

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 16, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Bruce C. Hebbel, Member (absent from 7:00 PM-7:15 PM)
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: David Davignon, Eric Rochon, Francis Ledwith, Clara Batchelor,
Timothy Lynch, Gary Cox, Jerry Garcia and Albin Johnson

Meeting convened at 7:00 PM Wednesday, January 16, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 12, 2008 by B. Hebbel, and on Sunday, January 13, 2008 by N. Hills.

7:00 PM **FRANCIS G. LEDWITH** - NOI (SE41-1085) to construct a pier, ramp, float, landing pad and transition ramp at 384 Delano Road. Francis Ledwith was present with his engineer, David Davignon of N. Douglas Schneider & Associates, Inc. D. Davignon described the project and said the wetlands were flagged in October of 2006 by LEC Environmental. N. Hills noted the mowed paths along the salt marsh. F. Ledwith said the previous owners of the property mowed along the stone wall. N. Hills said the stone wall is not shown on the plan; F. Ledwith said the stone wall is 60' from the neighbor's pier. D. Davignon said the boat house that is shown on the plan has been removed and will not be replaced. N. Hills said the site is confusing because there are orange and blue flags, structures that aren't shown on the plan, and structures that are shown on the plan but aren't there. D. Davignon said he can stake out the footprint of the pier and reset flags one through five, plus salt marsh flags. He said 38' of marsh will be spanned. D. Davignon said the Harbormaster's only issue is the size of the boats that will be using the float due to low water there. F. Ledwith said he would be agreeable to a 16' maximum length boat. N. Hills said the Division of Marine Fisheries wants a MESA filing; D. Davignon said the MESA filing was mailed today. B. Hebbel joined the meeting at 7:15 PM. Another site inspection will be held on February 2, 2008. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:20 PM February 6, 2008; L. Dorman seconded; voted unanimously.

7:25 PM **DR. MARTHA STARK** – Amendment to an Order of Conditions (SE41-1061) to expand the scope of work to include construction of a platform deck (after-the-fact filing), reshape the driveway, landscaping, and install a 6' privacy fence at 4 West Avenue, Planting Island. David

Davignon represented Dr. Stark. Abutter Timothy Lynch was allowed to sit at the table. D. Davignon explained the proposed changes and said the deck was attached to 4'-deep concrete sono tubes. He said the proposed 6' white vinyl fence along the road and property line is for privacy and security. N. Hills suggested leaving a space below the new fence to allow water to flow through. D. Davignon said the landscape architect proposes removing any trees that are dead between the site and abutter T. Lynch. N. Hills though another site visit with the landscape architect, Susannah Davis, should be held. It was agreed that Dr. Stark's site will be the first one held on February 2, 2008. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM February 6, 2008; J. Oakes seconded; voted unanimously.

7:40 PM **JOHN O'LEARY** – RFD (41D-1344) to construct a deck, a terrace, a detached garage, adjust the driveway footprint and add lights along the pathway to the pier at 81 Cove Circle, Piney Point. Architect Eric Rochon of Albert Righter & Tittmann Architects, and landscape architect Clara Batchelor were present on behalf of J. O'Leary. E. Rochon said the new patio will be bluestone on a sand base and is landward of the existing seawall. He said the lights were chosen based on the Harbormaster's requirement that they not shine toward the water. He said the garage will be slab on grade, with storage above, not living space. B. Hebbel said the 18"-20"-wide trench for lighting to the pier will go through wetlands, and perhaps a Notice of Intent should be filed. J. Oakes said those trenches are usually done with a ditch witch with minimal disturbance. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:50 PM **1997 QUALIFIED PERSONAL RESIDENCE TRUST (MARK EPSTEIN)** – Appointment for discussion regarding expanding the proposed family room addition at 6 Point Road. J. Oakes left the room. David Davignon was present on behalf of Mark Epstein. Jerry Garcia was present on behalf of the abutter, The Kittansett Club. D. Davignon described the history of the project. J. Garcia said the Building Department/Board of Health has issued a stop work order for this addition until issues with the carriage house's unauthorized apartment are settled. J. Garcia said the former wood deck is now a part of the structure, and the new wood deck is only four feet from Kittansett's property line. D. Davignon said he is not here for the other issues, just this addition, and if the Board of Health determines that the septic system needs to be upgraded, he will come before the Commission again for that. L. Dorman said the stop work order is a Board of Health and Building Department issue, not a Conservation Commission issue. A letter was drafted accepting the larger addition; B. Hebbel suggested amending the letter to accept just the addition portion of the plan, as the driveway may not be as shown on the plan. B. Hebbel moved to send the letter as amended; L. Dorman seconded; voted unanimously. J. Oakes returned to the room.

8:20 PM J. Oakes moved to issue a conditional negative determination for boxes 2 and 3 to **JOHN O'LEARY** with a condition that the trenching work is to be completed in one day; L. Dorman seconded; voted unanimously (41D-1344).

The Commission discussed **EDWARD J. BANCROFT'S** request for a certificate of compliance for extending a lawn and replicating filled wetlands at 28 Bullivant Farm Road (SE41-954). B. Hebbel and N. Hills viewed the site. N. Hills said the proposed vegetation in the 15' no-touch zone has not been planted, and the boat should be moved upland, out of that zone. On a motion duly made and seconded, it was unanimously voted to hold off issuing a certificate of compliance at this time because the project does not comply with Special Condition #16 of

Appendix A of the order of conditions – the plants in the 15' no-touch zone are neither continuous nor dense; voted unanimously. A letter will be sent to Mr. Bancroft explaining what he needs to do to be in compliance.

September 19, 2007 minutes were reviewed. L. Dorman moved to accept them as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

N. Hills said he would like to add Francis Farrell's new home construction project at the end of Cranberry Way (SE41-1052) to be added to the next site inspections, because the turn-around seems to be much larger than shown on the plan of record, and the berm that was supposed to be untouched appears to have been altered. D. Drake explained that Donna DiBona bought the property from F. Farrell and is constructing the house.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved February 6, 2008