

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 1, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman (absent from 7:00 PM – 7:15 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: John G. McManus, Susan Nilson, Anne Robertson and Carmelo Nicolosi

Meeting convened at 7:00 PM Wednesday, October 1, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 27, 2008 by N. Hills and J. Oakes.

7:00 PM **McMANUS INVESTMENTS, LLC** - RFD (41D-1360) to relocate the driveway at 13 Holly Road, Piney Point. John G. McManus was present with his engineer, Susan Nilson of CLE Engineering. She said the driveway will be relocated approximately 80' further to the south and will have a turn-around so that cars can exist facing forward rather than having to back out. She said it is in the flood plain and buffer zone to wetlands, but only about one foot of fill will be needed in the turn-around area to match the driveway. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:10 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 (continued from September 17, 2008). LEC Environmental has requested another continuation because the abutters had not been notified. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM October 15, 2008; B. Hebbel seconded; voted unanimously.

7:11 PM **ANNE AND SCOTT V. ROBERTSON** – Appointment for discussion regarding a certificate of compliance for constructing a new dwelling at One Deer Run (SE 041-1032). Their request for a certificate of compliance had been denied because the required line of shrubs (to be planted eight feet on center) along the 15' no-touch zone has not been planted, and a large pile of grass clippings must be removed from the buffer zone to wetlands. Anne Robertson was present. She said she will have the grass clippings removed. The Commission showed her where the 15' no-touch line is

touch line is on the plan and explained that she can place the clippings anywhere further upland from that line, or can be taken off site. A. Robertson said the retaining wall had been extended further than as shown on the plans. She said the 15' no-touch zone is at the edge of the lawn. She said she has no intention of using that 15' area and therefore sees no reason to plant shrubs because the edge of the lawn is the delineation. J. Oakes explained that she might not use it, but owners of the house ten or twenty years from now might want to expand the lawn there. She said she has a landscape designer, and the shrubs they have in mind are not native to this area, but if the Commission demands them, then she will have to do it.

7:25 PM **TRUSTEES OF RESERVATIONS** – RFD (41D-1361) to upgrade the sewage disposal system at 285 County Road. Carmelo Nicolosi of Charon Associates represented the Trust and described the project. He said the wetland flags were placed by Richard Audet of Site Solutions in October 2007. He said the high water table requires a raised system. He said the system is proposed as shown due to a well on the property, and the work is at least 75' from the wetlands in a flat area, so siltation is not necessary. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously. N. Hills moved to issue a negative determination for box number 3 (buffer zone to wetlands); L. Dorman seconded; voted unanimously.

Minutes were reviewed. L. Dorman moved to accept the August 20, 2008 minutes as amended; B. Hebbel seconded; voted unanimously. B. Hebbel moved to accept the September 3, 2008 minutes as amended; J. Oakes seconded; voted by majority with L. Dorman abstaining.

L. Dorman moved to issue a negative determination for box numbers 2 and 3 (flood plain and buffer zone to wetlands) to **McMANUS INVESTMENTS, LLC** for a new driveway entrance at 13 Holly Road, Piney Point (41D-1360); B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Meeting adjourned at 8:00 PM.

Diane R. Drake, Secretary

Approved October 15, 2008