

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 5, 2009

Members Present: Norman A. Hills, Chairman
Sherman E. Briggs, Jr. (absent from 7:00-7:10 PM, left at 8:30 PM)
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau, Associate

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

Secretary: Diane R. Drake

Others Present: Christian Farland, Nyles Zager and Peter Foye

Meeting convened at 7:00 PM Wednesday, August 5, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 1, 2009 by N. Hills, J. Hartley, L. Dorman and W. Carreau.

7:00 PM **BURR BROTHERS BOATS, INC.** - NOI (SE 041-1112) to remove and replace a commercial building at 309 Front Street, make drainage improvements, and associated site work (continued from July 15, 2009). The Applicant's Engineer, Susan Nilson, has requested another continuation as the Planning Board has not yet received Field Engineering's comments about this project. L. Dorman moved to continue the hearing, with the Applicant's consent, to September 2, 2009 at 7:10 PM; W. Carreau seconded; voted unanimously.

7:01 PM **GREAT HILL TRUST** – L. Dorman moved to issue a three-year extension permit to the Great Hill Trust for maintenance dredging and dune nourishment southwest of the pier at Great Hill Farm, Delano Road (SE 041-777); W. Carreau seconded; voted unanimously.

7:02 PM **PETER FRANCIS**'s engineer has requested a certificate of compliance for constructing an addition, pool, pool house, upgrading the septic system, and site grading at 107 Cove Circle, Piney Point (SE 041-1077). N. Hills said there is an unknown pipe in the driveway; Christian Farland was present on a different matter and said he believes the white PVC pipe is for the rain garden overflow, and he will look into it. L. Dorman moved to issue a full certificate of compliance for the project; J. Hartley seconded; voted unanimously.

7:08 PM **TOWN OF MARION** – The engineer for the Converse Road new water main project had contacted the Conservation Commission regarding delineating wetlands for this upcoming project. N. Hills did not think this should be the Conservation Commission's responsibility and will speak with the Town Administrator, Paul Dawson, about this matter.

L. Dorman moved to pay \$28.08 for a one-year renewal subscription to **THE SENTINEL**; J. Hartley seconded; voted unanimously.

S. Briggs arrived at 7:10 PM.

7:10 PM **ROSEN POINT FAMILY LTD. PARTNERSHIP** – RFD (41D-1380) to construct a 28' wide by 30' long garage at 94 Piney Point Road. Christian Farland represented the Partnership and described the project. He said the Zoning Board of Appeals did not approve the prior request for a garage, so the lots will be combined which will eliminate the property line setback issues. N. Hills said he would like the dumpsters to be moved at least 15' away from the hay bale line; C. Farland said he will tell the contractor to move them, and a letter from the Conservation Commission will not be necessary. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. J. Hartley moved to issue a negative determination for Box #2; L. Dorman seconded; voted unanimously with S. Briggs abstaining from the discussion and vote.

7:20 PM **JAMES PRIEUR** – NOI (SE 041-1113) to construct a building addition, a garage, a stormwater management system and install a Presby sewage disposal system at 101 Cove Circle, Piney Point. Christian Farland represented Mr. Prieur and described the project. He said the flags from a prior project are overgrown. J. Hartley was satisfied that the drip strips on the rear of the house are working well and there is no need to redirect runoff to drywells. L. Dorman moved to close the hearing; JH. Hartley seconded; voted unanimously.

7:30 PM **DUDLEY L. BAUERLEIN, JR. and ANA S. BAUERLEIN** – NOI (SE 041-1114) to construct a building addition with deck at the rear of the dwelling at 64 West Avenue, Planting Island, a install a sewage disposal system in the front of the dwelling. Christian Farland represented Mr. and Mrs. Bauerlein and described the project. He said there is not a lot of siltation fencing because the work in that area will be dug by hand. He said the septic tank has moved because it was in the way of the water line. C. Farland apologized for not providing the Conservation Commission with copies of the revised plan that had been submitted to the Board of Health on August 3, 2009. L. Dorman said he would like the siltation fencing to run along the property line to prevent any spillage into the neighbor's yard. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

JAMES E. COLAGEO's request for a certificate of compliance for constructing a house, a deck, a garage, retaining walls, and upgrading the septic system at 41 River Road was discussed (SE 041-872). N. Hills said the plan of record is not as was built, i.e. stone walls, a patio, deck, etc. Christian Farland said the as-built plan was just for the septic system. N. Hills said the order of conditions states an as-built site plan may also be required. N. Hills will draft a letter to Mr. Colageo requesting an as-built site plan before a certificate of compliance can be issued.

