

FINAL

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

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman (left at 8:16 PM)
Lawrence B. Dorman
Bruce C. Hebbel

Members Absent: Sherman E. Briggs, Jr.
Horace S. Kenney, Jr., Associate
Joel D. Hartley, Associate

Secretary: Diane R. Drake

Others Present: Fernandes Pacheco, Sonia Pacheco and Kathleen Feeney

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

7:00 PM **FRANKLYN G. AND PRISCILLA P. BILL** - NOI (SE 041-1097) to construct a retaining wall on 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 (continued from August 2, 2008). No one represented Mr. and Mrs. Bill. Carmelo Nicolosi of Charon Associates, Inc. had submitted a letter requesting another continuation because Natural Heritage's response has not yet been received. L. Dorman moved to continue the hearing, with the Applicants' consent, to 7:00 PM September 3, 2008; B. Hebbel seconded; voted unanimously.

The August 6, 2008 minutes were reviewed and accepted as amended on a motion by L. Dorman; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

J. Oakes moved to issue an invalid certificate of compliance for **DAVID CROLL** to construct a new dwelling at Lot 98A Lewis Street. The work was never done and the order has expired. N. Hills seconded the motion; voted unanimously (SE 041-1012).

L. Dorman moved to issue a full certificate of compliance to **INTER VIVOS TRUST (WILLIAM ELFERS)** for upgrading the septic system at 98 Moorings Road; J. Oakes seconded; voted unanimously (SE 041-1007).

7:10 PM **FERNANDES PACHECO** – RFD (41D-1358) to construct a 24' x 42' attached garage at 1 Sparrow Lane. Mr. and Mrs. Pacheco were present. Mr. Pacheco explained that the plan submitted with this filing may not be as complete as the Commission would like, but he is a building

contractor and usually deals with the Building Department. He said the house was built by Quequechan Builders in 1997. The filing (SE 041-719) for constructing the home was reviewed. Mr. Pacheco said the order was given a partial certificate of compliance for everything but the revegetation which he did right away and a full certificate of compliance was issued. N. Hills said the plan does not show the two 8' x 10' sheds very close to the bordering vegetated wetland line in the rear of the house. J. Oakes noted the east and south walls of the garage will be 10' high in order to make the slab level with the front of the house. J. Oakes said he would like a notice of intent to be filed so the wetland line can be adjusted (very possibly in Mr. Pacheco's favor), and the plan to be more detailed. B. Hebbel explained to Mr. Pacheco that some of the trees in the M.C.C. wetland line area shown on the plan are now upland species. Mr. Pacheco said the retaining wall shown on the plan, on the west side, was never done. He said no fill is needed for this project, just grading. J. Oakes said someone could put in the six wetland flags behind the house, as shown on the as-built plan, but that would not update the wetland line. Mr. Pacheco asked for a variance to the 30' no-built line; J. Oakes said that area is already altered, so that could be taken into consideration. J. Oakes said a new plan with a notice of intent filing would be good enough to issue an order of conditions conditioning the work. Mr. Pacheco said he would like to add stone in the rear of the house where it is already cleared; J. Oakes explained that 15' upland of the wetland line cannot be disturbed. N. Hills explained that wetland lines are only valid for three years, and his line expired several years ago. J. Oakes said the soils should be tested when the wetland line is re-established. J. Oakes moved to close the hearing and issue a positive determination of applicability for boxes 1, 2B, 3 and 4; B. Hebbel seconded the motion; voted unanimously.

JAMES AND KATHLEEN FEENEY's request for a certificate of compliance for razing the structure at 166 Front Street and constructing a new structure on the site was discussed (SE 041-997). One of the downspouts was not connected to a drywell, the Town's stone wall was now acting as a retaining wall for the fill on the Feeneys' lot, and an engineer needs to request the certificate of compliance. Mrs. Feeney was present and said the builder, Lars Olson, will direct that downspout to the drywell, and she will have G.A.F. Engineering request a certificate of compliance. J. Oakes said he would like William Madden's assurance that the drywells are functioning property, as per the maintenance plan of which Mrs. Feeney was given a copy.

L. Dorman moved to issue a full certificate of compliance to **BARBARA FULLER** for her new detached garage at 13 Cottage Street; J. Oakes seconded; voted unanimously (SE 041-786).

J. Oakes said he inspected the retention pond behind Thomas Cooper's Cove's End Road property, and he saw no problems from the site work that had taken place at Frank Linhares' 265 Wareham Street property. J. Oakes said the silt is probably still in the culvert under the road. D. Drake said Robert Zora told her today that he will have his crew clean the culvert as soon as possible. J. Oakes said he is concerned that the detention basin is being overrun with phragmites. J. Oakes told T. Cooper that treatment is to cut the phragmites and add Rodeo to control it before it overruns the retention basin. J. Oakes referred to the order of conditions regarding the retention area as addressed in the road construction (SE 041-358), and found that it is supposed to be mowed twice a year in accordance with the maintenance plan. The Town now owns Cove's End Road and is therefore responsible for maintaining the retention basin.

J. Oakes left the building at 8:16 PM, as he could not participate in any other items on the agenda.

B. Hebbel moved to issue a three-year extension permit to **THE KITTANSETT CLUB** for increasing salt water flows through an existing tide box to the areas of salt marsh east of the first fairway, and for restoring an area of phragmites to salt marsh, including a fish panne; L. Dorman seconded; voted unanimously (SE 041-961).

B. Hebbel moved to issue a one-year extension permit to **THE ESTATE OF SYBIL WISNER** (the order was originally issued to Francis A. Will) to construct a dwelling, a swimming pool, a cabana, a deck and a patio at Lot 46A Converse Road (as shown on Assessors' Plan 17); L. Dorman seconded the motion; voted unanimously (SE 041-1014). A letter will accompany the extension permit, explaining that the Commission may not be inclined to issue any more extensions if the work does not begin before the order expires.

N. Hills said he will attend the information Little Neck Village reconstruction project meeting at 7:00 PM August 26 in the Music Hall.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved October 1, 2008