

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 21, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr. (absent from 7:00-7:10 PM)
Lawrence B. Dorman
Bruce C. Hebbel

Members Absent: Horace S. Kenney, Jr., Associate
Joel D. Hartley, Associate

Secretary: Diane R. Drake

Others Present: Christian Farland, Jane Dolan, Brooke Monroe, Richard Schaefer, Brian Grady, Richard and Nancy Vickery, Peter Kirschmann, Wassim and Elizabeth Chedid, and William Saltonstall.

Meeting convened at 7:00 PM Wednesday, May 21, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 17, 2008 by N. Hills, L. Dorman and B. Hebbel.

7:00 PM **J. WILLIAM DOLAN** – Appointment for discussion regarding a certificate of compliance for a 1982 order of conditions (SE 041-127) to construct a house and install a sewage disposal system at 58 Moorings Road. Attorney Richard Schaefer was present on behalf of the buyer of the property. Mrs. Dolan was represented by her engineer, Christian Farland. N. Hills said that the house and septic system are fine, but a wide pathway to the shore has been clear cut and needs to be addressed. R. Schaefer suggested an enforcement order be given to the present owner, so that the buyer will know what work needs to be done to correct that area. J. Oakes suggested letting the clear-cut area grow back and see what it looks like in the fall of 2008. The present owner of the property, Jane Dolan, joined the discussion and said daffodils have been growing there since the late 1970's or early 1980's. J. Oakes said he would rather send a letter, instead of an enforcement order, to the new owners explaining that the clear-cut area must be allowed to revegetate. L. Dorman moved to issue a full certificate of compliance for the house and septic system; N. Hills seconded; voted unanimously. The original (notarized) certificate of compliance was signed and given to Mr. Schaefer for the closing tomorrow. A letter regarding the clearing will be mailed to Mr. Schaefer on May 23, 2008, so that he can give it to the new owners of the property.

7:05 PM **WILLIAM H. FARNHAM, JR.** – Appointment for discussion regarding a certificate of compliance for a 1987 order of conditions (SE 041-308) to construct a house at 15 West River Road. Attorney Richard Schaefer was present on behalf of the buyer of the property.

Mr. Farnham was represented by his engineer, Christian Farland. L. Dorman moved to issue a full certificate of compliance; B. Hebbel seconded; voted unanimously.

7:12 PM **TOWN OF MARION** – Amendment to an order of conditions (SE 041-1008) for capping the landfill at Benson Brook Road. The amendment is to expand the scope of work to include installing a 6'-high chain link fence around the perimeter of the capped landfill. Brooke Monroe was present on behalf of the Town. Richard Schaefer was present on behalf of Lockheed Martin, who does not object to this project, but does not understand why they were informed of this hearing as they are more than 200 feet away from the property line. N. Hills said there are a few problems with the existing project, such as: (1) the siltation fence is down; (2) the hay bales are being used to hold back fill at the toe line; and (3) they do not understand the purpose of the 10"-12" diameter pipe sticking out of the landfill into the sanitation pond, and another one on the backside. J. Oakes said the State is mandating that all landfills must be fenced in. B. Hebbel moved to close the hearing; S. Briggs seconded; voted unanimously. A letter will accompany the amended order of conditions, asking the Owner to maintain the erosion control measures.

7:25 PM **ALEXANDER BINER** – Appointment for discussion regarding proposed wetland restoration/replication at 546 Point Road (SE 041-966 for the proposed garage, and SE 041-925 for the house addition/renovations). Brian Grady of G.A.F. Engineering was present on Mr. Biner's behalf. Plans had been submitted showing the proposed replication. He said they will remove all the fill that had been placed except for two small areas – a 120-square-foot area by the house, and a 220-square-foot area at Flags 2A and 2B which will be replicated at Flags 11, 12 and 13. The work will be done by late August or this fall. J. Oakes said an extra 400 or so square feet of replication is proposed, and a 75% success rate is expected in two years. The Commission Members agreed that the plan is reasonable and is in response to the Commission's enforcement order. J. Oakes said a letter will be sent accepting the replication plan.

