction of the Conservation Commission. J. Oakes drafted and moved to send a letter to Robert Zora, the Supervisor of the Department of Public Works, regarding the clearing that had been done; L. Dorman seconded; voted unanimously.

**STEVEN CLARK** - Discussion regarding Mr. Clark's employees parking on filled wetlands on Town property abutting his 711/713 property on the west (SE41-868). N. Hills will send a letter to D.P.W. Supervisor Robert Zora asking when the fill had been added, by whom, and whether it is on Town land.

N. Hills drafted an Order of Conditions for **DR. MARTHA STARK** to reconstruct a seawall and reposition a driveway at 4 West Avenue, Planting Island (SE41-1061). J. Oakes moved to issue the Order as written; L. Dorman seconded; voted unanimously.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved July 18, 2007