

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 21, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr. (absent from 7:00-7:06 PM)
Lawrence B. Dorman
Bruce C. Hebbel

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

Secretary: Diane R. Drake

Others Present: Jack O'Leary

Meeting convened at 7:00 PM Wednesday, January 21, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 17, 2009 by N. Hills, J. Oakes and L. Dorman.

7:00 PM **RICHARD DIX** - RFD (41D-1368) install a drywell at 9 River Road. No one represented Mr. Dix. The site is in the flood plain. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously. J. Oakes moved to issue a negative determination for boxes 2 and 3 (flood plain and buffer zone to wetlands); L. Dorman seconded; voted unanimously.

S. Briggs arrived at 7:06 PM.

January 17, 2009 minutes were reviewed and accepted as amended on a motion by N. Hills, seconded by J. Oakes.

7:12 PM **INDIAN COVE TRUST** – NOI (SE 041-1102) to construct a single-family dwelling with a septic system at Assessors' Lot 44 Holly Pond Road (continued from January 7, 2009). The Commission had received revised plans showing an amended wetland line and a new boulder line. D. Davignon of N. Douglas Schneider & Associates had requested a continuation so that the Trust's legal counsel can determine whether the lot is buildable or not due to open space/conservation issues. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM February 4, 2009; J. Oakes seconded; voted unanimously.

J. Oakes moved to issue a second three-year extension permit to the **PINEY POINT BEACH CLUB** for adding beach sand at 93 Piney Point Road; L. Dorman seconded; voted unanimously (SE 041-977).

J. Oakes moved to issue a certificate of compliance (invalid – project never done – order of conditions has expired) to **CHARLOTT SUDDUTH** for extending a sewer line from Point Road to 522A Point Road; L. Dorman seconded; voted unanimously (SE 041-887).

L. Dorman moved to issue a second three-year extension permit to the **HERMITAGE TRUST** for increasing the height of the seawall and adding a corresponding amount of fill at 34 Hermitage Road; B. Hebbel seconded; voted by majority with J. Oakes abstaining (SE 041-976).

7:21 PM **JON ZELL** – RFD (41D-1369) to install a drywell at 283 Wareham Street. The drain under the driveway is clogged and causing flooding. A drainage pipe will be installed with a manhole and sump. J. Oakes moved to close the hearing and issue a conditional negative determination for boxes 2 (flood plain) and 3 (buffer zone to wetlands), with conditions that the manhole lid shall be solid, a manhole sump shall be installed two feet below the level of the outlet line, and a trap rock/splash pad will be installed at the outlet; L. Dorman seconded; voted by majority with S. Briggs abstaining.

The 2009 Annual M.A.C.C. Environmental Conference is on February 28, 2009 in Worcester. N. Hills and L. Dorman would like to attend. The cost is \$95.00 each.

7:30 PM **SARDINHA FAMILY TRUST** – NOI (SE 041-1053) to raze the restaurant building at 450 Wareham Street and construct two structures in its place (continued from January 7, 2009). Jack O'Leary of Merrill Associates represented the Trust and gave a brief history of what has been happening since November 2007 when this hearing had been continued indefinitely. He said the Planning Board appeal had reached a compromise with the Sardinha Family Trust in May 2008; the proposed bank building would not be built, just the restaurant, with a great deal more landscaping and a surface stormwater disposal system. Also, for safety reasons an easement is being given to Santoro's for parking. J. O'Leary said the Zoning Board of Appeals and the Planning Board agree that the revised plans are much better than originally proposed, and the Commission's 15' no-touch policy can now be met. J. Oakes did not think a new notice of intent filing would be necessary. L. Dorman questioned whether the abutters have been notified of this hearing, as no members of the public were present; J. O'Leary said the only requirement was to place another legal advertisement in the local newspaper, which was done. J. Oakes also thought the abutters should be notified, as a courtesy, and to let them know the plan has been revised. J. O'Leary said the Planning Board is sending out a 300' abutter notification for their February 17, 2009 hearing, and can include a notice for the abutters regarding wetland issues. J. Oakes said the Wetlands Protection Act states the Applicant must have all other permits before issuing an order of conditions. J. Oakes said stormwater regulations will be reviewed by an engineer hired by the Planning Board, but it looks like they have been designed above and beyond the current conditions. N. Hills asked where the water will drain to from the dumpster area; J. O'Leary said it will drain into a catch basin nearby leading to the storm water detention area. The stormwater plan includes a maintenance plan to service the traps, etc. J. O'Leary said the six parking spots on the south side of this site are being preserved for use by the abutting office property which is also owned by Mr. Sardinha. J. O'Leary said the stormwater basin will make use of the basement of the existing building. N. Hills suggested the maintenance plan be for all types of catch basins, deep sump as well as shallow gas trap. J. Oakes said he would like to view the stormwater report from the Planning Board before closing this hearing, and to have the Planning Board notify the abutters that this project is under review by the

Conservation Commission, as well. The Planning Board's hearing for this project is February 17, 2009. N. Hills said he will speak with the Planning Board's Secretary to have her include a line or two regarding the Conservation Commission's hearing. B. Hebbel thought a whole new notice of intent should be filed. S. Briggs said that in some cases when litigation is present the hearing is frozen in time; J. O'Leary said that is for zoning issues, not conservation issues. J. O'Leary said the Commission can review the plans as just being revisions. L. Dorman said he is comfortable with the revised plan and moved to continue the hearing, with the Applicant's consent, to 7:10 PM February 18, 2009; J. Oakes seconded; voted by majority with B. Hebbel abstaining from the vote.

Meeting adjourned at 8:20 PM.

Diane R. Drake, Secretary

Approved February 18, 2009