

FINAL

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

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary (absent from 7:00-7:11 PM)  
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: Wendy Pavao, Peter Wallace, Ceasar Duarte, David Davignon, Jack Egger, Robert Luchetti, Jill Creevy, Michael H. Cormier, and Shaun D. Handy.

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

7:00 PM **MARION LANDS TRUST** - ANRAD (SE41-1064) to verify the delineation of the wetland resource areas at 369/371 Wareham Street and Lots 68A and 68B Wareham Street. No one represented the Trust. A site visit was attempted, but there was too much standing water to inspect the numerous flags. J. Oakes recommended the Commission hire a consultant, as allowed in the Commission's Policy Standard #4, to check the flags in May. The Engineer had requested a continuance. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:10 PM April 18, 2007; B. Hebbel seconded; voted unanimously.

7:10 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 February 21, 2007). The Engineer had requested another continuation, as the project is still being reviewed by the Planning Board. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM April 18, 2007; B. Hebbel seconded; voted unanimously. S. Briggs joined the meeting at 7:11 PM.

7:11 PM **418 POINT ROAD TRUST (BARBARA SHINGLETON)** - Appointment for discussion regarding permission to make minor changes to the proposed pier without the need for an Amendment to the Order (SE41-1044). David Davignon represented Mrs. Shingleton and submitted a revised plan. He explained that the Shellfish Officer recommended a slight change to the float to place it further from the eelgrass, and asked the Commission to accept the changes without a formal Amendment. J. Oakes moved to accept the revised plan as the new Plan of Record; L. Dorman

seconded; voted unanimously. J. Oakes moved to send a letter to that effect to Mrs. Shingleton; L. Dorman seconded; voted unanimously.

7:20 PM **WAREHAM FIRE DISTRICT** - NOI (D.E.P. number not issued yet) to install a water main along the east side of County Road from Blackmore Pond Road northerly to the Rochester town line. All work will be done on the Wareham side of County Road. Their Engineer had requested a continuation due to the lack of a file number. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM April 4, 2007; B. Hebbel seconded; voted unanimously. Another site inspection will be held on March 31, 2007.

7:25 PM **ESTATE OF SYBIL WISNER** - Appointment for discussion regarding development of the Wisner property on Converse Road (no file number). Robert Luchetti of Luchetti Associates was present and explained that the bank and two heirs of the property would like to know if the property could be developed. He showed several plans of possible development. One of his proposals, for just two house lots, would result in 24 acres of conservation land. He said Thompson Merrill flagged the wetlands at the site within the last year. He said he could probably propose six lots now from the Planning Board under an Approval Not Required filing. He said the site is nearly 30 acres and one of the proposals is for ten two-acre house lots. He said another proposal is for 15 house lots.

7:45 PM **KENNETH HANSON** - NOI (SE41-1063) to add beach sand at 47 East Avenue, Planting Island (continued from March 7, 2007). J. Oakes left the room. Mr. Hanson's son, Jack Egger, represented him. The file number has been assigned. B. Hebbel said eight cubic yards of sand might be too much. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:40 PM **JILL CREEVY** - NOI (SE41-1065) to remove the pier at 14 West Drive and construct a new pier in its place. J. Oakes remained out of the room. Mrs. Creevy was present with her Engineer, Caesar Duarte of CLE Engineering, Inc. He described the project and said the footprint will not change, but it will be built 5' high as requested by the Harbormaster. He said work will be done by crane and the barge will not be allowed to rest on the bottom. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes returned to the room.

7:55 PM **COOLMAR LIMITED PARTNERSHIP** - NOI (SE41-1066) to construct/modify road access at 604 Point Road, and extend underground utilities. Shawn Handy of G.A.F. Engineering represented Coolmar. The Architect for the project, Robert Luchetti, was also present. N. Hills said the Commission could not find flags during the site inspection. S. Handy said the wetland line was accepted under Order of Conditions SE41-963, which is good through July 31, 2008. R. Luchetti said the work is going to be done this May/June/July/August. J. Oakes said a portion of the road is 20' from wetlands. N. Hills said he would like the wetland lines closest to the roads to be reflagged. L. Dorman recommended the work be done during a drier time of the year. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

