

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 3, 2007

Members Present: Norman A. Hills, Chairman  
Sherman E. Briggs, Jr., Recording Secretary (absent from 7:00-7:23 PM)  
Bruce C. Hebbel, Member  
Lawrence B. Dorman, Member  
Horace S. Kenney, Jr., Associate Member (left at 8:00 PM)

Members Absent: Jeffrey W. Oakes, Vice Chairman  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Charlotte P. Sudduth, David Davignon, John Rockwell and Michael Moore

Meeting convened at 7:00 PM Wednesday, October 3, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 29, 2007 by N. Hills, J. Oakes, B. Hebbel and L. Dorman.

7:00 PM **MARK AND EILEEN EPSTEIN** – Appointment for discussion regarding discharge pipes at 6 Point Road (SE41-635). Their engineer has been unable to provide an analysis of the discharge due to the lack of rain and has asked for a continuation. The Commission agreed to discuss this at 7:20 PM on November 7, 2007.

7:05 PM **THE ESTATE OF EVERETT TENBROOK** – B. Hebbel moved to issue a fourth three-year Extension Permit for adding loam to a meadow and sand to a beach across from 192 Front Street (SE41-526); L. Dorman seconded; voted unanimously.

7:10 PM **CHARLOTTE SUDDUTH** - RFD (41D-1330) to install a force main sewer extension from Point Road to 522A Point Road, and connect five dwellings to the sewer line. Charlotte Sudduth was present and explained that T.J. Walker had installed a private sewer line down Point Road, and she purchased five sewer connections from him. Due to a technicality, the Board of Selectmen would not let her install the lines because her property was just after the Delano Road intersection, and the Selectmen had approved sewer lines only up to Delano Road. She brought the matter to court and was granted five sewer connections. The Order of Conditions (SE41-887) for installing the sewer connections has expired due to the above legal matters. The Provost house in her compound is for sale and has a failed system, which is why she needs to have this permit in effect. She said the road is now paved, but the sewer line will likely be installed down the center of the road. B. Hebbel said he would like the wetlands near the Provost house to be reflagged. N. Hills and B. Hebbel thought this work should be done under a Notice of Intent.

B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously. L. Dorman moved to issue a Positive Determination for Boxes 1, 2b and 3; N. Hills seconded; voted unanimously.

S. Briggs joined the meeting at 7:23 PM.

7:23 PM **CYNTHIA C. DYER** – RFD (41D-1331) to upgrade a septic system at 90 Point Road. David Davignon of N. Douglas Schneider and Associates represented Ms. Dyer. He said it is a routine septic system upgrade in a flood zone, which is why he submitted this filing. B. Hebbel moved to close the hearing; L. Dorman seconded; voted by majority with S. Briggs abstaining. N. Hills moved to issue a Negative Determination for Box #2; L. Dorman seconded; voted by majority with S. Briggs abstaining.

7:30 PM **EDWARD L. BARTHOLOMEW, JR.** – RFD (41D-1332) to upgrade a septic system at 48 Cove Circle, Piney Point. David Davignon represented Mr. Bartholomew and described the project. He said a portion of the work will be in the buffer zone to a bordering vegetated wetland. B. Hebbel asked what the gray discharge pipe leading into the wetlands was for; D. Davignon said it must be a sump pump because the basement is full of water. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously. L. Dorman moved to issue a Conditional Negative Determination for Box #3, with conditions that the sump pump discharge shall be redirected away from the wetlands, siltation fencing will be used, and work shall be done in accordance with the Plan of Record; B. Hebbel seconded; voted unanimously.

L. Dorman moved to issue a full certificate of compliance to **JAMES AND MARIE DAVIDIAN** for their floating dock system at 21 East Avenue, Planting Island (SE41-1005); B. Hebbel seconded; voted unanimously.

N. Hills left the table. B. Hebbel moved to issue a one-year extension permit to **NORMAN A. HILLS** for constructing a garage with a workshop addition and circular driveway at 680 Front Street (SE41-1015); L. Dorman seconded; voted unanimously. N. Hills returned to the table.

B. Hebbel moved to issue a duplicate original (partial) certificate of compliance to **ALBERT F. FORD II** for constructing a house and driveway at Lot 68B Wareham Street (the house was not built) (SE41-62); L. Dorman seconded; voted unanimously.

B. Hebbel moved to issue a duplicate original (invalid) certificate of compliance to **ALBERT F. FORD II** for constructing an addition and a covered deck at 369 Wareham Street (the work was not done) (SE41-533); L. Dorman seconded; voted unanimously.

7:40 PM **MICHAEL J. MOORE** – RFD (41D-1333) to upgrade a septic system at Ram Island. Dr. Moore was present with his engineer, David Davignon, who described the project. D. Davignon said the main house has seven bedrooms and this is a voluntary upgrade to nine bedrooms in order to service the smaller dwelling. D. Davignon said 80 cubic yards of sand is needed and will be delivered by helicopter from Nye's Wharf. Michael Murphy is the contractor. Dr. Moore said the well will be filled in. B. Hebbel moved to close the hearing; L. Dorman

seconded; voted unanimously. L. Dorman moved to issue a Negative Determination for Box #2; B. Hebbel seconded; voted unanimously.

7:50 PM ANTHONY CUCCHI – RFD (41D-1334) to verify the delineation of the bordering vegetated wetland line at 285 County Road. John Rockwell was present on behalf of the Open Space Committee. He explained that Anthony Cucchi is the Southeast Director of the Trustees of Reservations, which will buy this property and then sell the house and front part of it. The rest of the property will be bought by the Town of Marion as conservation land. L. Dorman moved to close the hearing and issue a Positive Determination for Boxes 1 and 2; B. Hebbel seconded; voted unanimously.

September 5, 2007 minutes were reviewed and unanimously accepted as amended on a motion by L. Dorman, seconded by B. Hebbel.

Steven Clark's enforcement order sent by certified mail, return receipt, for wetland violations at 711/713 Mill Street has been returned unopened (SE41-868). He did receive the enforcement order that had been sent by first class mail at the same time as the one sent by certified mail. A duplicate original enforcement order will be hand delivered by the Marion Police.

Meeting adjourned at 9:00 PM.

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Diane R. Drake, Secretary

Approved February 6, 2008