

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 7, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr. (absent from 7:00-7:05 PM)
Bruce C. Hebbel

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

Secretary: Diane R. Drake

Others Present: Leedia Macomber, David Davignon and Christian Farland.

Meeting convened at 7:00 PM Wednesday, January 7, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 3, 2009 by N. Hills, J. Oakes and S. Briggs.

7:00 PM **ROGER & HANNE REISER** - RFD (41D-1385) for minor repair work and repointing of existing stone and concrete piers at 43 Piney Point Road, Piney Point. Christian Farland of Thompson Farland telephoned to say he was stuck in traffic and asked the Commission to continue this hearing to later tonight. On a motion duly made and seconded, it was unanimously voted to continue this hearing to later tonight.

J. Oakes moved to issue a full certificate of compliance to **J. MAURITS HUDIG** for replacing a metal drainage pipe under Cottage Lane with an open-bottom, concrete culvert with headwalls; B. Hebbel seconded; voted unanimously (SE 041-1054).

J. Oakes moved to issue a full certificate of compliance to **CHRISTOPHER MacLEAN** for constructing an addition off the northeast end of the dwelling at 167 Allens Point Road; B. Hebbel seconded; voted unanimously (SE 041-873).

The Marion Conservation Commission's draft 2008 Annual Report was reviewed and unanimously approved as written on a motion by J. Oakes; seconded by B. Hebbel.

S. Briggs arrived at 7:05 PM.

December 17, 2008 minutes were reviewed and accepted as written on a motion by J. Oakes; seconded by N. Hills; voted unanimously.

7:10 PM **INDIAN COVE TRUST** – NOI (SE 041-1102) to construct a single-family dwelling with a septic system at Assessors' Lot 44 Holly Pond Road (continued from December 17, 2008). Leedia Macomber of the Indian Cove Trust was present. There is a question as to whether the lot can be built on due to open space restrictions as shown on the approved Indian Cove subdivision plans. David Davignon of N. Douglas Schneider and Associates, Inc. was present and submitted a letter from the Trust's Attorney, Scott I. Wolf of Schlossberg & Associates, stating there are no restrictions on the use of the lot. Leedia Macomber said she received an email from the Assessors' office that said they could not find any recorded conservation restrictions on the lot. N. Hills said he would expect a formal response from the Town as to whether that site is a buildable lot. D. Davignon said that issuance of an order of conditions would not make the lot buildable. J. Oakes said he would like the Planning Board to verify that they have no restrictions of the lot. The Commissioners were concerned that the intent of the lot, as shown on the subdivision plan, was to be open space. L. Macomber said that was proposed 27 years ago, and the proposed horse ring and swimming pool also were not built. D. Davignon said there is an Approval Not Required plan to cut out two acres of this lot and leave the remaining six acres as conservation land. D. Davignon said he has not received a response from the Assessors' office other than an email that they cannot find any recorded restrictions. N. Hills said he would like to speak with Town Administrator Paul Dawson to request a formal letter determining whether or not the lot is buildable. J. Oakes described his proposed adjustments to the flagged wetland line. N. Hills was concerned with the location of the overhead power line; D. Davignon said that is cable, not electricity, and will be rerouted. He said the house is proposed as shown to get it out of the Velocity Zone, and the septic system is placed as shown due to high groundwater. S. Briggs questioned whether the driveway will be restricted to Holly Pond Road because it would be much cheaper to construct a driveway to Route 6; L. Macomber said the intention has always been to have the driveway on Holly Pond Road, and will be sure to restrict access from Route 6 in the purchase and sale agreement. S. Briggs suggested placing a utility easement on the portion of the lot north of Aucoot Creek. The Natural Heritage and Endangered Species Program has cleared the project. L. Macomber said the drive does not need to be paved. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:10 PM January 21, 2009; J. Oakes seconded; voted unanimously.

7:40 PM **ROGER & HANNE REISER** - RFD (41D-1385) for minor repair work and repointing of existing stone and concrete pier abutments at 43 Piney Point Road, Piney Point (continued from 7:00 PM this evening). Christian Farland of Thompson Farland, Inc. represented Mr. and Mrs. Reiser and described the work. J. Oakes said all the piers need work, and recommended issuing a conditional negative determination with conditions from the old order of conditions, rather than require a new notice of intent filing. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:50 PM **CONSTANCE C. SHEPARD** – NOI (SE 041-1103) to construct two small additions to the dwelling at 99 Allens Point Road, and a patio/deck area. J. Oakes left the room. Christian Farland represented Ms. Shepard and described the project which is in the 100' buffer zone to a coastal bank. He said the two small additions are approximately 18' x 20' each for a total of 730 square feet. He said the septic system is also being upgraded, but is not in the Conservation Commission's jurisdiction. The patio and deck will be built at grade. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously. J. Oakes returned to the room. N. Hills drafted the

order of conditions and moved to issue it as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

J. Oakes moved to issue a conditional negative determination for box no. 2 to **ROGER AND HANNE REISER** to repair and repoint their pier abutments, with conditions that power grouting is prohibited, and all work within the intertidal zone will be performed at low tide; B. Hebbel seconded; voted unanimously (41D-1367).

J. Oakes moved to issue a full certificate of compliance for reforming seven pier abutments at **ROGER REISER**'s 43 Piney Point Road property; B. Hebbel seconded; voted unanimously (SE 041-982).

B. Hebbel moved to issue a full certificate of compliance for pier improvements at **JOHN A. WHITTEMORE**'s 51 East Avenue, Planting Island property; N. Hills seconded; voted by majority with J. Oakes abstaining (SE 041-1087).

Discussion followed regarding annual vista pruning that is done at **MARGARET HOWLAND**'s 21 Planting Island Road property. Ms. Howland was present at the site inspection and allowed the Commission Members to view the cutting from her home. N. Hills said the yearly cutting is not being done in the buffer zone, and a filing is not necessary.

A site inspection had been held at **JON ROBERT ZELL**'s 283 Wareham Street property regarding a wetlands violation report of a bobcat working in wetlands. D. Drake said she has received a request for a determination of applicability filing from Mr. Zell, and his hearing will be on January 21st.

A site inspection had been held at **RICHARD DIX**'s 9 River Road property regarding drainage issues. D. Drake said she has received a request for a determination of applicability filing from Mr. Dix to construct a drywell for his roof runoff, and his hearing will be on January 21st.

B. Hebbel submitted a letter of resignation from the Conservation Commission effective no later than March 4, 2009 due to his employment obligations.

J. Oakes drafted and moved to send a letter to the U.S. Army Corps of Engineers stating **J. MAURITS HUDIG**'s new drainage pipe under Cottage Lane meets all their standards (SE 041-1054); the motion was seconded and voted unanimously.

S. Briggs said E. A. Fish's 40B housing project on County Road has been abandoned due mainly to a high water table.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved January 21, 2009