

FINAL

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

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Bruce C. Hebbel, Member
Lawrence B. Dorman, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Christian Farland, Jeffrey Osborn, Will Saltonstall, Joe Ricci, Peter Turowski, Richard Charon, Susan Nilson, Jessica Whittaker, William F. Madden and John Ludes

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

7:00 PM **LUDES FAMILY PARTNERSHIP (JOHN T. LUDES)** - RFD (41D-1342) to repair the foundation of the structure at 11 Hiller Street and add new footings for a future deck structure. Mr. Ludes was present with his architect, Will Saltonstall, who described the history of the building and the proposed work. W. Saltonstall said the building is noncompliant because the first floor is only at approximately nine feet mean sea level in a velocity zone. He said the first floor will be office space and the second floor will be apartment(s). W. Saltonstall said the pier structure will meet velocity zone structural requirements. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:10 PM **ROSEN POINT FAMILY LIMITED PARTNERSHIP (GERALD ROSEN)** - RFD (41D-1343) to add three small additions, an elevator addition, extend the deck, install a drywell, etc. at 94 Piney Point Road. Mr. Rosen was represented by Christian Farland of Thompson Merrill (the engineer), Joe Ricci (the contractor) and Peter Turowski (the architect). C. Farland described the project. He said all additions will be above the velocity zone except for the elevator. J. Oakes said he questioned the accuracy of the wetland line, but it will suffice for this filing. N. Hills and J. Oakes said extensive vista pruning has taken place at this site and the cut area needs to grow back to waist high. N. Hills questioned the substantial walls; the architect said some of that was allowed seven years ago. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

7:20 PM **BROADVIEW TRUST (HAFFENREFFER)** – NOI (SE41-1082) to upgrade the septic systems at 83 Moorings Road. Richard Charon of Charon Engineering represented the Trust and said this filing addresses two of the three systems on the property. He said the closest system is 60 feet to the coastal bank. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:28 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) (continued from December 5, 2007). The Applicant's surveyor, Dennis Seguin, by telephone explained that he has a scheduling conflict tonight and asked the Commission to continue the hearing. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:10 PM January 2, 2008; J. Oakes seconded; voted unanimously.

7:30 PM **TOWN OF MARION – CONSERVATION RESTRICTION** – Jessica Harris of the Sippican Lands Trust described the parcel which is 28 acres abutting the railroad grade, of which 23 acres are wetlands. On a motion duly made and seconded, it was unanimously voted to sign the conservation restriction.

7:32 PM **DAVID D. CROLL** – NOI (SE41-1084) to add beach nourishment above the mean high water line at 10 Lewis Street. J. Oakes left the room. Susan Nilson of CLE Engineering represented Mr. Croll and described the project. She said 134 cubic yards of sand is needed along the 274 foot waterline. She said a bobcat will bring the sand to the shore and spread it. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:37 PM **WILLIAM E. WEBER** – Amendment to an order of conditions (SE41-1047) to reconstruct the seawall, as well as the pier, ramp and float at 173 Front Street. J. Oakes remained out of the room. Mr. Weber was present with his engineer, Susan Nilson. She said a footing is necessary because the wall is beginning to deteriorate. She said the wall will be removed and taken away, and a new wall will be built in its place. Work will be done in the spring by a mini-backhoe and should take one week to complete. The Harbormaster had commented that the proposed lighting should not shine out at the water, and he would like the sea grass against the wall to be protected from harm. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes returned to the table.

7:48 PM **ALEXANDER BINER** – Appointment for discussion regarding remediation for wetlands that were filled at 546 Point Road (SE41-925) (continued from December 5, 2007). William F. Madden of G.A.F. Engineering represented Mr. Biner and submitted an as-built drawing from years ago. He proposed to remove the illegal fill and allow the vegetation to grow back naturally. He said this is not a final plan, but he will prepare a final plan if the Commission approves the remediation measures. J. Oakes said he would prefer a better restoration effect than just allowing a wet meadow to grow. He said he would like to view the site again to check the delineation of the two small replication areas. When the ground thaws he would like to take soil samples to see how much fill has been added. W. Madden said he will prepare a full-blown plan for the replication. Another site inspection in the spring will be necessary.

The Commission discussed **ROGER AND HANNE REISER'S** request for a certificate of compliance for removing a swimming pool at 43 Piney Point Road, constructing a new swimming pool, a terrace and to landscaping (SE41-1050). Christian Farland of Thompson Merrill was present with the landscaper, Jeffrey Osborne, to answer any questions the Commission might have about this project. J. Osborne explained that the existing retaining wall by the pool shed remained, so the proposed new wall was not necessary and not built. B. Hebbel moved to issue a full certificate of compliance; L. Dorman seconded; voted unanimously.

J. Oakes moved to issue a negative determination for box #2 to the **LUDES FAMILY PARTNERSHIP (JOHN T. LUDES)** (41D-1342) for repairing the foundation of the structure at 11 Hiller Street and adding footings for a future deck structure; B. Hebbel seconded; voted unanimously.

J. Oakes moved to issue a conditional negative determination for boxes 2 and 3 to the **ROSEN POINT FAMILY LIMITED PARTNERSHIP (GERALD ROSEN)** (41D-1343) for adding three small additions, an elevator addition, extending the deck, installing a drywall, etc. at 94 Piney Point Road, with a condition that the wetland line shown on the plan is accepted for this project only; B. Hebbel seconded; voted unanimously.

J. Oakes drafted the order of conditions for the **BROADVIEW TRUST (HAFFENREFFER)** (SE41-1082) to upgrade septic systems at 83 Moorings Road. B. Hebbel moved to issue the order as written; L. Dorman seconded; voted unanimously.

B. Hebbel drafted the order of conditions for **DAVID D. CROLL** (SE41-1084) to add sand above the mean high water line at 10 Lewis Street, and moved to issue it as written; L. Dorman seconded; voted by majority with J. Oakes abstaining.

L. Dorman drafted and moved to issue the amended order of conditions for **WILLIAM E. WEBER** (SE41-1047) to reconstruct the seawall, as well as the pier, ramp and float at 173 Front Street; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved February 6, 2008