**COOLMAR LIMITED PROJECT** - N. Hills told R. Luchetti and S. Handy that the area of work had inadequate runoff protection and areas of washout during the Commission's site inspection on March 17, 2007. He showed photos of the areas needing maintenance. R. Luchetti said Pontes is

the excavation contractor, and Cormier the general contractor. N. Hills suggested R. Luchetti, S. Handy and the contractors attend the Commission's April 4, 2007 meeting. R. Luchetti said he will submit a letter specifying what the contractors intend to do to correct the problems. B. Hebbel said he would like the Commission to send a letter to the contractor(s) also, and view the site again on March 31, 2007.

8:37 PM **TOWN OF MARION** - Amendment to Order of Conditions SE41-432 to allow maintenance repairs to the seawall at Silvershell Beach. The Order was issued to construct a launch ramp and remove boulders. Harbormaster Michael Cormier was present and said the benches and walls are caving in and have become a liability to the Town. He said he will plant beach grass to stabilize the area. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

B. Hebbel drafted **KENNETH HANSON**'s Order of Conditions (SE41-1063) for adding beach sand at 47 East Avenue, Planting Island, and moved to issue it as written; L. Dorman seconded; voted by majority with J. Oakes abstaining.

N. Hills drafted an Amended Order of Conditions (SE41-432) to the **TOWN OF MARION** to maintain the seawall at Silvershell Beach (SE41-432). J. Oakes moved to issue the Amended Order as written; L. Dorman seconded; voted unanimously.

B. Hebbel moved to issue a two-year Extension Permit to **THE KITTANSETT CLUB** for repaving the clubhouse parking lot at 11 Point Road, and for adding stone to an adjacent parking area of lawn and phragmites (SE41-1003); L. Dorman seconded; voted by majority with J. Oakes and S. Briggs abstaining.

L. Dorman moved to issue a three-year Extension Permit to **MOORINGS BREAKWATER TRUST** for dredging in the basin of the pier at the end of Moorings Road (SE41-1003); B. Hebbel seconded; voted by majority with J. Oakes and S. Briggs abstaining.

L. Dorman drafted an Order of Conditions for **JILL CREEVY**'s new pier at 14 West Drive (SE41-1065). B. Hebbel moved to issue the Order as written; S. Briggs seconded; voted by majority with J. Oakes abstaining.

J. Oakes drafted an Order of Conditions for **COOLMAR LIMITED PARTNERSHIP**'s road access project at 604 Point Road (SE41-1066). B. Hebbel moved to issue the Order as written; L. Dorman seconded; voted by majority with S. Briggs abstaining.

**THE TOWN OF MARION** - Sprague's Cove remediation project (SE41-556). Department of Public Works Superintendent Robert Zora has signed the Commission's maintenance procedure specifying what maintenance work can be done each spring to maintain the nuisance vegetation at the Sprague's Cove remediation project. The Commission will visit the site each February to determine what maintenance will be needed.

**STEVEN HURLEY** - Drainage and fill issues at 21 Bayview Road were discussed (SE41-921). The Commission approved N. Hills' letter to S. Hurley regarding fill in the road and restoration of the swale at S. Hurley's driveway. The Commission also approved N. Hills'

memorandum to D.P.W. Superintendent Robert Zora regarding the fill that was added to Bayview Road.

**STEVEN CLARK** - Fill has been placed in wetlands between Steven Clark's contracting business at 711-713 Mill Street and the Town of Marion's sewerage pump station to the west (SE41-868). The filled area is being used for parking vehicles owned by S. Clark's employees, but it is not clear who owns the property that has been filled. Robert Zora said he has not permitted anyone to add fill to any part of the Town's property, and he will have the property line established to see if S. Clark is in fact using Town land.

Minutes were reviewed. L. Dorman moved to accept the December 6, 2006 minutes as amended; S. Briggs seconded; voted by majority with B. Hebbel abstaining. L. Dorman moved to accept the December 20, 2006 minutes as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Meeting adjourned at 9:25 PM.

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Diane R. Drake, Secretary

Approved July 18, 2007