

FINAL

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

Members Present: Norman A. Hills, Chairman
Joel D. Hartley
Lawrence B. Dorman
Wendy L. Carreau, Associate

Members Absent: Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr.
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Susan Nilson, John T. Kelly Jr., John and Doris Ludes, Christian Farland

Meeting convened at 7:00 PM Wednesday, March 18, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 14, 2009 by N. Hills, L. Dorman and J. Hartley.

7:00 PM **THE KITTANSETT CLUB** - RFD (41D-1370) to erect an osprey pole at 11 Point Road. John T. Kelly, Jr. represented The Kittansett Club and explained the project. He said a 21'-high unsupported osprey pole will be placed into a 30"-round, 4-foot deep footer that will be poured using 80 pound bags of premixed cement. He said all work will be done by hand. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. L. Dorman said he would like the record to show that he is a member of The Kittansett Club.

7:10 PM **TREVOR HATTON** – RFD (41D-1371) to repair a pier at 183 Front Street by resetting a piling, repointing the piers and pouring a concrete cap on the piers to reinforce the superstructure. Susan Nilson of CLE Engineering, Inc. represented Mr. Hatton and described the project. L. Dorman asked whether this work would require amending the Chapter 91 license; S. Nilson said there is no change in footprint so she does not think so, but the U.S. Army Corps will be notified of the work. S. Nilson said the cap will be 12" thick for the whole length, similar to what was done at the abutting Weber pier, and also the Great Hill pier. Due to the extensive proposed work, the Commission Members indicated that a notice of intent filing would be more appropriate for this project. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:19 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 February 18, 2009). The Trust's engineer, Jack O'Leary of Merrill Associates, had requested another continuation while details of the project are being worked out with the Planning Board. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:10 PM April 1, 2009; J. Hartley seconded; voted unanimously.

7:21 PM **THE KITTANSETT CLUB** – L. Dorman moved to issue a one-year extension permit to repave an existing parking lot at 11 Point Road, and adding stone to an adjacent parking area of lawn as shown on the plan (SE 041-1003); J. Hartley seconded; voted unanimously.

7:23 PM **THE KITTANSETT CLUB** – J. Hartley moved to issue a three-year extension permit for regrading areas of the 4th, 5th and 6th Fairways at 11 Point Road (SE 041-979); L. Dorman seconded; voted unanimously.

7:25 PM **THE TOWN OF MARION, DEPARTMENT OF PUBLIC WORKS** – RFD (41D-1372) to install a catch basin and stormwater drainage system within the Point Road layout in the vicinity of 631 Point Road, northwest of the water tower. Christian Farland of Thompson Farland, Inc. represented the Town and explained that this project is to improve roadway drainage in this low area. He said the project is designed for a 100-year storm event. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:34 PM **JOHN LUDES** – ANRAD (SE 041-1105) to verify the wetland resource areas and delineations at 135 Converse Road (shown as Lots 44, 45 and 46 on Assessors' Map 17). John and Doris Ludes were present with their engineer, Christian Farland. C. Farland said the PVC pipe that crosses the driveway is only to prevent puddling. J. Ludes explained that he just recently purchased the property and is addressing each pipe as they are found. He said one of the pipes is for a sump pump, not from a leaching field. C. Farland said the two cement covers on the site are for old abandoned cesspools. Mr. Ludes said he has three available sewer hookups for the site but he can't hook up at this time due to the sewer moratorium. He said that no one is living in the houses now, so whatever water is being discharged is clean. J. Ludes explained that he is selling a goodly portion of the property to the Sippican Lands Trust for access to their Stewarts Island, and other portions of the lots are going to become conservation land. L. Dorman explained that perennial streams flow year round, and there appears to be a perennial stream on the site that is not shown on the plan; J. Ludes said he knows that stream dries up during the summer. N. Hills said the wetland line should have extended to the stone wall. J. Hartley said the two pipes that are now discharging should be addressed, as they could create a wetland. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

L. Dorman moved to issue a full certificate of compliance for **ELLEN KAPLAN**'s new dwelling and septic system at 42 West Avenue, Planting Island (SE 041-891), with the minor modification described by her engineer; J. Hartley seconded; voted unanimously.

L. Dorman moved to issue a negative determination for Box #3 to **THE TOWN OF MARION** for their proposed stormwater drainage system on Point Road (41D-1372); N. Hills seconded; voted unanimously.

N. Hills moved to issue a positive determination for Box #3 to **TREVOR HATTON** for pier improvements at 183 Front Street (41D-1371); L. Dorman seconded; voted unanimously.

N. Hills moved to issue a negative determination for Boxes #2 and #3 to **THE KITTANSETT CLUB** for erecting an osprey pole at 11 Point Road (41D-1370); L. Dorman seconded; voted unanimously.

W. Carreau said she attended a M.A.C.C. class on March 14, 2009 and found everyone there to be very helpful.

L. Dorman moved to accept the March 4, 2009 minutes as amended; J. Hartley seconded; voted unanimously.

J. Hartley drafted **JOHN LUDES**'s order of resource area delineation (SE 041-1105) and moved to issue it as written; L. Dorman seconded; voted unanimously.

BAY WATCH REALTY TRUST – ANRAD (SE 041-1104) to verify the wetland resource areas and delineation off Front Street on Lots 27, 28 and 29 was discussed. N. Hills explained that the Town Administrator and Chief Procurement Officer, Paul Dawson, did not agree with the Commission's choice of AECOM Environment as their consultant to review Bay Watch's wetland resource areas and delineations. AECOM's \$3,000.00 quotation happened to be the most expensive of the five firms that responded to the request for quotes. N. Hills said he made a chart of the firms and their pluses/minuses. J. Hartley suggested reviewing the quotations beginning with the lowest price and deciding whether the company would be qualified to do the work. Each firm's quotation was reviewed and discussed.

Hovorka Consulting (\$850.00): J. Hartley thought the personnel were mainly experienced in surveying, and proposed to do the work on a weekend. J. Oakes by email said the personnel did not have enough wetland experience. L. Dorman said he agreed with J. Oakes; the statement of work called for the work to be done during the work week, not a weekend; and seven hours just would not be enough time to do the requested work.

Sabatia, Inc. (\$1,500.00 to \$2,200.00): J. Oakes had written that this proposal does not include field delineation forms, but N. Hills said he does not agree because the proposal does not specifically exclude that work. N. Hills said the statement of work says work shall be done as soon as practical, when the ground is no longer frozen and the snow has melted. The Members agreed that Bob Gray has many years of wetlands delineation experience and his wetland lines have been reviewed by the Commission many times. N. Hills thought Sabatia would meet all of the Commission's qualifications and everyone agreed that there was no need to review the other firms.

N. Hills moved to recommend awarding the contract to Sabatia, Inc., rather than AECOM Environment; J. Hartley seconded; voted unanimously.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved May 6, 2009