

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 1, 2007

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
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: David Croll, Albert "Guppy" Ford, Robert Field, Jacob Albert, Steven and Sue Hurley, Dana Altobello, John A. O'Leary, Walter Hartley, Philip Stevenson and Geoff V. King

Meeting convened at 7:00 PM Wednesday, August 1, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 28, 2007 by N. Hills, J. Oakes, B. Hebbel and L. Dorman.

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 June 20, 2007). The Applicant has appealed the Planning Board's decision and has asked for another continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM September 19, 2007; J. Oakes seconded; voted unanimously.

Minutes were reviewed. L. Dorman moved to accept the June 6, 2007 minutes as amended; J. Oakes seconded; voted unanimously. J. Oakes moved to accept the June 20, 2007 minutes as amended; B. Hebbel seconded; voted unanimously.

J. Oakes moved to issue a full Certificate of Compliance for Box #1 to **THOMAS HURRIE** for constructing a new dwelling at 5 Edgewater Lane (SE41-1038); B. Hebbel seconded; voted unanimously.

7:10 PM **JOHN O'LEARY** - RFD (41D-1325) to construct a one-story master bedroom addition at the southern end of the dwelling at 81 Cove Circle. J. O'Leary was present with his Architect, Jacob Albert, who described the project and asked the Commission to approve a screened porch and two bay windows, in addition to the addition. L. Dorman was concerned with construction equipment crushing the septic system; J. Albert said the equipment will go around the side of the house. J. Oakes suggested installing a siltation fence to delineate the work area and keep

equipment away from the wetlands. A revised plan will be submitted showing all the proposed work and the siltation fence, and will be signed and stamped by the Architect. J. Oakes moved to close the hearing and issue a Negative Conditional Determination for Boxes 2 and 3 with a Condition requiring a siltation fence to be installed no more than 30 feet east of the proposed addition; L. Dorman seconded; voted unanimously.

7:24 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 June 20, 2007). David Croll (the purchaser of the property) was present with Albert "Guppy" Ford (the owner) and Dana Altobello (his Engineer). D. Altobello explained the changes on the newest plan as revised August 1, 2007. In addition, D. Altobello showed pictures of the stream taken when it was dried up for five days. Pictures were taken of the culvert north of Route 6 last week. N. Hills read D.E.P.'s definition of an intermittent stream, and said he believes the stream is being artificially restricted so that it will dry up. N. Hills noted that the stream was flowing above the pond and below Route 6 at the time of the site visit. J. Oakes said he followed the stream yesterday (July 31, 2007) from the pond to the harbor, and the only place that was dry was the ten-foot sandbar which has been cut through with the recent heavy rain. S. Briggs said everything to do with that stream is manmade. A. Ford said a 24-foot-long stretch of the stream was not flowing where his pictures were taken, and in the forty years he has lived there it has dried up every year. D. Altobello said the flowing water is groundwater, and the U.S.G.S. in Lakeville verifies the groundwater this year to be one foot higher than normal. J. Oakes said the Applicant should have taken pictures of the length of the stream that would be affected by any proposed work on this site; Mr. Ford said he could have done that if he had known, but was of the opinion that he only had to prove that the stream stopped flowing four days. D. Altobello requested a continuation of this hearing to the Commission's next meeting. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:50 PM August 15, 2007; B. Hebbel seconded; voted unanimously.

7:50 PM **DAVID D. CROLL** - RFD (41D-1323) to perform maintenance repairs to an existing pier, float and steps at 10 Lewis Street. D. Croll was present with his contractor/mason, Geoff King, who described the mini grouting procedure. He said a dolly will be used to bring the grout machine to the end of the pier. The steps will be formed and cement will be brought by wheelbarrow to it. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

7:53 PM **PHILIP D. STEVENSON** - RFD (41D-1322) to repair sinkholes along a seawall at 50 Point Road (continued from 7:40 PM July 18, 2007). P. Stevenson was present. A detailed plan of the site and proposed work has been received from N. Douglas Schneider & Associates, Inc. The last 75 feet of the southwest corner of the property needs the repairs. He said he is not going to remove the Rosa Rugosa and will plant something to stabilize the area. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

8:00 PM Steven and Sue Hurley were present with their Engineer, Robert Field, regarding a Certificate of Compliance for their home at 21 Bayview Road. Also present was abutter Walter Hartley. J. Oakes moved to issue a full Certificate of Compliance for Box #1 for **STEVEN HURLEY's** new house at 21 Bayview Road; B. Hebbel seconded; N. Hills, J. Oakes and L. Dorman voted in favor; B. Hebbel and S. Briggs were opposed; motion passed by majority.

J. Oakes moved to issue a Negative Determination for Box #2 to **DAVID D. CROLL** for maintenance repairs to a pier and steps at 10 Lewis Street (41D-1323); B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a Negative Determination for Boxes 2 and 3 to **PHILIP D. STEVENSON** to repair sinkholes along a seawall at 50 Point Road (41D-1322); J. Oakes seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved August 15, 2007