

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 17, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr.
Bruce C. Hebbel

Members Absent: Lawrence B. Dorman
Horace S. Kenney, Jr., Associate
Joel D. Hartley, Associate

Secretary: Diane R. Drake

Others Present: Thomas McGuire, William Travers, Joseph Longo, Helen Westergard,
Dorothy Burrill, Susanne Peterson, Richard Schaefer and Jake Upton.

Meeting convened at 7:12 PM on Wednesday, September 17, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 13, 2008 by N. Hills, J. Oakes, L. Dorman and B. Hebbel.

7:12 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. This hearing was continued from September 30, 2008 due to the lack of the Natural Heritage and Endangered Species Program's response. Richard Charon by telephone said NHESP lost their copy of the filing and he has sent another one to them. He requested a one-month continuation. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:10 PM October 15, 2008; B. Hebbel seconded; voted unanimously.

7:13 PM **MASSACHUSETTS HIGHWAY DEPARTMENT** – RFD (41D-1359) to install five new drainage manholes within the Wareham Street layout between Front Street and Creek Road, specifically between 337 and 369 Wareham Street. Thomas McGuire and William Travis of MassHighway were present and described the proposed work. T. McGuire said there won't be any additional water entering the drainage system, it'll just move faster. N. Hills and S. Briggs explained that there will be a new entrance to Little Neck Village, close to this work; T. McGuire said a permit will be needed from MassHighway for a new curb cut. B. Hebbel asked to have the channel at the headwall cleaned out, as well, during this work; T. McGuire said they normally keep all work within the roadway, but he would look into that. T. McGuire said the work will be done before this winter and will take three days maximum, of which one day will be crossing the road. J. Oakes said no siltation control will be needed due to the curbing along Route 6. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

7:25 PM **96 MOORINGS ROAD NOMINEE TRUST, C/O WILLIAM ELFERS, TRUSTEE** – NOI (SE 041-1099) to remove two licensed stone jetties at 96 Moorings Road, construct a 4' x 82' pile-supported timber pier leading to a 148'-long stone-built pier with a 5'-wide, 12"-thick cement walkway (cap), a 3' x 16' gangway, and an 8' x 20' wooden float anchored with two piles. Mr. Elfers' engineering firm, LEC Environmental, had requested a continuation due to a scheduling conflict. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:10 PM October 1, 2008; J. Oakes seconded; voted unanimously.

7:30 PM **TOWN OF MARION** – NOI (SE 041-1100) to redevelop Little Neck Village, 330 Wareham Street. The three existing buildings, the unoccupied dwelling and garage will be razed or moved. Four residential buildings and a community building will be constructed, with associated utilities, landscaping and community garden(s). This hearing was continued from September 3, 2008. Present were Richard P. Schaefer, Joseph Longo and Jay Buckman. R. Schaefer said the Town has submitted a letter to the Natural Heritage and Endangered Species Program regarding a conservation restriction on the property, and the NHESP has approved the project with conditions. A plan showing the conservation restriction area was submitted. A response has also been received from the Massachusetts Historical Commission regarding the cottage at 330 Wareham Street. J. Longo said a wildlife expert will periodically be on site as requested by the NHESP. He said the chain link fence will be installed at least 6" off the ground to allow wildlife to pass under it. Kenneth Motta of Field Engineering had reviewed the project on behalf of the Town and submitted a letter of his observations/recommendations to the Planning Board, of which only four items concerned wetland and storm water runoff issues. J. Longo submitted Sections 3 and 4 of the Stormwater Remediation Plan and said the stormwater management plans have been updated. Roof runoff will be contained on the site, and manhole catch basins have been added. The plan showing the velocity zone delineation will be certified by a registered engineer. Regarding the Historical Commission's letter, an archeological study will be done. N. Hills thought the cottage could be moved rather than demolished. The proposed new driveway will be where the existing cottage now is. J. Longo said work should start in a year, hopefully by the spring of 2009. J. Longo said he spoke with D.P.W. Superintendent Robert Zora regarding the accessibility of Town sewer and water. R. Schaefer said there is nothing in writing that the sewer plant has enough capacity for this project. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously. The order of conditions was drafted. J. Oakes moved to issue the order as written; B. Hebbel seconded; voted unanimously.

J. Oakes moved to issue a conditional negative determination for boxes 2 and 3 to **THE MASSACHUSETTS HIGHWAY DEPARTMENT** for installing five drainage manholes in Wareham Street (a.k.a. Route 6), with a condition that the accumulated sediment shall be removed from the headwall; B. Hebbel seconded; voted unanimously (41D-1359).

DONOVAN DUNN's request for a certificate of compliance for constructing a single-family dwelling at 6 Olde Meadow Road was discussed (SE 041-937). N. Hills noted that some fill had been added where the swing set is, and a stone retaining wall had been built instead of a permanent fence, but overall the project has been built in compliance with the order of conditions. J. Oakes moved to issue a full certificate of compliance; B. Hebbel seconded; voted unanimously.

J. Oakes moved to issue a full certificate of compliance to **DR. CHARLES FATHALLAH** for upgrading a sewage disposal system and constructing an addition at 52 Moorings Road (SE 041-876); B. Hebbel seconded; voted by majority with S. Briggs abstaining.

B. Hebbel moved to issue a full certificate of compliance to **DR. MICHAEL POPITZ** for removing willow trees at 62 Indian Cove Road (SE 041-981); S. Briggs seconded; voted unanimously.

B. Hebbel moved to issue a full certificate of compliance to **JAMES AND KATHLEEN FEENEY** for razing the structure at 166 Front Street and constructing a new flood plain-compliant structure in its place (SE 041-997); J. Oakes seconded; voted unanimously.

B. Hebbel moved to issue an invalid certificate of compliance to **SIPPICAN, INC.** for installing a 6'-high security fence around the property off Barnabas Road, as the work was never done (SE 041-953); S. Briggs seconded; voted by majority with J. Oakes abstaining.

SCOTT V. ROBERTSON's request for a certificate of compliance for the new dwelling at 1 Deer Run was discussed (SE 041-1032). N. Hills said the retaining wall has been extended, which is okay, but the required shrubs along the 15' no-touch zone have not been planted, and there is a very large pile of grass clippings in the wetlands which needs to be removed. J. Oakes drafted a letter to S. Robertson explaining why the certificate of compliance was not being issued at this time. B. Hebbel moved to issue the letter as written; J. Oakes seconded; voted by majority with S. Briggs abstaining.

J. Oakes moved to issue a three-year extension permit to **ALEXANDER BINER** for replicating filled wetlands at 546 Point Road (SE 041-966); B. Hebbel seconded; voted by majority with S. Briggs abstaining.

The Commission had instructed **JANE DOLAN**, the former owner of 58 Moorings Road, to allow the denuded pathway to the shore to revegetate (SE 041-127). A site inspection was held on September 13, 2008. The new owner, **RIAZ CASSUM**, is allowing the area to revegetate. No further action is needed at this time.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved October 15, 2008