

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON MAY 12, 2010

Members Present: Norman A. Hills, Chairman  
Sherman E. Briggs, Jr. (absent from 7:00-7:15 PM)  
Joel D. Hartley  
Wendy L. Carreau

Members Absent: Lawrence B. Dorman  
Jeffrey W. Oakes, Associate  
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Susan Nilson, William St. Cyr, Elizabeth Hatch, Christian Farland,  
Michael Jardin, Thomas P. Lovett Jr., and Sandra Keese.

Meeting convened at 7:00 PM Wednesday, May 12, 2010 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 8, 2010 by N. Hills, J. Hartley, W. Carreau, L. Dorman and J. Oakes.

7:00 PM **WILLIAM A. SAMPSON** - RFD (41D-1413) to raze the existing dwelling at 43 Dexter Road, Dexter Beach, and reclaim the yard by clearing brush up to 15' from the wetland line (continued from April 14, 2010). At the Applicant's request, J. Hartley moved to continue the hearing to 7:10 PM June 9, 2010, W. Carreau seconded, voted unanimously.

**JOHN A. WHITTEMORE** - N. Hills moved to issue a three-year extension permit to continue to add beach sand at 51 East Avenue, Planting Island, J. Hartley seconded, voted unanimously (SE 041-939).

**BAY WATCH REALTY TRUST** - N. Hills moved to pay \$742.50 (of the \$1600.00 approved) to Sabatia for consulting services regarding certified/vernal pools off Front Street, J. Hartley seconded, voted unanimously (SE 041-1104).

7:05 PM **JOHN A. WHITTEMORE** - RFD (41D-1418) to repair the retaining wall at the basement walkout of the dwelling at 51 East Avenue, Planting Island. Dale Briggs will be the contractor. N. Hills moved to issue a Negative Determination for boxes 2 and 3, J. Hartley seconded, voted unanimously.

7:10 PM **DOLA STEMBERG** - NOI (SE 041-1126) to reconstruct the existing dwelling and garage at 85 Moorings Road, install an in-ground pool, and make improvements to landscaping, parking, and walkways (continued from April 28, 2010). Susan Nilson of CLE Engineering

represented Ms. Stenberg and submitted revised plans (foundation, grading, and drainage) showing the new flood zone (VE-20) will be met. She said there will be a mat foundation (5 feet of concrete inside the walls for stability) and will allow free flow of water. There is a design for the roof drainage system. J. Hartley said in-ground pools in the VE Zone are allowed because there are no vertical walls. N. Hills said he would prefer no pavement; S. Nilson said the proposed pavement is outside the buffer zone and will be landscaped. J. Hartley moved to close the hearing, W. Carreau seconded, voted unanimously.

7:25 PM **MARION LANDS TRUST, c/o DAVID CROLL** – NOI (SE 041-1137) for landscaping activities at Holly Knoll, off Wareham Street (regrading the former nursery area, maintenance mowing of a field/lawn, pruning of tree canopy, removal of selected trees, and continued clearing of brush (continued from April 28, 2010). S. Briggs left the table. Susan Nilson represented Mr. Croll. Another site visit with Mr. Croll had been held. N. Hills said there is an intermittent stream with a culvert in the rear of the property. MESA has signed off on the project. The BVW flags have not yet been hung, but will be if required by the Order of Conditions. Grading is in the area east of the driveway. A silt fence marks the 15' no touch zone. J. Hartley moved to close the hearing, W. Carreau seconded, voted unanimously.

7:31 PM **JOHN LUDES** – NOI (SE 041-1135) for landscaping activities at 135 Converse Road (maintain walking paths, a woods road and a picnic area; remove fallen trees; rebuild stone walls; remove bittersweet and Japanese knotweed; cut/mow phragmites; and plant native species) (continued from April 28, 2010). S. Briggs remained away from the table. Christian Farland represented Mr. Ludes. Revised plans had been submitted. All work will be done by hand, no heavy machinery will be used. J. Hartley moved to close the hearing, W. Carreau seconded, voted unanimously. S. Briggs returned to the table.

7:36 PM **KELLY SMITH** – RFD (41D-1419) to upgrade the septic system at 597 Mill Street. Sandy Keese represented Ms. Smith and described the project. N. Hills asked if the wetland line is new; she said yes, that area is isolated land subject to flooding and not a bordering vegetated wetland. N. Hills said the flags are not numbered and thought the wet area extended further upland; S. Keese responded she always shows ILSF areas as BVWs and didn't do soil tests because that area is all soggy. S. Keese said "SAS" means "soil absorbency system" and replaces "leaching field." J. Hartley recommended the wetland line be set at the elevation 74 line for any future filings. N. Hills would prefer the siltation fence be brought further forward. N. Hills said the 15' no-disturb line to the ILSF needs to be adhered to. J. Hartley moved to close the hearing, W. Carreau seconded; voted unanimously.