7:40 PM **ANNA R. and JOSEPH A. CAVALLO** – RFD (41D-1381) to upgrade a sewage disposal system at 279 Delano Road. Nyles Zager of Outback Engineering represented Mr. and Mrs. Cavallo and described the project. He said the majority of the work is outside of the 100' buffer zone to wetlands. He said the long piping is still serving the house, and no trees will need to be cut. N. Zager said the two tanks aren't further from the wetlands because it would be going

uphill, and the contractor needs the space to do the work. He said all the piping will go to one system. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:50 PM **PETER D. FOYE** – RFD (41D-1382) to construct a 22' x 18' addition and 44' x 12' (overall) covered porch at 5 Seahorse Way. Peter Foye was present with his engineer, Christian Farland, who described the project. C. Farland said the plan has been revised to include a recharge system for the new rooftop, and submitted two of the revised plans. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

8:00 PM **LINDA SPOOLSTRA** – RFD (41D-1383) to repair and repave a 20' x 25' section of Hastings Road at the intersection of Creek Road. No one represented Ms. Spoolstra. L. Dorman said he would like care to be taken by the contractor so that the drainage ditch is not affected by the work. J. Hartley said it looks like the road was not compacted correctly, causing the pothole. L. Dorman moved to close the hearing; J. Hartley seconded; voted by majority with W. Carreau abstaining.

HEATH HARRIMAN's request for a certificate of compliance for constructing a driveway, placing a dwelling with an addition on a new foundation, placing a garage, and installing utilities at 39 Giffords Corner Road was discussed (SE 041-949). The as-built site plan shows the dwelling foundation was built closer to the wetlands than proposed. N. Hills drafted the certificate with an additional ongoing continuing condition requiring a boulder line to be placed and maintained 15' upland of the wetland line. L. Dorman moved to issue it as written; J. Hartley seconded; voted unanimously.

RICHARD G. WOOD – a report has been received of wetland violations taking place at Richard G. Wood's 378 Delano Road property. D. Drake explained that an abutter to this property reported that Realtor Bernadette Kelly is trying to sell the house and authorized clearing a pathway to the shore. A letter will be sent to the owner, with a copy to the realtor, instructing them to file a request for determination immediately for the work that has taken place.

LUCIUS EVANS – a report has been received of wetland violations taking place on the Sippican Lands Trust's Brainard Marsh property on Delano Road near Bass Point Road (41D-1265). Apparently Lucius Evans bought a property across from this lot. His deed includes an easement across Brainard Marsh to the shore, and he had begun to clear the overgrown footpath. A letter will be sent to Mr. Evans, asking him to stop any further work until he submits a filing and receives a permit.

S. Briggs left the building at 8:30 PM as he could not participate in anything else on the agenda.

PETER D. FOYE's determination to construct an addition and porch at 5 Seahorse Way was drafted (41D-1382). J. Hartley moved to issue a negative determination for box #2 with a condition that a foundation as-built plan shall be submitted to the Conservation Commission when the project is complete; L. Dorman seconded; voted unanimously.

J. Hartley drafted ANA S. & DUDLEY L. BAUERLEIN, JR.'s order of conditions (SE 041-1114) to construct a building addition, a deck, and a sewage disposal system at 64 West Avenue, Planting Island, and moved to issue it as written; L. Dorman seconded; voted unanimously.

N. Hills drafted JAMES PRIEUR's order of conditions (SE 041-1113) to construct a building addition, a garage, a stormwater management system and a sewage disposal system at 101 Cove Circle, Piney Point, and moved to issue at as written; J. Hartley seconded; voted unanimously.

W. Carreau drafted ANNA R. & JOSEPH A. CAVALLO's determination (41D-1381) to upgrade a sewage disposal system at 279 Delano Road, and moved to issue a negative determination for box #3; J. Hartley seconded; voted unanimously.

N. Hills drafted LINDA SPOOLSTRA's determination (41D-1383) for repairing and repaving a section of Hastings Road, and moved to issue a conditional negative determination for box #2 with conditions that hay bales shall be placed between the road and swale, and old pavement shall be taken off site; L. Dorman seconded; voted by majority with W. Carreau abstaining.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved September 23, 2009