

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 18, 2006

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Bruce C. Hebbel, Member
Horace S. Kenney, Jr., Associate Member (left at 9:25 PM)

Members Absent: Lawrence B. Dorman, Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Lois Graboys, Mike Farrell, Francis J. Farrell Jr., David Watling, William R. Washburn, Jay Corwley, John Kelly, Andrew Elck, Susan Nilson, Irene Ashley, Susanne Kotowski, John Whittemore, Albin Johnson, Carol Amick, Todd M. Zell, Susan & Steven Hurley, Walter Hartley, Winifred Sylvia, Robert Sylvia, Jane P. Smith, Kate & Maurit Hudig, Paul S. Kohout, Mr. and Mrs. Marinus VanderPol, Dana Altobello & David Davignon.

Meeting convened at 7:00 PM Wednesday, October 18, 2006 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 14, 2006 by N. Hills and B. Hebbel, and on Monday, October 16, 2006 by J. Oakes.

7:00 PM **FRANCIS J. FARRELL, JR.** - NOI (SE41-1052) to construct a single-family dwelling at Lot 25 (Parcel B) Cranberry Way. Francis J. Farrell, Jr. was present with his son, Mike Farrell. The wetland line shown on the plan had recently been verified with a Determination of Applicability. F. Farrell said he could leave the berm along the road and use it as a limit of work demarcation in place of a haybale line. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:10 PM **LOIS GRABOYS** - RFD (41D-1297) to cut phragmites that are spreading into the lawn at 95 Holly Road, Piney Point. Mrs. Graboys was present and said she did not cut the phragmites this spring, which has allowed them to spread tremendously. She said she just weedwhacks them, and does not plan to use Rodeo. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:15 PM **TOWN OF MARION, RECREATION COMMITTEE** - RFD (41D-1292) to construct a new ball field at the easterly portion of Lot 42 Washburn Lane. Susan Kotowski of the Marion Recreation Committee was present with William R. Washburn and John Rockwell. J. Rockwell said he did the wetland flagging shown on the plan, and said there is a small isolated

wetland on the site which does not have an inlet or outlet. He said the area across the path is mostly wetlands to the north and west. N. Hills asked how much fill will be needed to level it; J. Rockwell said the area will be obliterated. J. Oakes said he would prefer a Notice of Intent to be filed for this work. He said the site may be Land Subject to Coastal Storm Flowage and in the Buffer Zone to Wetlands. J. Rockwell said the wetlands are not protected, and therefore the work is not in the Buffer Zone. J. Oakes said he does not think a ball field is a good use for this area, and he personally is not in favor of this project. N. Hills asked for elevations on the other side of the road to be included on the plan with the Notice of Intent. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:32 PM **IRENE M. ASHLEY** - RFD (41D-1296) to widen a driveway and level the area between the driveway and the sidewalk at 704 Mill Street (at the corner of Giffords Road). Mrs. Ashley was present and said the depression is due to the rotting roots of a very large tree which had been removed, and now her car is bottoming out. She said the drive will be crushed stone. She said there are wetlands behind the shed and on the neighbor's property. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:36 PM **THE KITTANSETT CLUB** - NOI (file number not yet assigned) for removing stockpiled materials and rubbish at the end of the driving range, 11 Point Road. J. Oakes and S. Briggs left the room. Susan Nilson of CLE Engineering, Inc. was present with the General Manager of The Kittansett Club, John Kelly. S. Nilson said this is an after-the-fact filing and explained how the materials were removed. B. Hebbel said no wetland species are identified on the plan. Due to the lack of a file number, B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:10 PM November 1, 2006; H. Kenney seconded; voted unanimously.

7:40 PM **THE KITTANSETT CLUB** - RFD (41D-1295) for stockpiling materials at the driving range, 11 Point Road. J. Oakes and S. Briggs remained out of the room. Susan Nilson was present with John Kelly, Jr. S. Nilson said the screened loam will be used only in land subject to coastal storm flowage. B. Hebbel moved to close the hearing; H. Kenney seconded; voted unanimously.

