

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 6, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Bruce C. Hebbel, Member
Joel D. Hartley, Associate Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Lawrence B. Dorman, Member
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Jerry Garcia, David Davignon, David Koshiol, Francis G. Ledwith,
Susannah Davis and Lil Province

Meeting convened at 7:00 PM Wednesday, February 6, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 2, 2008 by N. Hills, J. Oakes, L. Dorman and B. Hebbel.

7:00 PM **1997 QUALIFIED PERSONAL RESIDENCE TRUST (MARK EPSTEIN)** - NOI (SE 041-1086) to remove and relocate two existing sump pump drainage pipes to a new recharge leaching trench at 6 Point Road. J. Oakes left the room. David Davignon of N. Douglas Schneider and Associates represented Mark Epstein and described the proposed work. N. Hills recommended a check valve be installed to prevent backflow during storm events; D. Davignon said that is a very good idea. N. Hills asked D. Davignon if he knew anything about the elevation 9.5' seawall shown on the plan, because it looks like it has been added to by 8"-10"; D. Davignon said 9.5' was the top of the seawall according to the survey done November 7-16, 2007, and he is not aware of any recent work on the seawall. Jerry Garcia was present on behalf of the abutter, the Kittansett Club, and said the discharge from the drainage pipes was never analyzed, as required by the Conservation Commission, and the leaching field will be very close to Kittansett's property. He said this plan is different from the plan for the addition, i.e. the vent pipe on Kittansett's property was not shown on the last plan, the possible seawall work, etc. D. Davignon said he has discussed that vent with the Epsteins, and it doesn't come from the pump chamber; he said it may be for the leaching fields which are in tandem. He said it can be relocated 40' northerly to get it off of Kittansett's property. N. Hills said that should be discussed with the Board of Health. N. Hills said he would like to know if there is an oil tank in the basement; D. Davignon said he will look into that. D. Davignon asked to have the vent pipe removal addressed in this Order of Conditions. B. Hebbel said he would prefer the Board of Health to make their decision about it before the Conservation Commission approves its removal/relocation. N. Hills moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes returned to the room.

7:20 PM **DAVID KOSHIOL** – RFD (41D-1345) to construct a 16' x 16' addition at 11 Blackhall Court, and extend the deck and stairs 4-1/2' to match the addition. David Koshiol was present. This is an addition in a flood zone, with a very small part of it in the buffer zone to wetlands. The Commission Members would like a siltation fence or hay bale line installed 15' from the construction, across the lot where the construction will be. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:30 PM **FRANCIS G. LEDWITH** – NOI (SE 041-1085) to construct a pier, ramp, float, landing pad and transition ramp at 384 Delano Road (continued from January 16, 2008). Francis Ledwith was present with his engineer, David Davignon. Another site inspection had been held. D. Davignon said Flags 1-5 and saltmarsh flags 1-4 had been replaced, and stakes had been added to mark the pier location. D. Davignon said the Harbormaster approved a 15-1/2' Boston Whaler-type boat. D. Davignon said when the pier is finished, the Harbormaster will decide whether or not channel markers will be needed to show the path Mr. Ledwith should use to and from the float to protect the eelgrass beds. D. Davignon said he submitted the project to the U.S. Army Corps of Engineers six weeks ago, and they have no concerns with it. B. Hebbel moved to close the hearing; J. Hartley seconded; voted unanimously.

