

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 4, 2007

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Bruce C. Hebbel, Member (absent from 7:00 PM - 7:20 PM)
Lawrence B. Dorman, Member

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

Secretary: Diane R. Drake

Others Present: John & Brenda Lobo, William Washburn, Susanne Kotowski, Chris Adams, Robert Luchetti, Neal Balboni, John Rockwell, Rob Sudduth, Laura Kay Coggeshall, Peter Santello, David Davignon, Tim Stinson & Shana Glidden.

Meeting convened at 7:00 PM Wednesday, April 4, 2007 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 31, 2007 by N. Hills, J. Oakes, B. Hebbel and L. Dorman.

7:00 PM **WAREHAM FIRE DISTRICT** - NOI (SE41-1067) to install a water main along the east side of County Road from Blackmore Pond Road northerly to the Rochester town line (continued from March 21, 2007). The Commission reviewed the Environmental Notification Form concerning this project. At 7:10 PM Tim Stinson and Shana Glidden of SEA Consultants arrived and described the project. T. Stinson said County Road is scheduled to be redesigned and rebuilt in the next few years (Earth Tech is the engineer for that project), and this project needs to be first. He said all work will be done within the road layout. Bidding is in April, and work could begin in June and be substantially finished by the end of this year. He said there will be a full-time engineer on the job. (B. Hebbel joined the meeting at 7:20 PM.) John Rockwell asked whether the Open Space Acquisition Committee had received abutter notification for this project; S. Glidden said the return receipt (green) card addressed to the Open Space Acquisition Committee was signed by Grace Hatch (the Clerk who receives and distributes the incoming mail to the Town House). L. Dorman moved to close the hearing; S. Briggs seconded; voted unanimously.

7:25 PM **JOHN AND BRENDA LOBO** - RFD (41D-1309) to relocate a shed and construct an attached garage at 48 Joanne Drive. Mr. and Mrs. Lobo were present. J. Oakes said there is no problem with constructing the garage, but the wetland line where the shed is to be relocated has changed, and the relocated shed will be within the 30' no-build zone. J. Oakes said he placed three orange flags to mark the updated wetland line. Mr. and Mrs. Lobo said they will place the shed on the other side of the boulder, closer to the driveway and street, as suggested by the Commission.

J. Oakes said he would like to have a new plan showing the revised location of the shed. Another site inspection will be held on April 14, 2007. J. Oakes moved to continue the hearing, with the Applicants' consent, to 7:20 PM April 18, 2007; B. Hebbel seconded; voted unanimously.

7:33 PM **TOWN OF MARION - RECREATION COMMITTEE** - NOI (D.E.P. file number not assigned yet) to construct a new ball field at Lot 42 Washburn Lane. William Washburn, Susanne Kotowski and several Recreation Committee coaches were present on behalf of the Recreation Committee, along with their Representative, John Rockwell of the Buzzards Bay Project. W. Washburn explained that this new field is needed to replace the field that was lost due to the Sippican School expansion. He described all the leagues that will use the new field. J. Rockwell said this is a Buffer Zone project, and there is an existing road where the hay bale barrier will be. W. Washburn said no lights are proposed at the field. He said cars will park in the existing parking area at the cook building and people will walk to the field. He said there will be a chain-link fence around the field, erected around the backfield first. J. Oakes said the Conservation Commission wants to work with the Recreation Committee, but the amount of fill exceeds 5,000 square feet and will require a Water Quality Certification and at least 5,000 square feet of replication. J. Oakes said the Commission has not yet accepted the wetland line; J. Rockwell said he thought the line had been approved. J. Oakes said he would like to see the deed for that parcel; J. Rockwell said the Town owns that land, but that is not a wetland issue. Two of the coaches explained that fields cannot be placed back-to-back because the sun can become a problem. J. Rockwell said the Open Space Acquisition Committee has been looking for a place for a new field for the last six years, and there aren't any other available spots. L. Dorman asked what it will cost to do this project; W. Washburn said \$100,000.00 but the Town owns the land, and the Town paid nothing for the last ball field that was built at Washburn Park due to fundraisers and donated labor. N. Hills questioned the use of fertilizers; W. Washburn said they don't use fertilizer. N. Hills said an abutter, Laura Coggeshall (who was present), submitted a letter opposing this project. J. Oakes recommended using the open field by the horse arena as the new ball field rather than the proposed site. W. Washburn said the Washburn Park Trust owns the land by the arena, it is used for parking, and they will not allow it to become a ball field. J. Rockwell said he was thinking about the bog, but it was covered with water. J. Oakes said the file number has not been issued yet, and D.E.P. may say that a Water Quality Certificate will be needed. Another site visit will be done on April 14, 2007 to review the existing configuration to determine if there is an alternate way to construct the new ball field. J. Rockwell said the Conservation Commission is not the Board that decides where to place things and what uses are allowed. J. Rockwell said he carefully checked the Wetlands Protection Act Regulations and this is a perfectly acceptable project. J. Rockwell said runoff will be on flat grass. J. Rockwell said this is a simple Buffer Zone project; J. Oakes said that is IF the wetland line is accepted by the Commission. S. Kotowski asked J. Oakes what she is supposed to tell people if they cannot build this field; J. Oakes replied that some people prefer trees and forests instead of fields. W. Washburn said that area was originally a cornfield in 1910-1912, not always trees. Due to the lack of a file number, L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM April 18, 2007, and meet the Applicant at the site at 8:35 AM on April 14, 2007; J. Oakes seconded; voted unanimously.

