

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 7, 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: Woody Cammett, Keith Thompson, Bill Travers, Thomas McGuire, Will Saltonstall, Donald Wing, Marinus Vander Pol Jr., Christian Farland, Jenny Garcia, Ed Novakoff, Meg Howland, Steven and Sue Hurley, Rick Charon, Bronwen Cunningham, Jay Stroud, William F. Madden and Chip Garnet

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

7:00 PM N. Hills offered to draft the 2007 Annual Report which is due by January 11, 2008.

7:01 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. This hearing has been continued from September 19, 2007. The applicant is still working with the Planning Board on this project and has requested an indefinite continuation. L. Dorman moved to continue the hearing indefinitely; B. Hebbel seconded; voted unanimously.

7:02 PM **MASSACHUSETTS HIGHWAY DEPARTMENT** – RFD (41D-1338) to rehabilitate Route I-195 in Wareham beginning at the Marion Town Line, the Sippican River. Thomas McGuire was present with Bill Travers and described the project. He said that work will begin in the spring of 2008 and continue all summer IF funding falls into place. L. Dorman requested more detail of where the haybales and siltation fencing will be needed; T. McGuire said he will provide that. The State contract specifies no staging or refueling shall be done within a buffer zone. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM December 5, 2007; B. Hebbel seconded; voted unanimously.

7:10 PM **TABOR ACADEMY** – RFD (41D-1339) to construct a 3,856 square foot single-story addition to the Baxter House at 196 Front Street. Donald Wing and Marinus Vander Pol, Jr. were present on behalf of Tabor. Architect Will Saltonstall was also present and described the project. He said that although the building is in the velocity zone, there are several major structures and dwellings around it. Tabor will do the work which is estimated to cost \$306,200. The building is appraised at \$613,800 so the work will be in compliance with the 50% Rule. If the building were two stories, the cost would not comply with the 50% Rule, which is why a single-story addition is proposed. W. Saltonstall said there will be a crawlspace foundation wall south and west of the building. The crawlspace will have a mud slab with 50"-55" of headroom for piping. Five hundred yards of fill will be needed for the courtyard and toward the TenBrook property. L. Dorman was concerned that the estimated cost of the project is very close to the 50% Rule, and said it would be up to the Building Commissioner to approve the costs. L. Dorman moved to close the hearing; B. Hebbel seconded; voted by majority with S. Briggs abstaining.

7:26 PM **MARK AND EILEEN EPSTEIN** – Appointment for discussion regarding discharge pipes at 6 Point Road (SE41-635). This appointment was continued from the Commission's October 3, 2007 meeting due to the lack of discharge to be analyzed. Woody Cammett of Cammett Engineering represented Mark and Eileen Epstein. Jerry Garcia was present on behalf of Kittansett, Epstein's abutter, where the discharge pipes were placed. W. Cammett said the discharge pipes originate from sump pumps in the dwelling. N. Hills said there are no plans showing or approving the pipes. W. Cammett said the Epsteins bought the house in 1995 and the pipes were present at that time. N. Hills said the pipes must be removed from Kittansett's property and any discharge directed to drywells on Epstein's property. J. Garcia said Kittansett is concerned with discharge onto their property and would like the pipes to be removed and whatever discharge is coming from them to be tested. W. Cammett asked to verify that the drywell system will require a notice of intent filing; N. Hills said that is correct.

7:35 PM **BRONWEN CUNNINGHAM** – RFD (41D-1337) to level the lawn at 23 Cross Street (a.k.a. 23 Arrowhead Lane) by adding loam and seeding, and do landscaping (remove briars, add plantings). Bronwen Cunningham was present and said Doug Menard is the contractor. She would like to place rocks in the corner by the Hurley property to break wave action directed from the Hurley lot which is higher. She would like to add fill to prevent puddling. N. Hills said work has already been done right up to the wetland line, within the 15' no-touch zone, and he would like that area to revegetate naturally rather than be planted. She said the flagpole was installed five or six years ago. She would like to add loam to the left of the flagpole and in the back where the lilies were removed. N. Hills would like the site to be better staked or marked to show where the work is to be done. L. Dorman thought the landscaper could submit a plan of where and what is to be done, with no activity proposed in the 15' no-touch zone to the wetlands. Abutters Steven and Sue Hurley were present and said they are mostly aggravated by the clearing that had been done on their property. B. Hebbel said the disturbed area should be stabilized to prevent runoff into the marsh, because the next hearing isn't until December 5, 2007 which is beyond the growing season for this year. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM December 5, 2007; B. Hebbel seconded; voted unanimously.