7:36 PM **DR. MARTHA STARK** – Amendment to an order of conditions (SE 041-1061) for the following work at 4 West Avenue, Planting Island: reconstruct a seawall, convert a gravel driveway into lawn, and construct a circular gravel driveway. The amendment is to reshape the driveway and expand the scope of work to include constructing ground-level deck areas, landscaping, and the installation of a 6'-high privacy fence (continued from January 16, 2008). David Davignon and landscape architect Susannah Davis were present on behalf of Dr. Stark. Another site inspection had been held with S. Davis. D. Davignon said there will be a maximum gap of 6" under the fence to allow water to flow under it. J. Oakes said the site visit clarified all of his questions. D. Davignon said the fence will be installed along the road and down the property line between this property and the abutting Timothy Lynch property, but Dr. Stark is not sure how long it will be. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:45 PM **JOHN A. WHITTEMORE** – NOI (D.E.P. file number not assigned yet) for pier improvements at 51 East Avenue, Planting Island. Improvements include affixing the 37' aluminum gangway to the timber walkway, replacing the 15' x 6' float with a 12' x 3' pile-supported aluminum section, and re-driving the piles for better alignment. Due to the lack of a file number, Mr. Whittemore's engineer, Susan Nilson of CLE Engineering, Inc., by telephone requested a continuation to the Commission's next meeting. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:30 PM February 20, 2008; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Discussion followed regarding Mark Epstein's **1997 QUALIFIED PERSONAL RESIDENCE TRUST** project (SE 041-1086) for removing and relocating two existing sump pump

drainage pipes to a new recharge leaching trench at 6 Point Road. Everyone agreed that the seawall definitely has been built up 8"-10" recently without a permit. N. Hills drafted the order of conditions and moved to issue it as written; J. Hartley seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

J. Oakes drafted **DAVID KOSHIOL**'s determination of applicability (41D-1345) for constructing a 16' x 16' addition at 11 Blackhall Court, and extending the deck and stairs 4-1/2' to match the addition. B. Hebbel moved to issue a conditional negative determination for Boxes 2 and 3 with conditions that the siltation fence or haybale line shall be installed 20' from the proposed foundation wall, and all work shall be done in compliance with the most recent flood plain regulations; N. Hills seconded; voted unanimously.

J. Hartley left the building at 8:00 PM.

J. Oakes drafted **DR. MARTHA STARK**'s amended order of conditions (SE 041-1061) to reshape the driveway and expand the scope of work to include constructing ground-level deck areas, landscaping, and the installation of a 6'-high privacy fence. B. Hebbel moved to issue it as written; N. Hills seconded; voted unanimously.

B. Hebbel drafted the order of conditions (SE 041-1085) for **FRANCIS G. LEDWITH**'s proposed pier, ramp, float, landing pad and transition ramp at 384 Delano Road, and moved to issue it as written; J. Oakes seconded; voted unanimously.

J. Oakes moved to issue a one-year extension permit to **ZORA ENTERPRISES, INC.** for constructing a driveway at 39 Giffords Corner Road, installing utilities, and placing a dwelling with an addition and a garage on the site (SE 041-949), with a cover letter approving lines of boulders instead of split-rail fencing, crushed shells on the driveway instead of gravel, asking them to lower the culvert by six inches (minimum) and re-establish and the siltation fencing. B. Hebbel seconded the motion; voted unanimously.

B. Hebbel said he did speak with Richard Corliss regarding the replication area at 51 Dexter Road (SE 041-996). Mr. Corliss had requested a Certificate of Compliance but the replication area resembled a vegetable garden at the time. B. Hebbel advised Mr. Corliss to plant more rosa rugosa and bayberry.

Proposed forest cutting plans at Howland Marsh, off Point Road, for Margaret Howland's Lot 17 (41D-375) and Jonathan Howland's Lot 19 (SE 041-1043) were discussed. The plans were sent to the Commission as a courtesy; no action is required. A letter will be sent to each of them, thanking them for providing a copy of their plans to the Commission, and asking them to send a copy of the approved plans before starting the proposed work.

B. Hebbel moved to ratify the amended fiscal year 2009 operating budget, which had been reduced by 10% at the request of the Town Treasurer; J. Oakes seconded; voted unanimously.

N. Hills moved to accept the following minutes as written: October 3, 2007, October 17, 2007, and January 16, 2008; and the following minutes as amended: November 7, 2007, December 5, 2007, December 19, 2007, and January 2, 2008; B. Hebbel seconded; voted unanimously.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved February 20, 2008