7:50 PM **INDIAN COVE TRUST** – RFD (41D-1420) to add approximately 50 cubic yards of crushed stone to eroded areas of the revetment at the boat ramp at the end of Indian Cove Road. William St. Cyr represented the Trust and said this project is simply to fill eroded areas behind the seawall. Mr. St. Cyr said approximately 100 linear feet of seawall work is required, and nothing existing will be moved. He said the stone will be dumped in the driveway and will be moved by bobcat as needed. J. Hartley would prefer a NOI filing due to the proximity of the salt marsh. S. Briggs thought the Chapter 91 license would require the walls to be maintained. Mr. St. Cyr said he will find out if the wall is licensed. N. Hills moved to continue the hearing until 7:00 PM on May 26, 2010, J. Hartley seconded, voted unanimously.

8:00 PM **JOSIAH and ELIZABETH HATCH** – appointment for discussion regarding just tree removal (no stump pulling) at 168 Allen’s Point Road. Mrs. Hatch explained which trees she would like to remove now (the stumps will not be removed) because (1) they are damaging the house; (2) could damage the propane tank; or (3) are affecting the seawall. N. Hills said the Commission met with Josiah Hatch at the site to see what work they would like to do. N. Hills said a RFD filing will be required for landscaping and replanting. N. Hills said dead branches and where the branches are growing into the tennis court can be removed, but no vista pruning. N. Hills said topping the tennis court trees should be included in the landscape plan. J. Hartley and S. Briggs said the tennis court trees are not in the Commission’s jurisdiction because they are not in a BVW.

8:10 PM **MICHAEL THOMPSON** – RFD (41D-1416) to verify the delineation of the bordering vegetated wetland lines flagged on Lots 4A and 18 behind 601 Delano Road (continued from April 28, 2010). Thomas Lovett, Jr. represented Mr. Thompson and submitted revised (05/10/2010) plans incorporating the Commission’s changes during the site visit. T. Lovett would like it to be noted that there is additional upland in the 200 series flag line which has not been delineated. No work is proposed at this time. W. Carreau moved to close the hearing, J. Hartley seconded, voted unanimously.

**DOUGLAS CROCKER** - discussion regarding the rear garden at 60 Water Street (41D-1403, SE 041-871). Michael Jardin, Mr. Crocker’s landscape designer, was present and said there was a grassland, lawn, and mescantis grass at the site when he was hired to do the landscaping. N. Hills said he would like the grass to be moved back from the drainage ditch and was concerned that the nutrients will enter the Harbor. Mr. Jardin said that in the 2-1/2 years the garden has been there he has only “fed” the area once, when it was planted, because it is healthy earth and doesn’t need additional nutrients. Mr. Jardin submitted a sketch of several plants he would use to line the ditch and wetlands area. N. Hills thought a NOI should be filed. A plan was found of the rear yard that could be used for the NOI.

**ANDREW KOTSATOS** – A Certificate of Compliance for razing the dwelling at 196 Point Road and constructing a new dwelling, garage, deck, porches, patio, and a pool/spa was discussed (SE 041-1091). During the site visit on May 8, 2010 it was determined that more landscaping was required to stabilize the front lawn area before a Certificate of Compliance could be issued. That information was provided to Mr. Kotsatos at that time.

**KELLY SMITH** – RFD (41D-1419) - S. Briggs moved to issue a conditional Negative Determination for Box 3 with the condition that a silt fence shall be installed from Flag 2 along the Elevation 74 contour on the plan, N. Hills seconded, voted unanimously.

**JOHN LUDES** – NOI (SE 041-1135) - J. Hartley drafted and moved to issue the Order as written, W. Carreau seconded, voted by majority with S. Briggs abstaining.

**MARION LANDS TRUST, c/o DAVID CROLL** – NOI (SE 041-1137) - W. Carreau drafted the Order and moved to issue it as written, J. Hartley seconded, voted by majority with S. Briggs abstaining from the discussion and vote.

**DOLA STEMBERG** – NOI (SE 041-1126) - N. Hills drafted the Order and moved to issue it as written, W. Carreau seconded, voted unanimously.

**MICHAEL THOMPSON** – RFD (41D-1416) - J. Hartley drafted a Positive Determination for Boxes 1, 2A and 2B and moved to issue it as written, W. Carreau seconded, voted unanimously.

**MISCELLANEOUS** – N. Hills drafted a letter to the Town Administrator requesting an increase of the Commission's Secretary's hours by five hours/week. L. Dorman recommended that the Commission send a letter to Mr. Lawrence on Pawkechatt Road addressing the apparent unauthorized clearing being done within the BVW.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved September 8, 2010