

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 15, 2009

Members Present: Norman A. Hills, Chairman
Sherman E. Briggs, Jr.
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau, Associate

Members Absent: Jeffrey W. Oakes, Vice Chairman
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Christian Farland, Marissa Ortiz, Alice Rice Perkins, William and
Susanne Weber, Susan Nilson, William F. Madden, Shephard S.
Johnson, and others who may not have signed in

Meeting convened at 7:00 PM Wednesday, April 15, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 11, 2009 by N. Hills, J. Hartley and W. Carreau.

7:00 PM **LYNN GIORDANO** - ANRAD (SE 041-1107) to verify the delineation of wetland resource areas at 22 Hammett's Cove Road. Christian Farland of Thompson-Farland, Inc. represented Ms. Giordano. He said the site was flagged about five years ago and was reflagged in January 2009. He said this filing is to see if another buildable lot can be created. N. Hills asked why the wetland line stopped abruptly; C. Farland said it was not necessary to continue the line because they were only trying to meet the upland requirements. The Commission reviewed D.E.P. File No. SE 41-657 for constructing the existing dwelling. N. Hills said the plan does not show elevations, and clearing is being done without a permit. C. Farland said he will draft a letter to Ms. Giordano regarding the unauthorized clearing. C. Farland said there will be a walkout on the new house. J. Hartley said there are a couple of streams on the site that aren't shown on the plan; C. Farland said they will be shown when the lot is developed. N. Hills said Flags 2 and 12 are missing, and Flag 7 is on the ground; C. Farland said he will have them reset. N. Hills said Flags 1 through 17 are the only wetland resources that will be approved under this filing. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:11 PM **RIVER EDGE COMMON LAND TRUST** – RFD (41D-1374) to clear briars and climbing vines on the upland portion of Lot 26 on the north side of West River Road at the cul-de-sac. William Madden of G.A.F. Engineering represented the Trust. Shephard S. Johnson and Marissa Ortiz of the River Edge subdivision were present. W. Madden said this project is very similar in intent to the Coolmar project's invasive vines problem. W. Madden said "upland" refers to

anything other than wetlands, and the river protection district is delineated on the map. W. Madden agreed with the Commission that the work will be in the buffer zone to wetlands, rather than in uplands. N. Hills said someone is dumping leaves and debris in several places on the lot, and at least one tree has been topped. S. Johnson said the intent of the Trust is to clean up the lot for possible access to the water, and to discourage people from dumping leaves there. The new owners of 15 West River Road, who did not sign in and did not state their names, were present and said they found a pipe on their lot which appears to be a drain for water from the road. They said they are also clearing out the briars on their property; N. Hills explained that they may be doing work in protected areas and may need a permit to do that clearing. Mr. Johnson asked whether vista pruning could be done as well as removing the briars and vines; N. Hills said there is a formula for doing that type of work. Mr. Johnson said he is an environmental attorney and will be sure to file any necessary paperwork for future projects there. He said that in a year or two the Trust may attempt to build a dock on that lot. S. Briggs said if the lot is to remain unbuilt, then they should make sure it is recorded as open space. W. Madden said he can check with the Plymouth County Registry of Deeds to see if it is already recorded as open space. M. Ortiz said the River Edge Board of Directors also has that information. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:30 PM **ANNE B. HATTON** – RFD (41D-1373) to construct a wrap-around deck on the south and southwest sides of the dwelling at 183 Front Street, realign the driveway and do landscaping. W. Carreau left the room. Christian Farland represented Mrs. Hatton and described the project. He said all work on the deck will be done by hand, and the outdoor shower runoff will be directed to the house plumbing. The entire property is in the Velocity Zone. William and Susanne Weber of 173 Front Street were present and said they have no problems or concerns with this project. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:36 PM **TREVOR HATTON** – NOI (SE 041-1106) to repair a pier at 183 Front Street. Work includes resetting pilings, repointing the piers and pouring a concrete cap on the piers to reinforce the superstructure. W. Carreau remained out of the room. Susan Nilson of CLE Engineering represented Mr. Hatton and described the work. This project was recently reviewed by the Commission under a request for determination of applicability filing; it was issued a positive determination resulting in this filing. S. Nilson said the weight of the superstructure seems to be holding it onto the piers at present, and the proposed concrete work will solidify everything to prevent storm damage. She said the footprint of the pier won't change, and the height of the superstructure also won't change. She said some stones that can't be picked up will be replaced. S. Nilson said there are continuing conditions from the prior order to build the pier which prevents propeller wash and boats grounding out. Abutters William and Susanne Weber stated they are in favor of solidifying this pier. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously. W. Carreau returned to the room.

