

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON MAY 7, 2008

Members Present: Norman A. Hills, Chairman  
Sherman E. Briggs, Jr., Recording Secretary (absent from  
7:00 PM to 7:38 PM)  
Bruce C. Hebbel, Member  
Lawrence B. Dorman, Member

Members Absent: Jeffrey W. Oakes, Vice Chairman  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: James and Kathy Tripp, John Rockwell, Steven Clark, James  
O'Rourke, Ted North and Susannah Davis

Meeting convened at 7:00 PM Wednesday, May 7, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 3, 2008 by N. Hills, J. Oakes and B. Hebbel, and on Monday, May 5, 2008 by L. Dorman.

7:00 PM **STEVEN CLARK** - RFD (41D-1349) to verify the delineation of the wetland resource areas as flagged at 713 Mill Street (continued from April 16, 2008). Another site inspection was done on May 3, 2008. According to J. Oakes' notes on the plan, all the delineations seem to be accurate with two exceptions: Wetland Flag "H" and Wetland Flag "I" are each to be moved 17 feet southwesterly. S. Clark joined the hearing at this point. N. Hills showed S. Clark the two flags that are to be moved 17' southwesterly. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

Minutes were reviewed. B. Hebbel moved to accept the March 5, 2008 minutes as written; N. Hills seconded; voted unanimously. L. Dorman moved to accept the April 16, 2008 minutes as written; B. Hebbel seconded; voted unanimously.

7:10 PM **SIPPICAN LANDS TRUST/MARION OPEN SPACE COMMITTEE** - NOI (SE 041-1095) to replicate wetlands off Washburn Park Road (Assessors' Map 11, Lot 17, formerly owned by John Boyd). John Rockwell represented the Marion Open Space Acquisition Commission (the applicant) and the future owner of the site. The Sippican Lands Trust is the present owner of the site. J. Rockwell said the contract for restoring wetlands at that site states the Town can't be paid for its labor to do the restoration, so a contractor will have to be hired. J. Rockwell said S. Briggs estimates \$10.00 to \$15.00 per cubic yard to get rid of material, plus the stumps need to be ground

up. J. Rockwell said Rob Zora, the D.E.P. Superintendent, would like the usable chipped material. The wooded areas will remain wooded. B. Hebbel brought up the possibility of extra costs if the materials at the site are toxic; J. Rockwell said the Town's liability is solely for the land. Abutters James and Kathy Tripp were present and said there are foxes, raccoons and rodents living in the stumps, and he would like the gate at the entrance of the railroad grade to remain closed to prevent trespassing. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:30 PM **DONALD KEMP** – Report of possible wetland violations taking place at Lot 97 Cove Circle, Piney Point. Mr. Kemp was not present. James O'Rourke and Ted North of the Piney Point Roads Trust were present and said a bulldozer is clearing the lot and filling in the pond there. N. Hills said he has spoken with Mr. Kemp who agreed to have the wetlands flagged and promised to cease any further work until this matter is addressed. B. Hebbel said a map shows a stream in that area, but it isn't connected to the pond.

S. Briggs arrived at 7:38 PM.

John Rockwell discussed the warrant article for May 19, 2008 regarding conservation land versus open space acquisition land.

7:42 PM **MARGARET E. FRANCIS** – RFD (41D-1351) to upgrade the septic system at 5 Moorings Road. No one was present regarding this hearing. This filing has been withdrawn by Ms. Francis as she has now chosen not to sell her property and therefore does not need to upgrade her septic system.

**DR. MARTHA STARK** is seeking approval to construct a platform below the arbor and a border around the arbor at 4 West Avenue, Planting Island (SE 041-1061). Susannah Davis, Dr. Stark's landscape architect, was present and described the additional work. B. Hebbel said the new stone wall appears to be closer to the roadway than the railroad ties they replaced, and that is a concern for Planting Island roads maintenance, because it may cause problems with snow plowing, etc. S. Davis said the stone wall was built exactly where the railroad ties were. L. Dorman moved to issue a letter accepting the changes without the necessity of a formal amendment; B. Hebbel seconded; voted unanimously.