7:45 PM **THE KITTANSETT CLUB** - NOI (D.E.P. file number not yet received) to maintain drainage ditches at 11 Point Road. S. Briggs and J. Oakes remained out of the room. Susan Nilson was present with John Kelly, Jr. S. Nilson said no filling or grading is necessary, just maintenance of the existing drainage ditches. Due to the lack of a file number, B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:15 PM November 1, 2006; H. Kenney seconded; voted unanimously. J. Oakes and S. Briggs returned to the table.

7:50 PM **STEVEN J. HURLEY** - NOI (SE41-1048) to raze the house at 19 Quelle Lane, construct a new house, a boat house, a swimming pool, and perform associated site grading (continued from October 4, 2006). The Notice of Intent for this project has been withdrawn. Mr. Hurley was present and said he had nothing to say. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously.

7:51 PM **STEVEN J. HURLEY** - Appointment for discussion regarding drainage and grading associated with construction of the new dwelling at 21 Bayview Road (SE41-921). Steven

Hurley was present and said Field Engineering's plan shows site elevations in 2002 and today, and there are only minor changes. S. Hurley said three roof drains collect and direct roof runoff to below the house, which acts as a big cistern. J. Oakes said Field Engineering needs to submit D.E.P.'s form requesting a Certificate of Compliance, or S. Hurley can request an Extension Permit. J. Oakes said he would also like photographs of when the house was being built. S. Hurley said he would contact Field Engineering tomorrow.

8:03 PM **MATTAPOISETT RIVER VALLEY WATER DISTRICT** - NOI (SE41-1051) to install approximately 9,500 linear feet of 12"-I.D. water main from the Industrial Drive in Mattapoisett to Benson Brook Road in Marion (continued). J. Oakes moved to continue the hearing, at their Engineer's request, to 7:00 PM November 1, 2006; B. Hebbel seconded; voted unanimously.

8:05 PM **SARDINHA FAMILY TRUST** - NOI (SE41-1053) to replace the restaurant building at 450 Wareham Street with two new buildings (a restaurant and an office/retail). Dana Altobello of Merrill Associates represented the Trust and described the proposed work. He said the Planning Board is still reviewing the project. The engineering issues seem to be resolved, and now they are working on traffic and the pathway/sidewalk issues. J. Oakes moved to continue the hearing, at the Applicant's request, to 7:20 PM November 1, 2007; N. Hills seconded; voted unanimously.

8:32 PM **J. MAURITS HUDIG ET AL** - NOT (SE41-1054) to replace the culvert that runs under Cottage Lane. Mr. Hudig was present with his Engineer, David Davignon. D. Davignon submitted a revised plan (revised on October 18, 2006) and described the proposed work. He said all work will be done within the road layout and when the stream is dry. Marinus Vander Pol, Jr. was present on behalf of Tabor Academy and said Tabor emphatically supports this project. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

B. Hebbel moved to issue a Negative Determination for Boxes 2 and 3 to **THE KITTANSETT CLUB** for stockpiled materials at the driving range; H. Kenney seconded; voted by majority with J. Oakes and S. Briggs abstaining from the discussion and vote (41D-1295).

J. Oakes drafted **FRANCIS J. FARRELL, JR.'S** Order of Conditions (SE41-1052) for constructing a dwelling at the end of Cranberry Way, and moved to issue it as written; B. Hebbel seconded; voted unanimously.

J. Oakes moved to issue a Negative Determination for Boxes 2 and 3 to **LOIS GRABOYS** for cutting phragmites at 95 Holly Road; N. Hills seconded; voted unanimously (41D-1297).

J. Oakes moved to issue a Negative Determination for Box #3 to **IRENE M. ASHLEY** to widen a driveway and level the area between the driveway and the sidewalk at 704 Mill Street; B. Hebbel seconded; voted unanimously (41D-1296).

J. Oakes moved to issue a Positive Determination for Boxes 2b and 3 to **THE MARION RECREATION COMMITTEE** for constructing a ball field at Washburn Park; B. Hebbel seconded; voted unanimously (41D-1292).

J. Oakes and B. Hebbel drafted **J. MAURITS HUDIG ET AL'S** Order of Conditions (SE41-1054) for replacing the culvert under Cottage Lane. B. Hebbel moved to issue it as written; J. Oakes seconded; voted unanimously.

Meeting adjourned at 10:00 PM.

Diane R. Drake, Secretary

Approved July 18, 2007