8:25 PM **ROGER W. LAMSON, JR. and KATHLEEN M. LAMSON** - RFD (41D-1310) to upgrade the sewage disposal system at 26 West Avenue, Planting Island. David Davignon of

N. Douglas Schneider & Associates represented Mr. and Mrs. Lamson and described the project. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

8:30 PM **COOLMAR LIMITED PARTNERSHIP** - Appointment for discussion with Robert Luchetti, the Partnership's Architect, regarding violations of the Order of Conditions (SE41-1066) for work at 604 Point Road. R. Luchetti showed photographs of the contractors' corrective action, as seen by the Commission during their March 31, 2007 site inspection.

8:35 PM **FRANCIS A. WILL** - Request for a three-year Extension Permit to construct a house, pool, cabana, deck, patio and driveway at Lot 46A Converse Road (SE41-1014). N. Hills said he would prefer the house to be built further upland; S. Briggs said the project as proposed was previously approved by the Conservation Commission based on Wetlands Protection Act Standards. S. Briggs moved to issue a one-year Extension Permit; L. Dorman seconded; voted by majority with J. Oakes abstaining.

N. Hills reported that he and S. Briggs attended an informational meeting today at the Harbormaster's office to discuss Waterways issues regarding docks and piers. Also present were Harbormaster Michael Cormier, Shellfish Officer Isaac Perry, Joe Napoli and Peter Winters from the Planning Board, and Vincent Malkoski of the Marine Resources Commission. M. Cormier distributed copies of D.E.P.'s "Small Docks and Piers" regulations dated November 2003, and suggested the Conservation Commission adopt it as a standard. The Commission Members agreed it should be added to the Appendix A boilerplate for Special Conditions for Orders. N. Hills asked the Harbormaster to develop a standard reply to requests based on D.E.P.'s "Small Docks and Piers" publication to facilitate firm suggestions concerning filings before the Conservation Commission. S. Briggs and N. Hills said it was a positive meeting.

A letter has been received from the Coalition of Buzzards Bay regarding several wetland violations as seen from aerial photographs. S. Briggs said his bog on Front Street is included, but it is erroneously listed as residential rather than agricultural. The Commission agreed to review the list in more detail.

CARMINE MARTIGNETTI - Certificate of Compliance (SE41-1004). L. Dorman moved to issue a full Certificate of Compliance for Carmine Martignetti's new house, garage, pool, septic system, paths, etc. at 71 Moorings Road; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

KATHLEEN M. AND ROGER W. LAMSON, JR. - L. Dorman moved to issue a Negative Determination for Box #3 to Kathleen M. and Roger W. Lamson, Jr. for upgrading their sewage disposal system at 26 West Avenue, Planting Island (41D-1310); S. Briggs seconded; voted unanimously.

Discussion followed regarding the ANORAD (SE41-1064) submitted by **MARION LANDS TRUST** to verify the delineations of resource areas at 369/371 Wareham Street (Lot 134) and Lots 68A and 68B Wareham Street. This project had been continued from the March 21, 2007 meeting to the April 18, 2007 meeting. The Commission agreed to have three professional wetland specialists submit a cost estimate to determine the Bordering Vegetated Wetlands, rather than asking

the Buzzards Bay Project for assistance. J. Oakes recommended Peter Fletcher as one of the Consultants. S. Briggs said the Planning Board puts an Applicant's money in an escrow account, instead of posting a bond. J. Oakes said other towns do this all the time. A letter will be sent to Mr. Croll of the Marion Lands Trust regarding hiring a professional. B. Hebbel will draft a contract for the consultant.

J. Oakes drafted the Order of Conditions for the **WAREHAM FIRE DISTRICT** for their water main project along County Road (SE41-1067) and moved to issue it as written; L. Dorman seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved April 18, 2007