

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 15, 2007

Members Present: Norman A. Hills, Chairman
Sherman E. Briggs, Jr., Recording Secretary
Bruce C. Hebbel, Member

Members Absent: Jeffrey W. Oakes, Vice Chairman
Lawrence B. Dorman, Member
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Ernest Yeaw, Dana Altobello, Robert Nissen, Christian Farland,
Dr. and Mrs. David Marcello, Janet B. Keeler, Will Saltonstall

Meeting convened at 7:10 PM Wednesday, August 15, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 11, 2007 by B. Hebbel and on Monday through Wednesday, August 13 through 15, by N. Hills.

7:10 PM **ERNEST R. YEAW** - NOI (SE41-1075) to construct a single-family dwelling, a driveway, install utilities, and associated filling and grading at Lot 148 Doran Way, Dexter Beach (continued from July 18, 2007). Ernest Yeaw was present with his Engineer, Dana Altobello of Thompson Merrill Engineering. D. Altobello reported that he had contacted the Zoning Board of Appeals regarding a front setback variance for this lot, and was told they had never granted such a variance, and probably would not in this case, either. Revised plans have been received. D. Altobello said the foundation for the house has been pulled back ten feet from the wetlands, and a permanent split-rail fence is proposed to prevent encroachment into the wetlands. He said the house will have two floors of living area above the foundation, approximately 1,400 square feet. Top of foundation will be at 18' elevation, with the basement floor at 10.5', to be used for storage. N. Hills said he would prefer a line of boulders rather than a split-rail fence. D. Altobello said the footprint of the fence is due to E. Yeaw's offer of additional no-touch areas to make up for the less than 15'-wide no-touch areas. N. Hills said he would prefer the walk-out door to be on the side of the house, rather than at the rear. S. Briggs said he is hesitant to require a boulder line too close to the house, which could prevent accessibility for maintenance around the house. The Commission agreed that the hay bale line/boulder line should be installed prior to any further work on this project. N. Hills said there should be no storage beneath the overhang. D. Altobello will submit a revised plan showing the required changes, to be used as the Plan of Record. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously.

7:40 PM **ROBERT NISSEN** - RFD (41D-1324) to fill and grade holes along the roadside and an isolated wetland at 28 Parlowtown Road, and **RICHARD VIERA, JR.** - RFD (41D-1327) to fill an isolated wetland at 24 Parlowtown Road. R. Nissen was present and said he was also representing R. Viera, who was unable to attend the hearing tonight. R. Nissen said mosquitoes breed in that depression. N. Hills estimated 15,000 square feet of area would be filled, and explained that the U.S. Army Corps of Engineers will require a filing with them if the amount is greater than 5,000 square feet. R. Nissen said he thinks there are only two wetland flags left on his 28 Parlowtown Road property, but all the wetland flags are present on R. Viera's 24 Parlowtown Road property. B. Hebbel said he would like Flags BVW 11, 12, 13 and 14 to be re-hung by an engineer, and another site inspection to be done. R. Nissen said he will contact an engineer to have that done. B. Hebbel moved to continue both hearings, with R. Nissen's consent, to 7:10 PM September 19, 2007; S. Briggs seconded; voted unanimously.

7:50 PM **PETER FRANCIS** - NOI (SE41-1077) to upgrade a sewage disposal system, construct an addition, a pool, patios, retaining walls and site grading at 107 Cove Circle. Mr. Francis was represented by his Engineer (Christian Farland of Thompson Merrill) and Architect (Will Saltonstall of Saltonstall Architects). Also present were abutters to the property (Janet B. Keeler of 101 Cove Circle and Dr. and Mrs. David Marcello of 112 Cove Circle). C. Farland described the project. S. Briggs said the septic system work is not in the Conservation Commission's jurisdiction. B. Hebbel said he would like both a siltation fence and a hay bale barrier to be used together on this project. Dr. Marcello said he is concerned with erosion from runoff because road runoff already impacts his dock; C. Farland assured him that no runoff from this project will enter his site. B. Hebbel said he would like details of how roof runoff will be addressed; W. Saltonstall said drywalls will be used, and the new driveway will be impervious. B. Hebbel said he would like runoff calculations to be done, to show the flow will be insignificant. J. Keeler complained that engineers had always supplied her with copies of plans in the past, but not this time and no one in the Town House had a plan available for her to see the proposed work. D. Drake explained that the Conservation Commission has had copies of the plan since July 27, 2007, and there is no requirement to provide plans to abutters. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:10 PM September 5, 2007; S. Briggs seconded; voted unanimously.

8:25 PM **DR. JOHN B. HOWARD** - RFD (41D-1326) to construct a 15' by 20' workshop addition to the garage at 62 Water Street. No one was present on Dr. Howard's behalf. B. Hebbel said he visited the site, it is only a flood plain issue, and moved to close the hearing; S. Briggs seconded; voted unanimously.

8:26 PM **SANFORD RUSSELL** - Appointment for discussion with Will Saltonstall regarding the possibility of an 8' by 40' in-ground therapy swimming pool and terrace at 5 Main Street, close to the house. The Commission thought the project could be done under a Notice of Intent filing, and requested that other options for the pool size be addressed.

8:37 PM **MARION LANDS TRUST** - ANRAD (SE41-1064) to verify the delineation of the wetland resource areas at 369/371 Wareham Street and Lots 68A and 68B Wareham Street (continued from August 1, 2007). Another continuation has been requested by the Engineer, in order to obtain photographs of the entire stream dried up. B. Hebbel moved to continue the hearing,

with the Applicant's consent, to 7:00 PM September 5, 2007; S. Briggs seconded; voted unanimously.

8:38 PM Discussion followed regarding Thompson Merrill's request for a Certificate of Compliance for **TREVOR HATTON's** new walkway, pier, gangway and float at 183 Front Street (SE41-1046). Christian Farland of Thompson Merrill was present. N. Hills said there are several significant changes from the Plan of Record, including: (1) the "approximate" 20' spacing between the supports is 27'; (2) there are only four supports, not five, and they are not as identified on the plan of record; (3) the concrete pad detail on the landward end was not installed; (4) large rocks supporting the posts are not large; and (5) what is the as-built elevation of the pier? S. Briggs suggested the project be certified by another engineer, such as North East Engineering. C. Farland said he will provide another plan showing as-built elevations.

N. Hills drafted **ERNEST YEAW's** Order of Conditions to construct a new dwelling at Lot 148 Doran Way, Dexter Beach (SE41-1075). S. Briggs moved to issue the Order as written; B. Hebbel seconded; voted unanimously.

N. Hills moved to issue a Conditional Negative Determination for **DR. JOHN B. HOWARD's** workshop addition to the garage at 62 Water Street (41D-1326), with a condition that the work shall be done in accordance with flood plain regulations; S. Briggs seconded; voted unanimously.

Minutes were reviewed. B. Hebbel moved to accept the July 18, 2007 and August 1, 2007 minutes as amended; S. Briggs seconded; voted unanimously.

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved September 15, 2007