

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 16, 2007

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Lawrence B. Dorman, Member
Joel D. Hartley, Associate Member (absent from 6:45 PM to 7:00 PM)

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Bruce C. Hebbel, Member
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Michael Thompson, John Whittimore, John T. Kelly Jr., John Rockwell, Laura Kay Coggeshall, Anne Converse, Alexander Poulos, Susan Nilson, William R. Washburn, Debbie Druan, David Koshid, Marinus VanderPol Jr. and Richard Charon

Meeting convened at 6:45 PM Wednesday, May 16, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 12, 2007 by N. Hills, J. Oakes and B. Hebbel.

6:45 PM The Commission had sent a request for quotation for wetland consulting services at 369/371 Wareham Street (Marion Lands Trust, SE41-1064) to five companies. The three responses were reviewed. J. Oakes moved to accept the proposal for \$1,500.00 from the low bidder, Ecosystem Solutions, Inc., P.O. Box 469, West Warwick, RI 02893; L. Dorman seconded; voted unanimously. The other proposals were for \$1,800.00 (LEC Environmental) and \$2,350.00 (Hancock Associates). Brandon Faneuf, President of Ecosystem Solutions, Inc., will be notified of the results, as well as LEC Environmental and Hancock Associates.

6:55 PM A telephone report of wetland violations taking place at one Shore Drive was received this morning. The property was recently sold by Lars Olson to William and Alexis Popik. The Certificate of Compliance included a continuing condition that no work or activity would take place on the water side of the split-rail fence, which is at the edge of the wetlands (file #SE41-904). N. Hills inspected the site, verified that work had been done in wetlands, and informed the four workers at the site that they were not to do any work past the fence. J. Oakes moved to send a letter to the new owner regarding the violations; L. Dorman seconded; voted unanimously. J. Hartley joined the meeting at 7:00 PM.

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 April 18, 2007). Their Engineer has requested another continuation, as the project is still being reviewed by the Planning Board. L. Dorman moved to continue the hearing, at the Applicant's request, to 7:00 PM June 20, 2007; J. Oakes seconded; voted unanimously.

7:05 PM **TABOR ACADEMY** - RFD (41D-1312) for maintenance repairs to a seawall at Lillard Hall, 215 Front Street. Marinus Vander Pol, Jr. represented Tabor and explained that the April 14-16 southeast storm caused the Town's storm drainage pipe behind the seawall to collapse, resulting in large sinkholes, which have already been repaired due to safety concerns for the Tabor students. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

7:20 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 (continued from April 18, 2007). Michael Thompson of Thompson Merrill was present on behalf of the Trust. N. Hills explained that Ecosystem Solutions, Inc. of West Warwick, RI was chosen to review the wetland resource areas at the subject site, at a cost of \$1,500.00, and the work will be done between May 17th and May 25th. Their report will be discussed at the Commission's June 6, 2007 meeting. M. Thompson said David Croll of the Marion Lands Trust will submit a \$1,500.00 check for the consulting services. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:40 PM June 6, 2007; L. Dorman seconded; voted unanimously.

7:25 PM **THE KITTANSETT CLUB** - NOI (SE41-1062) to modify existing parking areas at 11 Point Road and Butler's Point (continued from May 2, 2007). J. Oakes left the room. Susan Nilson of CLE Engineering, Inc. represented Kittansett and asked for another continuance. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:50 PM June 6, 2007; L. Dorman seconded; voted unanimously.

7:30 PM **THE KITTANSETT CLUB** - NOI (SE41-1071) to maintain a drainage culvert and tide gate, and add beach nourishment near the third green at 11 Point Road. J. Oakes remained out of the room. John Kelly Jr. and John Whittemore were present with Kittansett's Engineer, Susan Nilson. S. Nilson said the work is due to the April 14-16, 2007 southeast storm, and the Division of Marine Fisheries will not be submitting any comments because the work is above the high tide line. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes returned to the table.

