

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 15, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Bruce C. Hebbel (absent from 7:00-7:10 PM)

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

Secretary: Diane R. Drake

Others Present: Carmelo Nicolosi, Christian Farland, Nancy Durfee, John Rockwell,
William R. Washburn, Brian Grady, Kevin Madley, Fernandes and Sonia
Pacheco, David Davignon and Deborah Elfers.

Meeting convened at 7:10 PM Wednesday, October 15, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 11, 2008 by N. Hills, J. Oakes, L. Dorman and B. Hebbel.

7:00 PM **JIM PRIEUR** - RFD (41D-1363) to upgrade the sewage disposal system at 101 Cove Circle, Piney Point. Christian Farland of Thompson Merrill represented Jim Prieur and described the project. He said work needs to start as soon as possible because the property is being sold in November 2008. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

7:15 PM **TOWN OF MARION, RECREATION COMMITTEE** – Appointment for discussion with John Rockwell and William R. Washburn regarding the proposed new ball field at Washburn Park (SE 041-1068). J. Rockwell explained the history of the project, ending in the abutter's request for adjudication being dismissed. He submitted revised plans incorporating D.E.P.'s requirements. J. Oakes asked J. Rockwell whether the Corps of Engineers had approved the bordering vegetated wetland line; J. Rockwell said the Conservation Commission had approved the line.

7:25 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 September 17, 2008). Carmelo Nicolosi of Charon Associates represented Mr. and Mrs. Bill. This hearing had been continued several times due to the lack of a response from the Natural Heritage and

Endangered Species Program, who finally responded that a MESA filing with them would not be necessary. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

7:27 PM **SRPEDD (SOUTH COAST RAIL ECONOMIC DEVELOPMENT AND LAND USE CORRIDOR)** – Appointment for discussion with Nancy Durfee of Goody Clancy who is helping the State to develop a plan that coordinates land use and economic development with any proposed transportation initiative. Ms. Durfee was present and displayed several usage maps based on the Marion Open Space Plan. J. Oakes said development along Point Road should be minimized because that road cannot handle extra traffic. Several areas on the maps were circled as being of interest. She said the Conservation Commission will be given a full set of the maps at the end of the project.

7:47 PM **FERNANDES PACHECO** – NOI (SE 041-1101) to construct an attached garage at One Sparrow Lane. Mr. and Mrs. Pacheco were present with their engineer, Brian Grady of G.A.F. Engineering, Inc., who described the project. He said Brandon Faneuf had determined the wetland delineation. J. Oakes said the test pit locations were not marked on the plan and asked that they be shown on the plan in the future. Under the new delineation the house is now 10 feet further from the wetlands (37' versus 27'). Slight grading will be needed where the sheds are to be relocated. The Commission Members said hay bales, siltation fencing or filter socks are all acceptable means of erosion control. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

7:56 PM **SHAUN AND ANN CARNEY** – RFD (41D-1364) to replace and expand a rotted deck at 310 Front Street. Mr. and Mrs. Carney's builder, Dennis Costa, was present on their behalf and described the work to be done. He said the site is in the flood plain and the deck will be tied to typical sauna tubes. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

8:00 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 October 1, 2008). Deborah Elfers was present with her engineers – Kevin Madley and Stan Humphries of L.E.C. Environmental and David Davignon of N. Douglas Schneider and Associates. Also present was the contractor, Dale Briggs. K. Madley said the structure will avoid eelgrass patches, and the salt marsh will be 90' away from it. D. Davignon said an old pier was there presently. The southern and western sides of the solid pier will be at a 1' x 1' slope and the interior (basin) sides will be vertical. J. Oakes asked if there are pictures of the existing jetties/groins to check heights, as it seems to go from elevation 2.4' to elevation 7.0 feet regarding the circulation of water, and asked if a timber pier with a breakwater on the outside to facilitate flushing had been considered. J. Oakes asked whether a more porous structure could be built to allow more flow, but acknowledged that the Owner would like still water in the basin. J. Oakes suggested replacing 30' more of the solid filled pier with a wooden pier; D. Davignon said that can be done, and the boat inside the basin will still remain calm. N. Hills said none of the plans show the southern area of the property; D. Davignon said that is due to the U.S. Army Corps of Engineers' requirement for smaller plans, but the order of conditions (SE 041-1089) for the new seawall shows the southern area. J. Oakes said a benefit of this project is that one of the groins will be removed

and restored to shellfish habitat. D. Davignon said he proposed cementing the outside of the pier, but not the inside to allow cracks for small marine life; N. Hills noted this contradicts the proposed plan. The scope of work needs to describe use of a barge and also means to remove the float. J. Oakes moved to continue the hearing, with the Owner's permission, to 7:10 PM November 5, 2008; B. Hebbel seconded; voted unanimously.

MICHAEL D. CARLOZZI – B. Hebbel moved to issue a full certificate of compliance for constructing an in-ground swimming pool at 120 Bullivant Farm Road; J. Oakes seconded; voted unanimously (SE 041-984).

FRANK J. LINHARES – B. Hebbel moved to issue a full certificate of compliance for constructing a 60' x 80' storage building and a septic system at 265 Wareham Street; J. Oakes seconded; voted unanimously (SE 041-1).

SIPPICAN LANDS TRUST – B. Hebbel moved to issue a full certificate of compliance for constructing an observation boardwalk at Howland Marsh, behind 392 Point Road; J. Oakes seconded; voted unanimously (SE 041-1002).

B. Hebbel moved to issue a conditional negative determination for box #3 to **JIM PRIEUR** for upgrading the septic system at 101 Cove Circle, Piney Point, with conditions to maintain the erosion control measures and to remove soil stockpiles from the buffer zone; N. Hills seconded; voted unanimously (41D-1363).

FERNANDES PACHECO's order of conditions (SE 041-1101) was being drafted when it was discovered that Natural Heritage had not commented on the project. The order will be written on November 5, 2008 and issued on November 7, 2008.

N. Hills moved to issue a negative determination for box #2 for **SHAUN AND ANN CARNEY**'s deck replacement at 310 Front Street; J. Oakes seconded; voted unanimously (41D-1364).

B. Hebbel drafted **FRANKLYN G. AND PRISCILLA P. BILL**'s order of conditions (SE 041-1097) for work at 296 Delano Road and moved to issue it as written; J. Oakes seconded; voted unanimously.

Minutes were reviewed. B. Hebbel moved to accept the September 17 and October 1, 2008 minutes as amended; J. Oakes seconded; voted unanimously.

TOWN OF MARION – Little Neck Village reconstructions project (SE 041-1100). N. Hills had drafted a letter to D.E.P. in response to the letter appealing the order of conditions. He said he had spoken with Town Administrator Paul Dawson and Town Counsel Jonathan Witten about the letter. J. Oakes and B. Hebbel said they would prefer to leave the matter up to Town Counsel, and not send the letter at this time. N. Hills said he will speak with Town Counsel again.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved December 3, 2008