**JOHN M. SHANAHAN**'s second three-year extension permit for adding beach sand at 282 Delano Road was discussed (SE 041-957). The accuracy of the mean high tide line shown on the plan of record was discussed, and the necessity of the proposed amount of sand (up to 35 cubic yards). S. Briggs said he does not think they have added any sand yet. N. Hills moved to issue a second three-year extension permit; L. Dorman seconded; voted unanimously.

L. Dorman moved to issue a three-year extension permit to **ROBERT SCHAEFER** for replacing the dwelling at 14 Point Road with a new dwelling on a new foundation and a detached garage (SE 041-1029); B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a full certificate of compliance to the **1997 QUALIFIED PERSONAL RESIDENCE TRUST (MARK EPSTEIN, TRUSTEE)** for removing or redirecting

sewer pump discharge hoses at 6 Point Road to a new leaching field (SE 041-1086); L. Dorman seconded; voted unanimously.

The Commission members discussed ANDREW KOTSATOS's request to build his new dwelling at 196 Point Road ten feet further southeasterly than shown on the plan of record (SE 041-1091). The change will result in the structure being one foot further from the coastal bank than presently proposed. B. Hebbel moved to send a letter approving the minor change without the necessity of a formal amendment; L. Dorman seconded; voted unanimously.

The SIPPICAN LANDS TRUST would like to repair the damage done to their Peirson Woods property by the oil cleanup crew during Coolmar Limited's oil spill last year. The Commission agreed to allow the trenches to be refilled by hand with only the stuff that was pulled out of them, using no additional fill, and to put the rocks in the trenches first with the other materials placed on top of them. A letter will be sent to the Lands Trust approving this work.

No response has been received from the WILSON family at 23 Parlowtown Road regarding possible clearing and grading in the buffer zone to wetlands on the other side of the trail running behind the house. S. Briggs said there was a depression in the rear of that lot and he will speak with Mr. Wilson about the matter.

No response has been received from THE WAVE RESTAURANT regarding the materials being stockpiled in the buffer zone to wetlands in the back of their parking lot (SE 41-472). S. Briggs said there has been a pile of dirt back there for 25 to 30 years. D. Drake said Brad Silva was in the Town House today and told her that all the material has been removed. The Commission agreed that the remediation work is good enough at this time and no further action is needed.

B. Hebbel said he has spoken with Mrs. RICHARD CORLISS regarding their wetlands replication project at 51 Dexter Road (SE 041-996). Mrs. Corliss said she may be selling this house and will need a certificate of compliance for the replication project. B. Hebbel said she told him that Sylvan Nursery didn't have many of the recommended wetland plants specified by the Conservation Commission. B. Hebbel asked her to be reasonable and have good intentions with the replication.

Reappointments were discussed. The terms for J. Oakes, B. Hebbel and H. Kenney will all expire on June 30, 2008. Another associate member should join, as H. Kenney is living in Fall River or Florida much of the year.

The Commission had received a report that Dr. Michael Popitz hired Charles Dupont of Dupont Landscaping to pull back the driveway and stone wall from WASSIM CHEDID's Lot 123 Indian Cove Road (SE 041-1059, 41D-1251) and do landscaping in the buffer zone to wetlands on both the Chedid lot and the Popitz lot (SE 041-981, 41D-1128). A telephone conversation with Charles Dupont verified that M. Popitz instructed him to do that work. Letters will be sent to M. Popitz and W. Chedid regarding working in the buffer zone to wetlands. A site inspection will be held on May 17, 2008.

N. Hills drafted **STEPHEN CLARK**'s Determination of Applicability (41D-1349) verifying the wetland lines as flagged except that Flags "H" and "I" are to be moved southwesterly 17 feet; L. Dorman seconded; voted unanimously.

L. Dorman drafted the Order of Conditions for the **SIPPICAN LANDS TRUST/MARION OPEN SPACE COMMITTEE** (SE 041-1095) for replicating wetlands off Washburn Park Road, and moved to issue it as written; B. Hebbel seconded; voted unanimously.

Meeting adjourned at 9:00 PM.

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Diane R. Drake, Secretary

Approved May 21, 2008