

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 10, 2011

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

Members Absent: Lawrence B. Dorman, Treasurer  
Wendy L. Carreau  
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Joan Hartnett-Barry, Robert Cattel, Linda and Gerald Spoolstra,  
and Susan Nilson

Meeting convened at 7:00 PM Wednesday, August 10, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 6, 2011 by J. Hartley and L. Dorman.

7:00 PM **ROBERT CATTEL** - RFD (41D-1454) to construct an external 5' x 6' elevator/lift on the western side of the dwelling at 6 Blackhall Court. Robert Cattel was present and explained that he is buying this home contingent upon approval of the elevator which is necessary due to his wife's medical condition. Also present were the current homeowners, Gerald and Linda Spoolstra. J. Hartley said the lift will be fairly close to the wetlands. S. Briggs said the water service is close by, also. R. Cattel said the elevator requires a poured foundation with a four-foot-deep frost wall, and the slope will not change. The Commission explained that the fill should be moved to the driveway or taken off site, and a haybale line or siltation fence will be required to prevent runoff into the wetlands. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

7:10 PM **MRS. ROBERT SCHAEFER**, 14 Point Road - amendment to an order of conditions (SE 041-1029) to replace the existing dwelling with a new foundation, house and detached garage. The amendment is to modify the new dwelling footprint, eliminate the detached garage, replace septic system components, and install an underground propane tank. Susan Nilson of CLE Engineering represented Mrs. Schaefer and described the project. She said Mrs. Schaefer is well aware of the proposed new F.E.M.A. zone for this site and has spoken with her insurance company about it; she has chosen to construct the new dwelling in accordance with the existing F.E.M.A. AE 15' flood zone regulations, which is allowed in her existing order of conditions. S. Nilson said a drip strip will be installed around the dwelling to catch roof runoff. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

7:28 PM **THE KITTANSETT CLUB**, 11 Point Road - NOI (SE 041-1160) to construct a short game area along the first fairway south of The Haven, a new tee box for Hole #1, and a putting green. This hearing had been continued from July 27, 2011 so that another site inspection could be held to view the coastal dune. Susan Nilson represented the Kittansett Club and said the dune was "pulled in" based on Plot Numbers 4 and 5. The area is currently between elevations 6' and 8' and will be graded to elevation 7'. A sign will be posted to discourage people from walking on the dune. N. Hills would like a post-and-rail fence to be installed, along with the sign. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously.

**THE KITTANSETT CLUB**, 11 Point Road. Susan Nilson asked to discuss a proposed dredging project for the existing channel north of the fourth tee area of the course, which provides the primary tidal exchange for 35 acres of salt marsh. She said a tide gate system has served as the outlet for the marsh system to Buzzards Bay, but the pipe is severely undersized for the watershed and marsh area. In addition, a storm this spring partially plugged up the channel with stones and she would like to reopen that channel. She said the channel, if plugged up, will hold back fresh water which will encourage phragmites and become a mosquito breeding ground again. She invited the Commission members to a pre-application meeting on September 27 or 28, 2011 with agency representatives to view the site at a low tide condition and discuss the regulatory requirements for permitting channel maintenance. N. Hills said he would like to attend that meeting.

**DOLA STEMBERG**, 85 and 99 Moorings Road and the Lily Pond - request for a certificate of compliance for removing knotweed, vines and rotten trees; pruning or limbing underbrush; regrading, revegetating, restoring, and erecting a post and rail fence (SE 041-1058). Susan Nilson represented Ms. Stemberg and explained that the order of conditions is still valid but covers two properties, one of which is being sold. The buyer would like the existing order of conditions to be closed out and will file a new notice of intent for any work to be done on just the buyer's property. N. Hills moved to issue a full certificate of compliance; J. Hartley seconded; voted unanimously.

7:P50 PM **BAY WATCH REALTY TRUST**, Lots 27-29 off Front Street (Route 105) - 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 (continued from June 22, 2011). Vice Chairman Norman Hills read the legal advertisement. Due to the lack of a voting quorum, the Applicant has agreed to continue the hearing. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM on September 14, 2011; J. Hartley seconded; voted unanimously with S. Briggs voting due to the Rule of Necessity.

S. Briggs drafted **ROBERT CATTEL**'s determination (41D-1454) to construct an elevator/lift at 6 Blackhall Court. S. Briggs moved to issue a conditional negative determination for boxes 2 and 3 with conditions that a siltation fence shall be installed around the work area, and excess fill shall be removed from the rear corner of the house to the existing driveway or taken off site; J. Hartley seconded; voted unanimously.

J. Hartley drafted **MRS. ROBERT SCHAEFER**'s amended order of conditions (SE 041-1029) to replace the existing dwelling at 14 Point Road with a new dwelling, and moved to issue it as written; S. Briggs seconded; voted unanimously.

N. Hills drafted **THE KITTANSETT CLUB**'s order of conditions (SE 041-1160) to construct a short game area along the first fairway, a new tee box for Hole #1 and a putting green at 11 Point Road, and moved to issue it as written; S. Briggs seconded; voted unanimously.

The July 27, 2011 **MINUTES** were reviewed and accepted as amended on a motion by J. Hartley; seconded by N. Hills; voted unanimously.

**OTHER MATTERS**

(1) The July 29, 2011 memorandum from the Conservation Commission to the Board of Selectmen regarding the **Tabor Academy synthetic turf project** was not discussed at the Selectmen's August 2, 2011 meeting. N. Hills moved to send the memo to the local newspapers; J. Hartley seconded; voted unanimously.

(2) The July 29, 2011 memorandum from the Conservation Commission to the Board of Selectmen regarding the **81 Water Street sump pump discharge** to the roadway drainage system was discussed at the Selectmen's August 2, 2011 meeting with Rob Zora at the beginning of that meeting, after the 7:00 PM hydrant discussion. The homeowner's representative will submit a plan to the Town Administrator to be forwarded to CDM for review, and the Conservation Commission's memo will be sent to CDM with that plan.

Meeting adjourned at 8:25 PM.

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Diane R. Drake, Secretary

Approved August 24, 2011