7:32 PM **SIPPICAN LANDS TRUST** – R.F.D. (41D-1352) to construct a 6' x 6' elevated observation platform with ship ladder stairs at Peirson Woods, off Point Road (Assessors' Map 6, Lot 29). William Saltonstall was present and said the platform had been built over the weekend where the stakes had been set. He submitted photos of the completed project. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:36 PM **TOWN OF MARION** (SE 041-556). Maintenance for the Sprague's Cove stormwater management system was discussed. A site inspection was held on May 17, 2008. N. Hills said the ditches have been cleaned and some felled trees have been left by the banks. There was one spot that was supposed to be filled in but hasn't yet, and there is a board to walk over it. N. Hills will draft a letter of recommendations to the Department of Public Works Superintendent Robert Zora and the Town Administrator Paul Dawson.

7:40 PM **WASSIM CHEDID** (SE 041-1059). Unauthorized clearing in the buffer zone to wetlands had been done on Mr. Chedid's Lot 123 Indian Cove Road by Dupont Landscaping, per instructions from abutter Dr. Michael Popitz. Wassim and Elizabeth Chedid were present and said the work on their lot was done without their permission. J. Oakes said the work has been done and there really isn't any need for an after-the-fact filing at this point. Mr. Chedid asked what needs to be done to remove fill that was placed on his land by the abutter, and what can be done about the

trees that had been cut? The Commission said that was a civil matter. S. Briggs said a least there is a paper trail of what happened to the land over the last ten years. Peter Kirschmann, the abutter on the opposite side of the Chedid lot, was present but did not ask to speak to the Commission.

7:52 PM **GILDA PIETRAGALLA** - (41D-1146) – Request to left the Commission's 2005 enforcement order for placing fill in the buffer zone to wetlands behind 27 Wareham Road. She is unable to refinance until the enforcement order is lifted. S. Briggs said the swale has revegetated and is still functioning, and there was only about six cubic feet of fill placed there. L. Dorman agreed with B. Hebbel that removing the fill now would be more detrimental than leaving it there. B. Hebbel moved to rescind both of the enforcement orders; J. Oakes seconded; voted unanimously. J. Oakes moved to send a letter to Ms. Pietragalla verifying that the enforcement orders have been lifted; L. Dorman seconded; voted unanimously.

May 7, 2008 minutes were reviewed and unanimously accepted as amended on a motion by L. Dorman, seconded by J. Oakes.

The Commission's Policy Standard #3 regarding construction in flood plains was reviewed. F.E.M.A. Regulations now require the lowest structural member of a newly-constructed structure in a velocity zone to be two feet ABOVE the base flood elevation, instead of AT the base flood elevation. The Standard was updated to reflect that change and unanimously accepted as written on a motion by L. Dorman, seconded by B. Hebbel.

A letter had been received from Susannah Davis, **DR. MARTHA STARK**'s landscape designer for work being done at 4 West Avenue, Planting Island (SE 041-1061). Ms. Davis states that the Commission agreed with her (during a discussion at the Commission's May 7, 2008 meeting) that the stone wall is being built in the correct location. The Members did not agree with some of her statements. N. Hills will respond in writing that her interpretation is not necessarily correct.

J. Oakes moved to issue a negative determination for boxes 2 and 3 to **THE SIPPICAN LANDS TRUST** to construct an observation platform at Peirson Woods (41D-1352); B. Hebbel seconded; voted unanimously.

N. Hills drafted an amended order of conditions (SE 041-1008) for erecting a fence around the perimeter of **THE TOWN OF MARION**'s landfill at Benson Brook Road, and moved to issue it as written; L. Dorman seconded; voted unanimously.

J. Oakes drafted a letter to **ALEXANDER BINER** accepting his proposed wetland replication at 546 Point Road (SE 041-925 for the house addition and SE 041-966 for the garage). L. Dorman moved to send the letter as written; J. Oakes seconded; voted unanimously.

N. Hills drafted a letter to **MRS. J. WILLIAM DOLAN** requesting that the pathway to the shore at 58 Moorings Road be allowed to revegetate (SE 041-127), and moved to send it as written; J. Oakes seconded; voted unanimously.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved July 2, 2008