

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JULY 2, 2008

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

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

Secretary: Diane R. Drake

Others Present: Joe Ricci, N. Douglas Schneider, Diana and Bruce Cobbold, Kevin Forgue, Jay Hayes, Christian Farland, Carmelo Nicolosi and David Hooke

Meeting convened at 7:00 PM Wednesday, July 2, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 28, 2008 by N. Hills and B. Hebbel.

7:00 PM **THE TRUSTEES OF RESERVATIONS** - RFD (41D-1354) to construct a public hiking trail system (with a 40' x 60' parking area, a 265'-long boardwalk, and a wooden bridge over a brook) at the 243-acre Hales Brook tract off County Road. No one was present on behalf of the applicant. The requested additional information on the boardwalk and parking area have been received. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:10 PM **BRUCE AND DIANA COBBOLD** - NOI (SE 041-1098) to construct a single-family dwelling, a driveway, and relocate a 12" outfall drain pipe at 339 Front Street. Kevin Forgue of G.A.F. Engineering represented Mr. and Mrs. Cobbold, who were present with their contractor, Jay Hayes. K. Forgue described the project. He said the top of foundation will be at 17' mean sea level, and there will be a walk-out basement with breakaway panels. He said the site is presently being mowed right up to the wetland line, but a 15' no-touch zone is proposed and the vegetation will be allowed to grow back in it. He said the driveway will be of seashells or stone, not paved. He said Robert Zora, the Marion Department of Public Works Superintendent, suggested just re-angling the 12" discharge pipe so that the house can be built. Because other nearby homes are closer to the street than specified in the Town's By Laws, this home can also be built closer to the street without the need to file with the Zoning Board of Appeals, and that will allow enough room for the Commission's required 30' no-build zone. N. Hills said that at the site inspection it was difficult to judge where the house and outlet would be, and where the surface flow begins, and he would like to inspect the site again when all of these items have been staked. B. Hebbel asked K. Forgue to re-

flag the wetland line prior to the next inspection. L. Dorman asked when the hedgerow would be planted; K. Forgue said he thought that would be done during the construction phase and will reposition the haybales to just behind the hedgerow, so the haybales will denote the limit of work area. K. Forgue said there are two other catchbasins flowing into this one. B. Hebbel would prefer to have the whole drain pipe replaced, rather than just the end of it, to prevent direct discharge into the wetlands. N. Douglas Schneider of N. Douglas Schneider and Associates, Inc. was present on behalf of the abutter, Diana Worley. He said Mrs. Worley is not opposed to the project but is concerned with redirecting the drainage discharge, and asked that the discharge remain generally where it now is. N. Hills moved to continue the project, with the Applicant's consent, to 7:30 PM July 16, 2008 so that another site inspection can be held on July 12, 2008; B. Hebbel seconded; voted unanimously.

7:25 PM **ROSEN POINT FAMILY LTD. PARTNERSHIP, C/O GERALD D. ROSEN - RFD (41D-1353)** to construct a 12.5' by 9.9' addition at 94 Piney Point Road. Christian Farland of Thompson Merrill Engineering represented Mr. Rosen and described the project. Also present was Mr. Rosen's contractor, Joseph Ricci. N. Hills asked C. Farland to remind Mr. Rosen that he does not have a view easement on this property and should stop cutting the trees. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:30 PM **FRANKLYN G. AND PRISCILLA P. BILL** – NOI (SE 041-1097) to construct a retaining wall of the landward side of the house at 296 Delano Road; repair a seawall, railings on a stone pier, and wood decks on the house; and associated grading. Carmelo Nicolosi of Charon Associates, Inc. represented Mr. and Mrs. Bill and described the proposed work. He said the railway will be rebuilt with a sloped wall to match up with the abutter's wall. C. Nicolosi said no equipment will be allowed on the beach. Abutter David Hooke of 290 Delano Road was present and asked whether there must be a railing on the pier; C. Nicolosi said railings are required by law for anything over four feet in height. A siltation fence will be included on the plan. C. Nicolosi said D.E.P. is requiring them to submit the filing to the Natural Heritage and Endangered Species Program which could take a month for them to respond. N. Hills said he would prefer to hold off closing this hearing until receiving Natural Heritage's response. At C. Nicolosi's request, L. Dorman moved to continue the hearing to 7:10 PM August 6, 2008; B. Hebbel seconded; voted unanimously.

7:43 PM **BURR BROTHERS BOATS, INC.** – RFD (41D-1355) to construct an 11' by 35' (overall) single-story addition on the south side of the office building at 309 Front Street. No one represented the applicant. This is a flood plain project and is clearly less than 50% of the appraised value of the existing building. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a full certificate of compliance for **JOSEPH AND CAROLINE SHEEHAN**'s reconstructed dwelling at 17 Nokomis Road; L. Dorman seconded; voted unanimously (SE 041-1060).

Christian Farland said he wanted the Commission to know that his firm has been hired by Donald and Janis Kemp regarding the Commission's enforcement order for wetland violations at the Kemps' vacant lot beside 24 Cove Circle, Piney Point. John Magrath will flag the wetlands and he will be submitting a plan addressing the enforcement order.

B. Hebbel moved to issue a three-year extension permit to **DIANA WORLEY** for eradicating phragmites at 339 Front Street; L. Dorman seconded; voted unanimously (SE 041-967).

L. Dorman moved to issue a negative determination for box #2 to **BURR BROTHERS BOATS, INC.** for their office addition at 309 Front Street; B. Hebbel seconded; voted unanimously (41D-1355).

L. Dorman moved to issue a negative determination for boxes 2 and 3 to **THE TRUSTEES OF RESERVATIONS** for constructing a public hiking trail system with parking, a boardwalk and bridge at the Hales Brook property off County Road; N. Hills seconded; voted unanimously (41D-1354).

B. Hebbel moved to issue a negative determination for boxes 2 and 3 for the **ROSEN POINT FAMILY LTD. PARTNERSHIP, C/O GERALD ROSEN** addition at 94 Piney Point Road; L. Dorman seconded; voted unanimously (41D-1353).

May 21, 2008 minutes were reviewed and unanimously accepted as amended on a motion by L. Dorman, seconded by B. Hebbel.

Reorganization was discussed. B. Hebbel moved to have the current officers remain unchanged with N. Hills as Chairman and Treasurer, J. Oakes as Vice Chairman, and S. Briggs as Recording Secretary; L. Dorman seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved August 6, 2008