

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 5, 2008

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

Meeting convened at 7:00 PM Wednesday, March 5, 2008 in the Town Administrator's office of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 1, 2008 by J. Oakes and B. Hebbel.

7:00 PM **MARION LANDS TRUST, C/O DAVID CROLL** - RFD (41D-1347) to strip parking spaces at 369 Wareham Street, add three parking spaces, and loam and seed the disturbed areas. Christian Farland of Thompson Merrill represented Mr. Croll and said the work will be at least 50' from the closest wetland line. He explained that the "disturbed areas" are on the other side of the sidewalk which is already loam and just need to be seeded. N. Hills questioned whether the pavement runoff would run into the wetlands; B. Hebbel did not think the additional area of pavement was significant. C. Farland said Mr. Croll intends to landscape the site. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously. L. Dorman moved to issue a negative determination for boxes 2 and 3 with conditions that non-thermal plastic paint be used for the parking lines and no salt shall be used on the pavement; J. Oakes seconded; voted unanimously.

7:10 PM **MARION LANDS TRUST, C/O DAVID CROLL** – Appointment for discussion regarding unauthorized clearing at 369/371 Wareham Street (SE 041-1064). Christian Farland represented David Croll who was unable to attend the meeting tonight. C. Farland said the landscaping work done by Alexander Race will never be done again. J. Oakes said grubbing was not done, so the roots and stems still there should revegetate. N. Hills said flags D5 to 22 in the cleared area have disappeared and should be replaced with stakes or beanpoles, or preferably with rebar stakes which will not disappear. C. Farland asked the Commission to consider the installation of a fence instead of rebar, but because the line is so jagged a fence might not work. B. Hebbel drafted a letter to Mr. Croll regarding the placement of rebar markers along the wetland line and moved to send it as written; N. Hills seconded; voted unanimously.

ERNEST YEAW – Appointment for discussion regarding a proposed minor footprint change (14 square feet) to the overhang of his new dwelling at 26 Doran Way, Dexter Beach (SE 041-1075). Christian Farland explained that the presently-approved design for the overhang won't work structurally. L. Dorman moved to send a letter to Mr. Yeaw approving his request without the need for a formal amendment to the order of conditions; B. Hebbel seconded; voted unanimously.

7:22 PM **THOMAS STEMBERG** – RFD (41D-1348) to upgrade a sewage disposal system at 114 Point Road. Christian Farland represented Mr. Stemberg and described the proposed work. He said there is an isolated wetland between the house and Point Road that is not protected, but a portion of the work will take place in the buffer zone to the coastal bank. He said the system will be four to five feet above ground and is sized for seven bedrooms. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously. B. Hebbel moved to issue a negative determination for boxes 2 and 3; L. Dorman seconded; voted unanimously.

7:32 PM **BARDEN'S BOAT YARD, INC.** – NOI (D.E.P. file number not assigned yet) to pave two gravel boat storage areas at 2 Island Wharf Road, install a second 1,000 gallon fuel tank, and upgrade the drainage systems. Due to the lack of a file number, Mr. Coulson's engineer, by letter, had requested the hearing be continued. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:20 PM on March 19, 2008; L. Dorman seconded; voted unanimously.

7:34 PM **CHAD AND GINA MCLEOD** – NOI (SE 041-1088) to construct an 18' by 30' addition to the dwelling at 44 Oakdale Avenue (continued from February 20, 2008). Brian Grady of G.A.F. Engineering represented the Mcleods and described the project which is in the flood plain. He said there will not be a foundation under the addition in order to keep the project cost (\$43,000.00) below fifty percent of the assessed value of the building, as required by the "50% Rule." B. Hebbel moved to close the hearing; N. Hills seconded; voted unanimously. L. Dorman drafted their order of conditions and moved to issue it as written; N. Hills seconded; voted unanimously.

7:40 PM **96 MOORINGS ROAD NOMINEE TRUST, C/O WILLIAM AND DEBORAH ELFERS** – NOI (SE 041-1089) to reconstruct a seawall and add beach nourishment at 96 Moorings Road (continued from February 20, 2008). David Davignon of N. Douglas Schneider and Associates, Inc. represented Mr. and Mrs. Elfers and said this hearing was continued due to the lack of a file number and to determine whether beach nourishment is allowed in a tidal zone. D. Davignon said the file number has been assigned, and submitted a letter from LEC Environmental stating they do not consider the area to be a tidal zone, so the sand will not extend below the high tide line. D. Davignon showed a sample of the existing sand and said 6" cobbles or less will be kept in place, and the sand will be placed over it so that if the sand does migrate, the shore will return to its previous condition. He said the Division of Marine Fisheries had submitted a comment letter, which he responded to. The Harbormaster's comments were that the reconstructed seawall should not extend any further to the shore than it presently does, and he does not think the sand will stay there. D. Davignon suggested the toe line of the existing wall be staked so that it will be reconstructed in the same location. The work will be done between September 2008 and April 2009. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously. N. Hills drafted

the order of conditions. B. Hebbel moved to issue the order as written; J. Oakes seconded; voted unanimously.

The **TOWN OF MARION** has requested a certificate of compliance for their Island Wharf storm water bio-retention project (SE 041-1028). J. Oakes would prefer to hold off issuing the certificate at this time, and send a letter to the Town Administrator explaining that the erosion needs to be repaired and the ends of the manifold need to be jet cleaned. N. Hills drafted a letter to the Town Administrator regarding a certificate of compliance for the Island Wharf drainage basins. J. Oakes moved to send the letter as written; N. Hills seconded; voted unanimously.

L. Dorman moved to issue a full certificate of compliance to **ZORA ENTERPRISES** for their new dwelling at 24 Olde Sheepfield Road (SE 041-986); J. Oakes seconded; voted unanimously.

B. Hebbel moved to issue a duplicate original certificate of compliance to **ELEANOR H. PETERSON** for upgrading a septic system and constructing a new driveway at 17 Nokomis Road (SE 041-867); L. Dorman seconded; voted unanimously.

B. Hebbel moved to issue a second three-year extension permit to **THE DEXTER BEACH IMPROVEMENT ASSOCIATION** for eradicating phragmites at Beach/Dinghy Road, Dexter Beach (SE 041-962); L. Dorman seconded; voted by majority with J. Oakes abstaining.

J. Oakes said he noticed a bobcat working at 15 Olde Logging Road while he was in that area inspecting a separate site. The file was reviewed and there does not appear to be any violations (SE 041-979).

A complaint had been received regarding drainage issues at Cove's End Road due to extensive clearing and grading of **FRANK LINHARES**'s property which abuts Cove's End Road. J. Oakes drafted a letter to Frank Linhares regarding this issue (SE 041-1, SE 041-358, SE 041-978). B. Hebbel moved to send the letter as written; L. Dorman seconded; voted unanimously. A copy of the letter will also be sent to Matthew Silva and Sylvia's-On-The-Level.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved May 7, 2008