

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 19, 2007

Members Present: Norman A. Hills, Chairman  
Sherman E. Briggs, Jr., Recording Secretary  
Bruce C. Hebbel, Member  
Lawrence B. Dorman, Member

Members Absent: Jeffrey W. Oakes, Vice Chairman  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Robert Nissen, Stephen and Barbara Morss, Frederick Coulson.

Meeting convened at 7:00 PM Wednesday, September 19, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 15, 2007 by N. Hills and B. Hebbel.

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 August 1, 2007). Mr. Sardinha's engineer, by letter, has requested another continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM November 2, 2007; B. Hebbel seconded; voted unanimously.

7:05 PM **MARGARET B. HOWLAND** is requesting a Certificate of Compliance for constructing a studio building at 21 Planting Island Road (SE41-889). B. Hebbel moved to issue a full Certificate of Compliance; N. Hills seconded; voted unanimously.

7:10 PM **ROBERT NISSEN** – RFD (41D-1324) to fill and grade holes along the roadside, and to fill an isolated wetland at 28 Parlowtown Road, and **RICHARD VIERA, JR.** – RFD (41D-1327) to fill an isolated wetland at 24 Parlowtown Road (both hearings were continued from August 15, 2007). Robert Nissen was present. Another site visit had been held. The missing flags have been reset by Thompson Merrill. R. Nissen said all but one of the holes by the roadside have already been filled. N. Hills explained that R. Nissen will still have to apply to the U.S. Army Corps or Engineers due to the amount of fill, and the Conservation Commission should be notified of the U.S. Army Corps' decision. N. Hills said R. Viera may have to apply for a U.S. Army Corps permit as well, if the amount of fill is going to exceed 5,000 square feet. N. Hills said there is a 50' setback from the wetland line, and that must be clearly marked by beanpoles or rocks or other means to prevent any disturbance to the wetlands. B. Hebbel moved to close both hearings; L. Dorman seconded; voted unanimously.

7:20 PM **BAKER STREET TRUST** – RFD (41D-1329) to remove and reconstruct a walkway to the shore at 14 Planting Island Road. Mrs. Howland's contractor, Stephen Morss, was present and said there are about ten eroded stone/cement slabs in the walkway to the shore which need to be replaced due to erosion. He said the slabs further up have not eroded. He said the walkway looks shorter because the sand has not been swept off of it this year. He said the stones will be poured elsewhere and just placed on the shore in the footprint of the existing slabs, and the whole project can be done in one tide cycle. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:30 PM **ISLAND WHARF ROAD LLC** – NOI (SE41-1078) to install a 35' x 75' concrete slab boat washdown area at 2 Island Wharf Road. The owner of the property, Frederick Coulson, was present with his engineer, William F. Madden of G.A.F. Engineering, Inc. The site work has already been done. W. Madden said the size of the washdown pad was determined by the size of the boats that need to be washed. F. Coulson said he needs to send a letter to the Board of Selectmen stating he will not hold the Town responsible for any backflow before he can connect into the storm drain. N. Hills said it looks like the project was done well. F. Coulson said he has to be in compliance with E.P.A. Regulations by the 2006/2007 boat haul-out season. B. Hebbel asked if there were E.P.A. restrictions on what can be discharged into the stormwater drain system; W. Madden said he did not think that could happen because the water goes into a 300-gallon recycle tank. B. Hebbel said the sediment flows through 55-gallon drums of carbon. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously.

7:45 PM **ALEXANDER BINER** – Appointment for discussion with William F. Madden regarding widening the proposed garage (SE41-966). W. Madden said the change will put the work within the 30' no-build setback to the wetlands. B. Hebbel said he thinks the change is beneficial because the reconfigured driveway will be further from the wetlands. N. Hills said the flags need to be replaced. The garage will be 24' wide instead of 20' wide and will be built 3'-6" from the tennis court fence. S. Briggs said the wetland line can be permanently protected by constructing a stone wall or shrubbery with the garage construction. N. Hills said he might accept a wider garage, but not moving the garage 3' from the tennis court. W. Madden said that extra room is needed in order to dig the foundation. L. Dorman said he strongly recommends reflagging the wetland line. N. Hills asked W. Madden to stake where a 24' garage with a 3' setback from the tennis court would be, and another site inspection will be held. W. Madden said the Zoning Board of Appeals' hearing on this matter will be on September 29, 2007.

8:15 PM **JAMES DAVIDIAN** – Request for permission to extend the reconstructed boat launching ramp another 5' to compensate for the drop-off at the end of it (SE41-1074). L. Dorman moved to send a letter accepting the change without the need for a formal Amendment; B. Hebbel seconded; voted unanimously.

N. Hills drafted the **ISLAND WHARF ROAD LLC** Order of Conditions (SE41-1078). B. Hebbel suggested keeping a copy of the operating and maintenance manual in the Conservation Commission office, but after further discussion it was decided that would not be necessary if the manual was available in the equipment room at the site. L. Dorman moved to issue the Order as written; B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a Conditional Negative Determination for Boxes 2 and 3 to **ROBERT NISSEN** (41D-1324), with the following Conditions: (1) work may commence once approval is received from the Army Corps of Engineer for filling an area greater than 5,000 square feet; (2) the B.V.W. shall remain flagged during the filling operation; (3) there is a 50'-wide "no-touch" zone upland of the B.V.W. line; and (4) fill material must be clean fill (not brush, leaves, trash or building materials), free from contaminants (41D-1324). L. Dorman seconded the motion; voted unanimously.

L. Dorman moved to issue a Conditional Negative Determination for Boxes 2 and 3 to **RICHARD VIERA, JR.** (41D-1327), with the following Conditions: (1) if the area to be filled is greater than 5,000 square feet, work shall not commence until approval is received from the Army Corps of Engineers; and (2) fill material must be clean fill (not brush, leaves, trash or building materials) and must be free from contaminants. B. Hebbel seconded the motion; voted unanimously.

B. Hebbel moved to issue a Conditional Negative Determination for Boxes 2 and 3 to **BAKER STREET TRUST** (41D-1329), with the following Conditions: (1) concrete steps selected for replacement must be moved to above the coastal bank or taken off the site and disposed of property; (2) no fueling of equipment is allowed within the tidal zones; and (3) all equipment must be free of leaks and all hoses must be free from cuts, abrasions and/or defects. L. Dorman seconded the motion; voted unanimously.

Meeting adjourned at 9:00 PM.

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Diane R. Drake, Secretary

Approved January 16, 2008