

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 20, 2008

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: Joseph Feeney, David Davignon, Jeffrey Osborn, Frederick Coulson  
and Susan Nilson

Meeting convened at 7:00 PM Wednesday, February 20, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 16, 2008 by N. Hills and J. Oakes.

7:00 PM **96 MOORINGS ROAD NOMINEE TRUST**, c/o William and Deborah Elfers - NOI (D.E.P. file number not yet assigned) to reconstruct a seawall and add beach nourishment at 96 Moorings Road. David Davignon of N. Douglas Schneider & Associates represented Mr. and Mrs. Elfers and described the project. He said the work will be done in two phases – Phase I, the north end, will be done this summer and Phase 2, the south end, will be done next year. Sixty cubic yards of sand are proposed for the new beach. J. Oakes questioned whether sand can be placed on a rocky intertidal shore, and suggested moving the stairs and putting the sand in that area, because he does not think it will stay where it is proposed over a winter. Due to the lack of a file number and the above issues, L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM March 5, 2008; J. Oakes seconded; voted unanimously.

7:12 PM **CHAD AND GINA MCLEOD** – NOI (D.E.P. file number not yet assigned) to construct an 18' x 30' addition to the dwelling at 44 Oakdale Avenue. Due to the lack of a file number, Mr. and Mrs. Mcleod's engineer, Brian Grady of G.A.F. Engineering, Inc., by letter had requested a continuation of the hearing. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:30 PM March 5, 2008; J. Oakes seconded; voted unanimously.

The February 6, 2008 Conservation Commission minutes were reviewed. J. Oakes moved to accept the minutes as written; B. Hebbel seconded; voted unanimously.

**WARREN C. SMITH, JR.** had requested a second three-year extension permit for adding beach sand at 125 Allens Point Road (SE 041-955). Mr. Smith's groundskeeper, Jeffrey Osborn, was present to answer any questions the Commission Members might have regarding this project. J. Oakes moved to issue a second three-year extension permit for adding beach sand; L. Dorman seconded; voted unanimously.

**ISLAND WHARF ROAD LLC** (Barden's Boat Yard) had requested a certificate of compliance for their project to construct a concrete washdown area at 2 Island Wharf Road (SE 041-1078). J. Oakes left the room. Frederick Coulson was present to answer any questions the Commission Members might have regarding this project. L. Dorman moved to issue a full certificate of compliance; B. Hebbel seconded; voted unanimously. J. Oakes returned to the table.

7:21 PM **JOSEPH FEENEY, JR.** – RFD (41D-1346) to construct a two-story open wood-frame porch on the east side of the dwelling at 270-B Delano Road. Joseph Feeney, Jr. was present and said the berm will be removed and a foundation will be built. He said he preferred pilings with a rock face. J. Oakes said erosion might not be an issue due to the "lip." B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

7:30 PM **JOHN A. WHITTEMORE** – NOI (SE 041-1087) for pier improvements at 51 East Avenue, Planting Island. J. Oakes left the room. 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 redriving piles for better alignment. This hearing was continued from February 6, 2007 due to the lack of a D.E.P. file number. Susan Nilson of CLE Engineering, Inc. represented Mr. Whittemore and said the legal advertisement is accurate. She said this modification was reviewed by the Planning Board two months ago and they will not require further permits. B. Hebbel was concerned that the float might be hauled over the eelgrass; S. Nilson said that would not be possible over the seawall, and Mr. Whittemore will likely use the boat ramp. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously. J. Oakes returned to the table.

J. Oakes moved to issue a conditional negative determination for **JOSEPH F. FEENEY, JR.'s** proposed porch addition at 270-B Delano Road (41D-1346), with a condition that cement mixers are not to be washed on site; L. Dorman seconded; voted unanimously.

The **TOWN OF MARION** had requested a certificate of compliance for the storm water bio-retention project at Island Wharf Road (SE 041-1028). John Rockwell of the Buzzards Bay Project had viewed the site with N. Hills and J. Oakes on February 16, 2008 and clarified the areas of concern that the project might not be functioning correctly. L. Dorman said the project is fundamentally in compliance, but there is some erosion and sand that needs maintenance. B. Hebbel said he would like to visit the site and check the manholes before issuing a certificate of compliance. Another site inspection will be held on March 1, 2008, and the certificate will be discussed at the Commission's March 5, 2008 meeting.

J. Oakes moved to issue a three-year extension permit to **JEREMY AND WENDY STERN** for constructing a pier, gangway and float at 93B Piney Point Road (SE 041-1025); B. Hebbel seconded; voted unanimously.

Edward Burke of D.E.P.'s Enforcement Division had asked the Commission to check on a complaint he received regarding site work taking place at 194 Spring Street, beside The Wave Restaurant (41D-1087). N. Hills said Baldwin Brothers is constructing their new office building there. N. Hills said he and J. Oakes visited the site and did not see any problems. However, The Wave Restaurant next door has recently dumped piles of fill in the back of The Wave's parking lot, possibly in the buffer zone to wetlands.

N. Hills drafted the order of conditions (SE 041-1087) to **John Whittemore** for pier improvements at 51 East Avenue, Planting Island. L. Dorman moved to issue it as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

Meeting adjourned at 8:05 PM.

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Diane R. Drake, Secretary

Approved April 16, 2008