7:55 PM **MARGARET B. HOWLAND** – RFD (41D-1340) to convert a deck at 21 Planting Island Road into a sunroom. Margaret Howland was present with her engineer,

Christian Farland of Thompson Merrill, who described the project. Two or three sono tubes will be required. L. Dorman moved to close the hearing; S. Briggs seconded; voted unanimously.

8:00 PM **PETER FRANCIS** – Appointment for discussion regarding minor revisions to his plan of record for constructing an addition and pool at 107 Cove Circle, Piney Point. Christian Farland and Will Saltonstall represented Mr. Francis and described the proposed changes which include an 8' x 12' pool shed for the pool equipment. N. Hills said the changes won't require another filing, and asked them to inform the abutters of the changes.

8:04 PM **EDWARD T. AND LISA J. NOVAKOFF** – NOI (D.E.P. file number not yet assigned) to raze and reconstruct the dwelling at 21 Holly Lane. Mr. Novakoff was present with his engineer, Richard Charon, who described the project. He said the wetlands are mainly phragmites. The foundation will be on concrete piers, not a foundation, because it is in the velocity zone. N. Hills questioned the wetland line; R. Charon said Robert Gray did the flagging. N. Hills said the amount of fill, the wetland line and how close the structure will be to the wetland line are of concern. R. Charon said the slab could be lowered a foot to 7.5' which would lessen the amount of fill. R. Charon did not know the percentage of the lot the house will occupy but will submit it at the next meeting. R. Charon said variances are necessary from the Zoning Board of Appeals. N. Hills suggested rotating the house to get it further from the wetlands. N. Hills would like a better definition of where the wetland line is. R. Charon offered to have Robert Gray meet with the Commission at the site. L. Dorman said a portion of the house (the slab) and deck are in the 30' no-build zone, and he would like to see details of the foundation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM December 5, 2007; B. Hebbel seconded; voted unanimously.

8:24 PM **ALEXANDER BINER** – Appointment for discussion regarding wetland violations that have taken place at 546 Point Road (SE41-925). William F. Madden of G.A.F. Engineering represented Mr. Biner and submitted a plan showing the substantial amount of fill that has been placed in the wetlands. Due to the difficulty of moving the utilities, he said it would be preferable to leave them in place. S. Briggs said 6"-12" of fill has been placed in the replication area on the right side of the driveway. S. Briggs suggested adding onto the replication area to make up for the filling elsewhere on the lot. W. Madden said Mr. Biner will be back from Switzerland at the end of November, and he will discuss the proposed remediation with him at that time. Discussion will continue at 7:10 PM December 5, 2007.

BARBARA T. DECOSTA'S request for a three-year extension permit for extending a driveway at 2 Washburn Park Road was discussed (SE41-1019). S. Briggs said he spoke with the Owner, and the Owner now knows what needs to be done with respect to the replication area. N. Hills moved to issue a three-year extension permit with a cover letter expressing concern with the replication area which needs to be finalized; B. Hebbel seconded; voted unanimously.

RICHARD CORLISS' request for a certificate of compliance for his replication area at 51 Dexter Road, Dexter Beach, was discussed (SE41-996). The Commission Members said the replication area looks more like a flower and vegetable garden. N. Hills moved to deny issuance of a certificate of compliance at this time due to the lack of wetland plants in the replication area;

B. Hebbel seconded; voted unanimously. D. Drake will ask Mr. Corliss to contact B. Hebbel to determine what he needs to plant in place of the vegetables and flowers.

The **MATTAPOISETT RIVER VALLEY WATER DISTRICT** (railroad grade water main project) was discussed (SE41-1051). The Applicant had requested permission to remove the haybales and siltation fencing. N. Hills said he inspected the site and is concerned with the boulders that have been placed in wetlands. N. Hills had drafted a letter to the Applicant regarding the boulders. L. Dorman moved to send the letter as amended; B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a negative determination for box #3 to **MARGARET B. HOWLAND** for converting a deck at 21 Planting Island Road into a sunroom (41D-1340); S. Briggs seconded; voted unanimously.

B. Hebbel moved to issue a negative determination for box #2 to **TABOR ACADEMY** for constructing an addition to the Baxter House at 196 Front Street (41D-1339); L. Dorman seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 9:25 PM.

Diane R. Drake, Secretary

Approved February 6, 2008