

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JULY 13, 2011

Members Present: Sherman E. Briggs, Jr., Chairman  
Norman A. Hills, Vice Chairman and Clerk  
Lawrence B. Dorman, Treasurer  
Joel D. Hartley

Members Absent: Wendy L. Carreau  
Jeffrey W. Oakes, Associate  
Bruce C. Hebbel, Associate (resigned March 30, 2011)

Secretary: Diane R. Drake

Others Present: Frank Shirley and Joan Hartnett-Barry

Meeting convened at 7:00 PM Wednesday, July 13, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 9, 2011 by J. Hartley, S. Briggs, N. Hills and L. Dorman.

**REORGANIZATION** - J. Hartley said he would like one of the other members to become the new chairman. Both N. Hills and S. Briggs said they would accept the chairman position. J. Hartley suggested L. Dorman become the new chairman; L. Dorman said he is not here for several months in the winter and moved to have S. Briggs, as the present vice chairman, become chairman and N. Hills as the new vice chairman; N. Hills seconded; voted unanimously. It was moved to have N. Hills become the clerk and L. Dorman the treasurer; the motion was seconded and voted unanimously.

**MINUTES** were reviewed. N. Hills moved to accept the June 22, 2011 minutes as written; J. Hartley seconded; voted by majority with L. Dorman abstaining.

7:10 PM **FRANK G. SHIRLEY** - RFD (41D-1453) to construct a second-story addition to the dwelling at 17 Bayberry Lane. N. Hills was concerned that the recent first-floor addition had not been reviewed by the Commission; Mr. Shirley said that was an existing porch which he rebuilt smaller than its previous footprint, and now he wants to put a second story over the existing house footprint for storage. He has an appraisal of the house and a contractor's cost estimate for the work, which will not exceed the 50% Rule. N. Hills was concerned that piecemeal projects are skirting the 50% Rule; S. Briggs said that improving their homes in phases is a common practice with owners of smaller homes, and D.E.P. allows it. N. Hills asked how the roof runoff will be addressed; F. Shirley said there is crushed stone (a French drain) around the foundation now. S. Briggs said he prefers gutters and downspouts discharging into drywells rather than drip strips. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

**BARDEN'S BOAT YARD, INC.** - request for a sixth three-year extension permit for maintenance dredging and seawall maintenance repairs at 2 Island Wharf Road (SE 041-552). N. Hills said this permit has been in effect for 18 years, since July of 1993. It has been amended three times and issued two partial certificates of compliance. N. Hills moved to issue a final three-year extension permit with a letter to Frederick Coulson explaining that he will have to file a new notice of intent for this work when this last extension expires; S. Briggs seconded; voted unanimously.

**DIANA M. WORLEY** - request for a third three-year extension permit for eradicating phragmites at 329 Front Street (SE 041-967). On a motion duly made and seconded, it was unanimously voted to issue a third three-year extension permit.

**WILMA BAILEY** - request for a second three-year extension permit for eradicating phragmites at 41 Dexter Road, Dexter Beach (SE 041-1036). S. Briggs moved to issue a second three-year extension permit with a letter to please do the cutting in accordance with the special conditions of her order of conditions; J. Hartley seconded; voted unanimously.

**DEXTER BEACH IMPROVEMENT ASSOCIATION** - request for a third three-year extension permit to eradicate phragmites at Beach/Dinghy Road (SE 041-962). N. Hills said it looks like an herbicide has been sprayed on everything. S. Briggs thought the phragmites may have been excavated there, as well. On a motion duly made and seconded, it was unanimously voted to issue a third three-year extension permit with a cover letter that the herbicide shall be as specified in the special conditions of their order of conditions, and reminding them that excavation is not allowed. Also, build boat racks for the dinghies so they don't have to sit on the marsh.

**TOWN OF MARION** - request for a full certificate of compliance for the Little Neck Village reconstruction project at 330 Wareham Street (SE 041-1100). S. Briggs moved to issue a full certificate of compliance for Box #1; J. Hartley seconded; voted unanimously.

**ROBERT L. and MARY M. MERROW** - request for a full certificate of compliance for constructing a road (Pasture Lane) from Converse Road to a four-lot subdivision (SE 041-902). This site had been inspected in the recent past and everything was found to be in substantial compliance. An as-built plan was required and has now been received. S. Briggs moved to issue a full certificate of compliance for Box #1 with a letter that any future improvements and repairs to the road will require a new filing; J. Hartley seconded; voted unanimously.

**FRANK G. SHIRLEY** (41D-1453) - D. Drake explained that it has always been the Commission's practice to not require a filing for small projects in the flood plain that do not exceed the existing footprint, and the Building Commissioner told her that the work was just to replace an existing deck with a smaller deck. N. Hills moved to issue a conditional negative determination for Box #2 with a condition that the entire roof runoff shall be directed to drywells or drip strips; L. Dorman seconded; voted unanimously.

**OTHER MATTERS** - S. Briggs said he attended the Selectmen's meeting at the Music Hall regarding the Tabor Academy synthetic turf project (SE 041-1154). S. Briggs said he was upset that Selectmen Jonathan Henry and Roger Blanchette said the Conservation Commission was

incompetent in allowing the project without an independent engineering review. S. Briggs said that in the 15 years he has been on the Planning Board, Tabor has never come before them because of the Dover Amendment, which exempts educational facilities from review by certain Town boards. A letter will be drafted in response to the Selectmen's allegations of incompetence.

**OTHER MATTERS** - S. Briggs said the Commission received a complaint from Mrs. Stoehr of 110 Old Knoll Road that Mr. Daly of 116 Old Knoll Road is adding fill to his back yard. Mrs. Stoehr is concerned that the fill could add to her drainage problems. S. Briggs visited Mr. Daly this afternoon. Loam has been added to even out the humps in the back yard. In his opinion, this does not require a filing. The Commission Members agreed. S. Briggs will contact Mrs. Stoehr to advise her of his findings.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved July 27, 2011