

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 2, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman (absent from 7:00-7:15 PM)
Sherman E. Briggs, Jr.
Joel D. Hartley
Wendy L. Carreau, Associate

Members Absent: Lawrence B. Dorman
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: David Davignon, John Ludes, Susan Nilson, Christian Farland and Philip Stevenson.

Meeting convened at 7:00 PM Wednesday, September 2, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections could not be held on Saturday, August 29, 2009 because the Police Department could not locate the key for access to the Town House. N. Hills viewed the sites on Tuesday, September 1, 2009.

7:00 PM **JOHN LUDES (COPPER MEDAL, L.L.C.)** – appointment for discussion regarding the Commission's reluctance to issue a requested three-year extension permit to construct a dwelling, a swimming pool, a cabana, a deck and patio at Lot 46A Converse Road (SE 041-1014). John Ludes was present with his engineer, David Davignon of N. Douglas Schneider & Associates, Inc. N. Hills said this will be the third extension to this order; J. Ludes said it will be the first extension while under his ownership. D. Davignon said the other two extensions were only for one year each. N. Hills said he would like to know what the new flood maps will show for this site; D. Davignon said the new flood maps do not apply until July 2010, so that is a hypothetical concern. N. Hills noted that the proposed plan is also hypothetical. D. Davignon said this is a grandfathered lot and is separate from the rest of the Wisner property subdivision. D. Davignon said there would be substantial costs involved if this lot has to be re-flagged and re-surveyed. N. Hills said clearing has occurred on the upper portion of the lot, and questioned whether the intention is to build in that area. D. Davignon asked to issue a two-year extension permit for the wetland line only, excluding the general house footprint, the pool and pool house from the scope of the extension. S. Briggs said this order, right now, meets the letter of the law. N. Hills said he would ideally like the house to be moved out of the buffer zone. D. Davignon said the extension permit can have conditions, such as those just mentioned. On a motion duly made and seconded, it was unanimously voted to issue a conditional third extension permit for two years with the conditions described above.

7:10 PM **BURR BROTHERS BOATS, INC.** – NOI (SE 041-1112) to remove and replace a commercial building at 309 Front Street, make drainage improvements, and associated site work (continued from August 5, 2009). Toby Burr was present with his engineer, Susan Nilson, who said they are working with the Planning Board's engineering firm, Field Engineering, but she does not have a revised plan yet. She submitted responses to the Commission's concerns at the August 5, 2009 meeting. She said the site is not mapped as an area of concern to the Natural Heritage and Endangered Species Program. She said she can't find anything prohibiting fill in a velocity zone. T. Burr said it's a lot easier to work on boats if they are on pavement rather than gravel. S. Nilson asked to continue the hearing to the Commission's next meeting. Due to the School Committee meetings needing to be held on the first and third Wednesdays of each month in the conference room so they can be televised, the Commission's September 9th meeting has been rescheduled to September 23rd. J. Hartley moved to continue the hearing, with the applicant's consent, to 7:50 PM on September 23, 2009; S. Briggs seconded; voted unanimously. Another site visit will be held on September 19, 2009.

7:30 PM **MARION LANDS TRUST, LLC (DAVID CROLL)** – NOI (SE 041-1115) to pave a 960-square-foot area at 369 Wareham Street, and convert 1,900 square feet of existing pavement into lawn and plantings (continued from August 19, 2009). Susan Nilson represented David Croll and submitted a revised plan with a cover letter regarding the Commission's concerns as to how runoff will be addressed. She asked to close the hearing tonight and promised to submit a stormwater maintenance plan to the Commission before the work begins. J. Hartley moved to close the hearing; S. Briggs seconded; voted unanimously.

J. Oakes had arrived at 7:15 PM but could not join the meeting until 7:40 PM because of conflicts of interest due to his employer representing applicants in earlier hearings.

7:40 PM **THOMAS STEMBERG** – NOI (SE 041-1116) to upgrade a sewage disposal system, and construct a 210 square foot building addition, retaining walls and a field stone patio at 114 Point Road. Christian Farland of Thompson Farland represented Thomas Stemberg and described the project. He said Mr. Stemberg owns both of the properties. He said the retaining wall will be 4' high (maximum), and fill will be added between the retaining wall and the house. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:47 PM **NORMAN SHACHOY** – RFD (41D-1385) to construct a 400 square foot detached single-story storage building/workshop in the southwest corner of the property at 52 Water Street. W. Carreau left the room. Christian Farland represented Norman Shachoy and described the project. He said this is just a flood plain project, as the building will be in the AE 15' flood zone, and there are no wetlands involved. N. Hills said the wetland on the abutting property, at 5 Pawkechatt Way, appears to extend right up to Mr. Shachoy's property. C. Farland said he did not realize that, and a hay bale line can be placed along the back property line during this project. S. Briggs advised caution around the sewer line on the property; C. Farland said a slab will be poured over it to protect it. N. Hills requested a revised plan showing the hay bales, and another site visit will be held. J. Hartley moved to continue the hearing, with the applicant's consent, to 7:35 PM September 23, 2009; J. Oakes seconded; voted unanimously. W. Carreau returned to the table.

8:00 PM **PHILIP D. STEVENSON** – RFD (41D-1384) to remove weeds, add sand and plant rosa sugosa in an approximately 20' x 34' area along a cement wall at 50 Point Road (continued from August 19, 2009). Philip Stevenson was present and said he wants to do this work mainly for access to the shore, and also for storing and launching kayaks. Another site inspection had been held. N. Hills said the weeds are mixed in with beach grass. J. Oakes moved to close the hearing and issue a conditional negative determination for boxes 2 and 3 with conditions that the path shall be 8' wide maximum, an area may be cleared to store kayaks, beach grass shall not be removed, rosa rugosa may be planted, and sand may be applied to the path and cleared area no deeper than 6". J. Hartley seconded the motion; voted unanimously.

J. Hartley drafted the **MARION LANDS TRUST, LLC (DAVID CROLL)** order of conditions (SE 041-1115) to pave 960 square feet and convert 1900 square feet of pavement to lawn and plantings at 369 Wareham Street, and moved to issue it as written; W. Carreau seconded; voted by majority with J. Oakes abstaining.

W. Carreau drafted **THOMAS STEMBERG**'s order of conditions (SE 041-1116) to upgrade a sewage disposal system, construct a small building addition, retaining wall and a field stone patio at 114 Point Road, and moved to issue it as written; J. Hartley seconded; voted unanimously.

N. Hills moved to issue a conditional two-year extension permit to **JOHN LUDES (COPPER MEDAL, L.L.C.)** for constructing a dwelling, pool, cabana, deck and patio at Lot 46A Converse Road (SE 041-1014), with a condition that the extension is only for the delineation of the wetlands; construction of a dwelling, swimming pool, cabana, deck, patio and associated grading are not included. J. Hartley seconded the motion; voted by majority with J. Oakes abstaining.

Meeting adjourned at 8:50 PM.

Diane R. Drake, Secretary

Approved October 14, 2009