

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 18, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Lawrence B. Dorman

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

Secretary: Diane R. Drake

Others Present: Jack O'Leary, Brandon Faneuf, Kenneth Steen and James Holding

Meeting convened at 7:00 PM Wednesday, February 18, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. There were no scheduled site inspections for Saturday, February 14, 2009.

7:00 PM Minutes were reviewed. J. Oakes moved to accept the January 21, 2009 minutes as written; L. Dorman seconded; voted unanimously. J. Oakes moved to accept the February 4, 2009 minutes as amended; N. Hills seconded; voted unanimously.

Due to three Members attending the Massachusetts Association of Conservation Commissions' annual conference on Saturday, February 28, 2009 it was agreed that site inspections for the March 4, 2009 meeting would be held on Sunday morning, March 1, 2009 beginning at 9:00 AM at the Town House.

7:10 PM **SARDINHA FAMILY TRUST** - NOI (SE 041-1053) to raze the restaurant at 450 Wareham Street and construct two structures in its place (continued from January 21, 2009). Jack O'Leary of Merrill Associates was present on behalf of the Trust. This hearing had been continued so that the abutters could be notified of this hearing. J. O'Leary said that although no neighbors were present tonight, they were at the Planning Board's hearing to reiterate their displeasure with the walkway to Spring Street. J. O'Leary said the Planning Board's engineer submitted a partial stormwater review, but because one Planning Board member was absent and will be absent for a few more meetings, their hearing was continued to March 16, 2009. J. Oakes moved to continue this hearing to 7:10 PM March 18, 2009 with the Applicant's consent; L. Dorman seconded; voted unanimously.

7:20 PM **BAY WATCH REALTY TRUST** - ANRAD (SE 041-1104) to verify the wetland resource areas and delineations off Front Street on Lots 27, 28 and 29 (continued from February 4,

2009). James Holding and Kenneth Steen were present with their representative, Brandon Faneuf. B. Faneuf said he would like to discuss the peer review time table. N. Hills explained that six requests for proposal were mailed out on February 9th, responses are due back by February 26th, and a consultant will be decided at the March 4th meeting. B. Faneuf said he delineated the wetland lines in December, and it is a typical wetland. He said there is no reason to delay the field work until May and asked if there was any wiggle room to have it done earlier. J. Oakes explained that it depends on when the groundcover comes up and leafs out, and agreed that it could be done earlier. B. Faneuf said the Commission reviewed the line in 2001/2002 and showed an overlay of both lines, and they are very similar. B. Faneuf said if the work cannot be done earlier than May, he would like a flat-out denial tonight. N. Hills said he agreed with J. Oakes, that if the vegetation comes up earlier, then the work can be done earlier. J. Oakes said he would prefer to approve the lines rather than D.E.P., as we have had problems with D.E.P.'s lines in the past. B. Faneuf said March 1st would not be unreasonable for the consultant to do the work. J. Oakes said the statement of work specifies the work is to be done in May, but an addendum can be sent out requesting the work to be done in April or earlier, dependent on the weather and ground cover. N. Hills stated that we would not tell them when to do the flagging but would rely on their professional judgment. J. Oakes moved to send an addendum to the contractors requesting the flagging be done as soon as practical after the contract is signed; L. Dorman seconded; voted unanimously. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM March 4, 2009; J. Oakes seconded; voted unanimously.

Meeting adjourned at 8:00 PM.

Diane R. Drake, Secretary

Approved March 4, 2009