7:40 PM **TOWN OF MARION RECREATION COMMITTEE** - NOI (SE41-1068) to construct a new ball field at Washburn Lane (continued from May 2, 2007). William Washburn and John Rockwell represented the Recreation Committee. J. Rockwell submitted data sheets using D.E.P.'s wetland delineation methodology for vegetation on the cart path, which he believes to be red fescue. He said there are seven non-wetland to two wetland indicators, so it is not a wetland. J. Rockwell said the soil pit showed a buried plow layer 12" down, and two fill events. He said neither site met the soil criteria for wetlands, so he believes it is an isolated wetland and the U.S. Army Corps of Engineers can decide whether or not it is in their jurisdiction. W. Washburn said he has not yet received a plan from G.A.F. Engineering showing the site contours and the amount of square feet to be altered. J. Rockwell asked what the need is for that, because if it is an isolated

wetland it could be five acres. J. Oakes said he would like a wildlife analysis to be done; J. Rockwell asked the Commission Members if they had ever requested a wildlife analysis for land subject to coastal storm flowage, or is this the first time that request has been made? J. Oakes said the Commission has jurisdiction over that area; J. Rockwell said he does not agree and can submit an adjudicatory hearing decision to that effect. J. Oakes affirmed that there is no Bordering Vegetated Wetland on the cart path. J. Oakes said the Commission has jurisdiction up to 15' elevation and in the 100' buffer zone, and he wants assurance that wildlife habitat will not be detrimentally affected. William Washburn asked the Commission for guidance to make this ball field project become a reality, or whether the Commission is determined to block the project from going forward. J. Oakes said he is in favor of another ball field, but not there. Anne Converse was present and said she walks in that area and she believes there must be a better place in Town for a ball field, and she is totally opposed to this project. L. Dorman moved to continue the hearing, with the Applicant's consent, to 8:00 PM June 6, 2007; J. Oakes seconded; voted unanimously.

8:00 PM **DAVID J. & JANICE M. KORIS** - NOI (SE41-1070) to upgrade the sewage disposal system at 1 West Avenue, Planting Island (continued from May 2, 2007). J. Oakes left the room. Richard Charon represented Mr. and Mrs. Koris and submitted a revised plan (May 3, 2007 revision). He said setback variances from the Board of Health are needed, and it is not a raised system. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

THE COVE IN MARION TRUST - Third three-year Extension Permit to construct a pier/ramp/float and for maintenance dredging at the Jenney Lane pier (SE41-815). J. Oakes remained out of the room. N. Hills said two pilings on the further side of the float, with stop chains to keep the float from resting on the bottom, still have not been installed, as requested by the Commission three years ago. N. Hills suggested issuing only a six-month Extension Permit until that problem is corrected. L. Dorman moved to issue a six-month Extension Permit with an ultimatum to either remove or repair the float before another Extension Permit will be considered; J. Hartley seconded; voted unanimously. J. Oakes returned to the table.

THE TOWN OF MARION - J. Oakes moved to issue a three-year Extension Permit for capping and monitoring the landfill at Benson Brook Road (SE41-1008); L. Dorman seconded; voted unanimously.

TABOR ACADEMY - J. Oakes moved to issue a Conditional Negative Determination for Box #2 for maintenance repairs to a seawall at Lillard Hall, 215 Front Street, with a condition that future long-term repairs based on an engineered design shall be submitted prior to any subsequent repairs beyond that allowed in this permit (41D-1312); L. Dorman seconded; voted unanimously.

THE KITTANSETT CLUB - J. Oakes left the room. N. Hills drafted and moved to issue the Order of Conditions for maintaining a drainage culvert and tide gate, and adding beach nourishment near the third green at 11 Point Road (SE41-1071); J. Hartley seconded; voted unanimously.

DAVID J. & JANICE M. KORIS - J. Oakes remained out of the room. L. Dorman drafted and moved to issue the Order of Conditions for upgrading the sewage disposal system at 1 West

Avenue, Planting Island (SE41-1070); J. Hartley seconded; voted unanimously. J. Oakes returned to the room.

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved July 18, 2007