

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 19, 2008

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

Members Absent: Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Mark Manganello, Christian Farland, Susan Nilson, Frederick Coulson,
Steven Clark, Sherry Bernier, John Beech, Steve and Sue Hurley.

Meeting convened at 7:00 PM Wednesday, March 19, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 15, 2008 by N. Hills and B. Hebbel.

7:00 PM **ANDREW KOTSATOS** – NOI (SE 041-1091) to raze the dwelling at 196 Point Road and construct a new dwelling with an attached garage, a deck, porches, a patio and a pool in its place. Christian Farland of Thompson Merrill represented Mr. Kotsatos and described the project. He said the new house will also be one story. N. Hills said the whole project is moving closer to the coastal bank, not further away, and asked C. Farland if there was a reason why everything can't be pushed back another 20 feet? There is no compelling argument to move the house closer to the coastal bank. C. Farland said the new dwelling is proposed 50' from the coastal bank because the owner would like a better water view. L. Dorman said all the work will be outside the 30 foot buffer zone to the coastal bank. B. Hebbel suggested that the house could be moved back slightly so that just the pool would be in the buffer zone. C. Farland said he did not think moving the house back 20 feet would make much of a difference, and would like to consult with the owner to discuss alternatives. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:10 PM April 2, 2008; B. Hebbel seconded; voted unanimously.

7:20 PM **MARION LANDS TRUST, C/O DAVID CROLL** – Appointment for discussion regarding alternative wetland delineation markers at 369/371 Wareham Street (SE 041-1064). Christian Farland explained that David Croll is worried about the safety and liability of having two feet of rebar above ground at each wetland flag, as required by the Conservation Commission. He would prefer reducing the rebar height and capping them with yellow tags, with a maximum of four inches showing above ground. A wooden stake will accompany each rebar stake. The Commission approved Mr. Croll's request.

7:22 PM **DOLA STEMBERG** – NOI (SE 041-1092) for landscaping, reconfiguring an existing driveway and other appurtenances associated with the dwelling at 99 Moorings Road. Mark Manganello of LEC Consultants represented Ms. Stenberg and described the project. He said the proposed work will decrease the present amount of impervious surface. Siltation fences are proposed to prevent any runoff. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:25 PM **BARDEN'S BOAT YARD, INC.** – NOI (SE 041-1090) 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 (continued from March 5, 2008). Frederick Coulson was present with his engineer, Susan Nilson of CLE Engineering, Inc. S. Nilson said that they would like an option of using crushed stone instead of grass for the vegetated swale. She said the Fire Chief has approved the location of the new fuel tank, which is double-walled steel encapsulated in cement. Chains will secure it to a cement pad. F. Coulson said the existing tank weighs 18,000 pounds and the new tank will weigh 23,000 pounds. S. Nilson said the notice of intent incorrectly showed the owner as Barden's Boat Yard. She said it should have been Island Wharf Road, LLC and asked that the order of conditions reflect Island Wharf Road, LLC as the owner. B. Hebbel moved to close the hearing; N. Hills seconded; voted unanimously.

7:36 PM **STEVEN CLARK** – RFD (41D-1349) to verify the delineation of the wetland resource areas as flagged at 713 Mill Street. Steven Clark was present. N. Hills stated he had to address the outstanding enforcement order first. N. Hills said the new plan by Thompson Merrill shows the wetland line to be ten feet further from the road than was shown on Alan Ewing's earlier plan, which appears to be caused by filling ten feet of wetlands. N. Hills said the fill against the hay bales needs to be pulled out so that the grades on both sides are the same. N. Hills noted that an area of wetlands has been clear cut; an area that the Commission clearly addressed with S. Clark on previous occasions. S. Clark said the vegetation will grow back. N. Hills said the pine trees that have been planted in the cleared area may not be suitable for that area. S. Clark said the fill between his property and the pumphouse was placed there thirty years ago, and he needs to have test pits dug to show the limits of the old fill. N. Hills asked S. Clark to consult with his wetland person to dig test pits to determine if fill is present, and submit the results to the Conservation Commission. The test pits could be done in the presence of the Commission on one of their regularly-scheduled Saturday site inspections, if S. Clark scheduled it. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:00 PM April 16, 2008; B. Hebbel seconded; voted unanimously.

7:48 PM **GREENWOOD HARTLEY III** – NOI (SE 041-1093) to raze the dwelling at 19 Quelle Road and construct a new flood plain-compliant dwelling of the same footprint in its place. Greenwood Hartley III was present and described the project which is to remove a small cottage on blacks that is in disrepair and construct a new dwelling of the same footprint further back on the lot. Mr. Hartley said he has spoken with the Building Commissioner and was told a Zoning Board of Appeals permit would not be required as long as the footprint remains the same. He said placing the new house twenty feet further back does not matter because it will not be any closer to the sidelines than it now is and is grandfathered. N. Hills would like the elevation of the ground level of the supports to be shown on the plan, and suggested G. Hartley check with the Building Commissioner to see whether the revised flood plain regulations will require the new dwelling to be two feet higher than the base flood elevation. N. Hills would like to know how the site work will

affect the neighbors, and if the neighbors will allow him to be on their land at any time during the project. N. Hills would also like the plan to show the proposed driveway footprint and what material it will be constructed of. N. Hills said the plan should show how roof runoff will be handled, such as drywells or drip strips. G. Hartley said the dwelling will have a full front wall with columns. B. Hebbel would like the road to be swept daily during the construction and site work to prevent siltation runoff. N. Hills asked if there were any comments from the audience. Direct abutters Sherry Bernier and John Beech were present, along with Steven and Susan Hurley of Bay View Road, but there were no comments. B. Hebbel moved to continue the hearing, with the applicant's consent, to 7:00 PM April 2, 2008; L. Dorman seconded; voted unanimously.

B. Hebbel moved to sign a corrected duplicate original certificate of compliance to the Estate of Eleanor Peterson for upgrading a septic system and constructing a new driveway at 17 Nokomis Road (SE41-867); L. Dorman seconded; voted unanimously.

N. Hills drafted the order of conditions (SE 041-1090) to **BARDEN'S BOAT YARD** (Island Wharf Road, LLC) for paving boat storage areas, installing a second fuel tank, and upgrading drainage systems at 2 Island Wharf Road. N. Hills moved to issue the order as written; L. Dorman seconded; voted unanimously.

L. Dorman drafted **DOLA STEMBERG's** order of conditions (SE 041-1092) for landscaping, driveway reconfiguration and other appurtenances associated with the dwelling at 99 Moorings Road. B. Hebbel moved to issue the order as written; N. Hills seconded; voted unanimously.

A "Letter of Agreement" has unexpectedly been received from Laura Coggeshall's attorney regarding the **TOWN OF MARION, RECREATION COMMITTEE'S** new ball field project at Washburn Lane (SE 041-1068). It was unanimously agreed that the document should be signed by the Town Administrator or Town Counsel or D.E.P., not by the Conservation Commission.

No response has been received from **FRANK LINHARES** regarding the Commission's letter to him about clearing and drainage problems at his property abutting Cove's End Road (SE 041-1, SE 041-38, SE 041-978). The hay bales that were supposed to immediately be placed around the culvert have not been installed.

Meeting adjourned at 8:25 PM.

Diane R. Drake, Secretary

Approved April 2, 2008