

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 11, 2010

Members Present: Norman A. Hills, Chairman  
Sherman E. Briggs, Jr.  
Lawrence B. Dorman  
Joel D. Hartley  
Wendy L. Carreau  
Bruce C. Hebbel, Associate

Members Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Ricky Pursley, George "T.J." Walker, George Estudante, Richard Charon, Darryl and Dawna Gauvin, Ken Michaels and Cathy Dahill.

Meeting convened at 7:00 PM Wednesday, August 11, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 7, 2010 by N. Hills, J. Hartley and W. Carreau.

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 July 14, 2010). Mr. Sampson has requested another one-month continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM September 8, 2010; J. Hartley seconded; voted unanimously.

Minutes were reviewed. L. Dorman moved to accept the **December 9, 2009** minutes as written, W. Carreau seconded, voted unanimously. N. Hills moved to accept the **December 23, 2009** minutes as written, W. Carreau seconded, voted by majority with L. Dorman and J. Hartley abstaining. L. Dorman moved to accept the **January 13, 2010** minutes as written, W. Carreau seconded, voted unanimously. L. Dorman moved to accept the **January 27, 2010** minutes as amended, W. Carreau seconded, voted unanimously. L. Dorman moved to accept the **February 24, 2010** minutes as written, W. Carreau seconded, voted unanimously. J. Hartley moved to accept the **March 10, 2010** minutes as written, W. Carreau seconded, voted unanimously. W. Carreau moved to accept the **June 9, 2010** minutes as written, J. Hartley seconded, voted unanimously.

7:10 PM **LAURENCE E. REINHART** - NOI (SE 041-1141) to construct a single-family dwelling, a septic system, a driveway, and associated filling and grading at Lot 70 East Avenue, Planting Island. Richard Charon of Charon Associates represented Mr. Reinhart and described the project. The house will extend into the Velocity Zone so it will be built in accordance with Velocity building standards which require it to be two feet higher than flood plain standards. The house will

be on piles set on a slab. N. Hills asked for the house corners to be staked, and another site inspection will be held. N. Hills said there are some very large rocks in the area of the leaching field that may cause problems. L. Dorman asked for siltation fencing to be shown on the plan. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:00 PM on August 25, 2010, L. Dorman seconded, voted unanimously.

7:25 PM **GEORGE F. ESTUDANTE** - RFD (41D-1417) to construct a 10' x 16' wooden shed and a 25' x 30' steel garage at 19 Giffords Corner Road (continued from July 28, 2010). Mr. Estudante was present. Another site inspection had been held. Mr. Estudante said no fill is proposed behind the garage. N. Hills reminded Mr. Estudante not to dump slash, etc. behind the wetland line. N. Hills explained that the lawn should not be extended. L. Dorman moved to close the hearing, J. Hartley seconded, voted unanimously.

7:30 PM **STEPHEN J. DAHILL** - RFD (41D-1427) to "square off" and extend an open deck at 24 Bass Point Road. Mr. and Mrs. Dahill were present with their contractors, Mr. and Mrs. Gauvin. Mr. Gauvin said the new deck will be raised and the footings will be hand dug. He said the dirt and old materials will be removed daily. J. Hartley said the deck will have to be a flow-through design if the area is in a Velocity Zone. J. Hartley moved to close the hearing, L. Dorman seconded, voted unanimously.

7:40 PM **GERALD J. and KAREN B. THORNELL** - RFD (41D-1428) to raze the existing garage at 105 Front Street and construct a new two-story garage. The Thornell's contractor, Ken Michaels, was present on their behalf. This filing is due to the property being in a flood zone, although Mr. Thornell believes a National Geodatic Survey marker on the site proves it is not, but he does not have an engineer's plan showing the site elevations are above 15'. J. Hartley moved to close the hearing, W. Carreau seconded, voted unanimously.

7:44 PM **GEORGE T.J. WALKER** - appointment for discussion regarding a forestry plan at 639 Point Road. Mr. Walker was present and said the forestry plan has been filed but not yet accepted. N. Hills said he would like the wetland line to be reflagged and updated. Mr. Walker verified that trees can be harvested in wetlands, and the area walked with the Commission was the first ten acres which are mostly upland. S. Briggs said if cutting is allowed in wetlands, then what is the need to re-do the wetland line? J. Hartley said cutting in wetlands is allowed during the winter when the ground is frozen. Mr. Walker said he will make an appointment with the Commission once he receives the approved forestry plan. J. Hartley asked for the stone bound nearest the wetland to be located and marked.

J. Hartley moved to issue a Box #3 Conditional Negative Determination for **GEORGE F. ESTUDANTE**'s shed and garage project at 19 Giffords Corner Road with conditions that a line of hay bales or siltation fence be installed, and no further expansion of the lawn into the wetlands, L. Dorman seconded, voted unanimously (41D-1417).

L. Dorman moved to issue a Negative Determination for Boxes 2 and 3 to **STEPHEN J. DAHILL** for his deck project at 24 Bass Point Road, W. Carreau seconded, voted unanimously (41D-1427).

N. Hills moved to issue a Negative Determination for Box #2 to **GERALD and KAREN B. THORNELL** for their garage project at 105 Front Street, J. Hartley seconded, voted unanimously (41D-1428).

The Commission's yearly reorganization was discussed. S. Briggs had indicated he would accept the Chairman position. L. Dorman said he would like S. Briggs to attend site visits, and was concerned with potential conflicts of interest. S. Briggs said J. Hartley, if voted the Vice Chairman, could fill in on 40B issues. N. Hills said all members will have to attend all 40B hearings. L. Dorman said he would support S. Briggs and J. Hartley. N. Hills moved to nominate J. Hartley as Chairman, L. Dorman seconded the motion, voted unanimously. L. Dorman moved to nominate S. Briggs as Vice Chairman, J. Hartley seconded, voted unanimously. L. Dorman moved to nominate N. Hills as Secretary and Treasurer, S. Briggs seconded, voted unanimously.

Meeting adjourned at 8:30 PM.

Approved September 22, 2010

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Diane R. Drake, Secretary