7:50 PM **BAY WATCH REALTY TRUST** – ANRAD (SE 041-1104) to verify the wetland resource areas and delineations off Front Street on Lots 27, 28 and 29 (continued from April 1, 2009). The Commission's consultant, Robert Gray of Sabatia, Inc., is to view the site tomorrow and present his findings on May 6, 2009. Bay Watch Realty Trust's representative, Brandon Faneuf, had requested a continuation to May 6, 2009. L. Dorman moved to continue the hearing, with the

Applicant's consent, to 7:10 PM May 6, 2009; J. Hartley seconded; voted by majority with S. Briggs abstaining.

7:55 PM **SARDINHA FAMILY TRUST** – NOI (SE 041-1053) to raze the restaurant at 450 Wareham Street and construct two structures in its place (continued from April 1, 2009). Jack O'Leary of Merrill Associates had requested another continuation, as they are still trying to work their way through the Planning Board. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM May 6, 2009; J. Hartley seconded; voted unanimously.

8:00 PM **HARBOR OAKS NOMINEE TRUST** is requesting a certificate of compliance for installing four float pilings and Chapter 91 licensing of the pier, gangway and float at 1 West Drive (SE 041-889). N. Hills said the four float piles are wood, not concrete as proposed on the plans, but other than that everything appears to be in compliance. L. Dorman moved to issue a full certificate of compliance for Box #1 with a notation that the piles are wood, not concrete; N. Hills seconded; voted unanimously.

FRASER WAY INDENTURE TRUST is requesting a certificate of compliance for adding beach nourishment at 7 Fraser Way (SE 041-690). N. Hills moved to issue a full certificate of compliance for Box #1, and also for Box #3 which states the order has expired and a new filing will be required to continue this work; J. Hartley seconded; voted unanimously.

DOLA STEMBERG is requesting a certificate of compliance for constructing a pool, a spa, a pool house and a pergola at 99 Moorings Road (SE 041-855). N. Hills moved to issue a full certificate of compliance for Box #1; J. Hartley seconded; voted unanimously.

S. Briggs said he is on the **BIRD ISLAND** restoration committee and that finally, after ten years working to get to this point, the dredge spoils from the Cape Cod Canal will start to be placed on Bird Island. Mass. Wildlife had filed a notice of intent with the Conservation Commission (SE 041-973) and was issued a superseding order of conditions from the Department of Environmental Protection approving the project of reconstructing the seawalls and adding fill/dredge spoils to fill in the eroded areas and depressions, building the height up approximately seven feet. S. Briggs said the person who designed the riprap is from Arizona and is proposing basketball-sized stones. S. Briggs said he doubts the stones will hold, but the bird authorities are worried that the terns would try to nest in crevices if larger stones were used, and could drown. S. Briggs said the project is being designed to last only ten years rather than 100 years.

L. Dorman moved to issue a negative determination for Boxes 2 and 3 for **ANNE B. HATTON**'s deck/driveway/landscaping project at 183 Front Street (41D-1373); N. Hills seconded; voted by majority with W. Carreau abstaining.

LYNN GIORDANO's order of resource area delineation was discussed (SE 041-1107). L. Dorman said only Flag Nos. 1 through 17 should be approved, with Flag Nos. 2, 7 and 12 to be re-established. A letter will be drafted to Ms. Giordano by her engineer, explaining why she must stop any clearing or vista pruning without a permit allowing the work. S. Briggs moved to issue the order as discussed; L. Dorman seconded; voted unanimously.

J. Hartley moved to issue a conditional negative determination for Boxes 2 and 3 to the **RIVER EDGE COMMON LAND TRUST** for proposed site work at Lot 26 West River Road (41D-1374), with conditions that clearing shall be limited to non-wetland vines and briars; the limit of clearing shall be no closer than 5' upland of the wetlands line; and that the owner shall remove leaves, cut brush and trash that were dumped on the site; L. Dorman seconded; voted unanimously.

TREVOR HATTON's order of conditions (SE 041-1106) for repairing a pier at 183 Front Street was drafted by N. Hills. The project narrative from the notice of intent will be included as an appendix. N. Hills moved to issue the order as written; L. Dorman seconded; voted unanimously.

M.A.C.C. (Massachusetts Association of Conservation Commissions) is offering training courses by John Rockwell at the Marion Town House on May 16, 2009 (for advanced wetland delineations), on May 30, 2009 (for basic soils wetland delineations), and on June 13, 2009 (for basic vegetation wetland delineations). N. Hills and W. Carreau will attend the June 13, 2009 class. On a motion duly made and seconded, it was unanimously approved to pay the \$90.00 registration fee for both Members.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved May 6, 2009