

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON APRIL 27, 2011

Members Present: Joel D. Hartley, Chairman  
Sherman E. Briggs, Jr., Vice Chairman  
Norman A. Hills, Secretary and Treasurer  
Jeffrey W. Oakes, Associate

Members Absent: Lawrence B. Dorman  
Wendy L. Carreau  
Bruce C. Hebbel, Associate (resigned March 30, 2011)

Secretary: Diane R. Drake

Others Present: Joan Hartnett-Barry, Kevin O'Gara and Peter Winters.

Meeting convened at 7:00 PM on Wednesday, April 27, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. The site inspection on Saturday, April 23, 2011 was cancelled due to inclement weather.

7:00 PM - minutes were reviewed. J. Hartley moved to accept the March 23, 2011 minutes as amended; N. Hills seconded; voted unanimously. J. Hartley moved to accept the February 23, 2011 minutes as amended; N. Hills seconded; voted unanimously.

7:13 PM JOSIAH and ELIZABETH HATCH - RFD (41D-1448) to relocate portions of the septic system at 168 Allens Point Road in order to construct a previously-approved patio. S. Briggs represented the Hatches and explained that this work is already done, as was discussed at the Commission's April 13, 2011 meeting. An as-built plan has been submitted by the engineer, David Davignon of N. Douglas Schneider and Associates. J. Hartley moved to close the hearing; N. Hills seconded; voted by majority with S. Briggs abstaining.

7:20 PM KEVIN O'GARA - appointment for discussion regarding the proposed new dwelling at Lot 11 Delano Road, formerly owned by the Cole Daughters Realty Trust (SE 041-1037). The new owner, Kevin O'Gara, is requesting permission to change the footprint of the dwelling (from 24' x 40' to 26' x 36'), and change the size and location of the rear deck (from 8' x 16' at the northwest corner of the dwelling to 6' x 16' at the southwest corner of the dwelling) without the need for a formal amendment to the order of conditions. Mr. O'Gara was present with his representative, Peter Winters. The plan of record and revised plans were compared and discussed. S. Briggs said Mr. O'Gara will have to go before the Zoning Board of Appeals for a 30' street setback rather than 35', and the Zoning Board may not approve the request. Mr. O'Gara said there is going to be a two-car garage under the house. It was agreed that soil would be stockpiled in the northeast corner of the lot as shown on a previous plan. The second-floor deck will be 8' in the air. N. Hills

suggested redesigning the shape of the house to make it skinnier. The Commissioners agreed the newly-revised plan is close to the plan of record and a formal amendment is not necessary. J. Hartley moved to issue a letter accepting the revised plan as the new plan of record effective immediately.

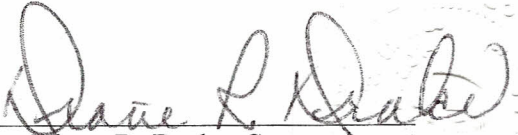
**JOSIAH and ELIZABETH HATCH** (41D-1448) - J. Oakes moved to issue a negative determination for boxes 2 and 3; J. Hartley seconded; voted by majority with S. Briggs abstaining.

**BAY WATCH REALTY TRUST** - NOI (SE 041-1145) to construct a 168-unit affordable housing complex under Chapter 40B with associated parking areas, on-site and off-site utility connections, storm water management infrastructure and related mitigation measures on Lots 27-29 off Front Street (Route 105) (continued from April 13, 2011). Bay Watch's legal counsel has requested another continuation. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:30 PM on May 25, 2011; N. Hills seconded; voted by majority with S. Briggs abstaining.

Under other business, S. Briggs asked N. Hills why approximately 500 cubic yards of fill was being removed from the **TOWN OF MARION'S LITTLENECK VILLAGE** project on Wareham Street (SE 041-1100). N. Hills said he met with the contractor at the site, with the plans of record, and that fill is what had been erroneously placed in the fire lane.

Under discussion items, the **TOWN OF MARION'S SPRAGUES COVE** stormwater remediation project at Silvershell Beach was discussed (SE 041-556). A site inspection will be held on Saturday morning, May 7, 2011 at 8:35 AM. Susannah Davis will attend on behalf of Margherita Baldwin and the Tree Committee. A memo will be sent to Robert Zora, Superintendent of the Department of Public Works, and Jody Dickerson, Director of the Recreation Department, asking them to attend the inspection.

Meeting adjourned at 7:55 PM.

  
Diane R. Drake, Secretary

Approved May 11, 2011