

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 5, 2007

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary (left @ 7:50 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: C. Jay Wilbur, Dana Altobello, David Croll, Christian Farland, Lars Olson, James Davidian, David Melish and Albert F. Ford II.

Meeting convened at 7:00 PM Wednesday, September 5, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 1, 2007 by N. Hills, J. Oakes 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 (continued from August 15, 2007). The property owner (Albert F. Ford II) was present with the property buyer (David Croll) and engineer (Dana Altobello of Thompson Merrill). D. Altobello described the six consecutive days of no flow in the stream, and said the data submitted tonight clearly shows the stream is not perennial. D. Croll said the findings of the U.S.G.S. and photographs over 13 days showing the stream is dry top to bottom, meet the state's requirements for an intermittent stream. J. Oakes said the area has not been certified as being in a drought condition and he agrees with the findings of A. Ford's representative (Mr. Butler) at the site. J. Oakes said in this case the Commission has to agree that the stream is intermittent, not perennial. D. Croll asked if he can now clear the culverts "as required per the Marion Conservation Commission;" N. Hills said the culverts can be cleaned if they become clogged, but that is not a requirement. D. Altobello will revise the plan to eliminate that requirement and to label the stream as intermittent. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:25 PM **PETER FRANCIS** – NOI (SE41-1077) to upgrade a sewage disposal system, construct an addition, a pool, patios, retaining walls and do site grading at 107 Cove Circle (continued from August 15, 2007). Mr. Francis was represented by his engineer (Christian Farland of Thompson Merrill), contractor (Lars Olson), and architect (C. Jay Wilbur of Saltonstall Architects). Drainage calculations have been received along with a revised plan rotating the pool 90 degrees. S. Briggs moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:32 PM **DANIEL DOWD** – RFD (41D-1328) to continue to remove briars/poison ivy/bittersweet up to the bordering vegetated wetland line at 13 Blackhall Court, and plant rosa rugosa along the bordering vegetated wetland line. No one represented Mr. Dowd. None of his abutters were present. The prior filing approving this work was reviewed. B. Hebbel said he was concerned with the Commission approving this project because Coolmar's similar request to remove underbrush had been revised to meet vista pruning regulations of the Wetlands Protection Act. J. Oakes said this filing has a history with it, and he feels the work will be positive in that it will clearly show the wetland line. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:38 PM **JAMES DAVIDIAN** – Appointment for discussion regarding the launch ramp reconstruction project taking place at 21 East Avenue, Planting Island (SE41-1074). Mr. Davidian's son, also named James, was present to ask for permission to pour an additional four to five feet of ramp at the bottom to make up for the drop-off that is now at the end. J. Oakes and B. Hebbel said they would like the Shellfish Officer's OK prior to approving this request, and a letter from Mr. Davidian's engineer describing exactly what the changes will be. Because the additional length will still be less than the current license allows for the ramp, the Commissioners said the change would likely be approved without the need to formally amend the Order.

S. Briggs left the Town House at 7:50 PM.

7:50 PM **TREVOR HATTON** – Request for a Certificate of Compliance for constructing a pier at 183 Front Street (SE41-1046). The Commission had held off issuing a Certificate of Compliance on August 15, 2007, because of concerns by the Harbormaster that the dock had not been built as proposed, and he does not think it will be able to withstand storm events as presently built. Christian Farland of Thompson Merrill was present with David Mellish of Flotation Systems. C. Farland submitted a new letter certifying compliance, and an as-built plan. D. Mellish said Flotation Systems approves their product for spans of up to 40 feet. N. Hills reminded D. Mellish that the Order of Conditions prohibits changes to the Plan of Record without first notifying the Commission of the changes. N. Hills said he was concerned that aluminum supports were not used, just rebar, which will rust away. D. Mellish said epoxy was used around the threaded stainless steel rods, and the piles are fiberglass with concrete cores. B. Hebbel moved to issue a full Certificate of Compliance; L. Dorman seconded; voted unanimously.

The Commission's August 15, 2007 minutes were reviewed and accepted as amended on a motion by L. Dorman; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Discussion followed regarding unauthorized pipes from 6 Point Road (owned by Mark and Eileen Epstein) that are discharging onto The Kittansett Club's Butler's Point property (SE41-1062, 41D-1041). The Commission had given Kittansett permission to carefully dig the pipes up by hand, up to the property line, but there is concern about what the discharge is because it is so close to the coastal bank. It was agreed to have N. Hills send a letter to Mark and Eileen Epstein regarding the discharge pipes.

The Commission discussed Steven Clark's newly-extended fence at 711/713 Wareham Street (41D-1201). Dirt and slash have been placed in wetlands behind the fence. J. Oakes drafted a letter

to S. Clark, requiring removal of the fence and fill. N. Hills said he would like S. Clark to hire an engineer to mark the wetland line and the property bounds prior to any remediation work taking place. J. Oakes said he doubted S. Clark would pay for a survey. An Enforcement Order was written. J. Oakes moved to send the letter and Enforcement Order to St. Clark as written; L. Dorman seconded; voted unanimously.

N. Hills drafted the **MARION LANDS TRUST** Order of Resource Area Delineation (SE41-1064). L. Dorman moved to issue it as written; B. Hebbel seconded; voted unanimously.

J. Oakes drafted **DANIEL DOWD's** Determination (41D-1328) for planting rosa rugosa and removing nuisance vegetation up to the BVW line at 13 Blackhall Court. B. Hebbel moved to issue a Conditional Negative Determination for Boxes 2 and 3 with Conditions that: (1) The only vegetation to be cut between the B.V.W. line and the hay bale line, as allowed in the Order of Conditions for File SE41-352, are poison ivy, briars and bittersweet; and (2) Rosa rugosa may be planted on the upland side of the B.V.W. line; L. Dorman seconded; voted unanimously.

B. Hebbel drafted and moved to issue **PETER FRANCIS's** Order of Conditions (SE41-1077) to upgrade a sewage disposal system, construct an addition, a pool, patios, retaining walls and site grading at 107 Cove Circle, Piney Point; N. Hills seconded; voted by majority with J. Oakes abstaining.

Meeting adjourned at 8:55 PM.

Diane R. Drake, Secretary

Approved October 3, 2007