

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JULY 14, 2010

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

Members Absent: Wendy L. Carreau
Jeffrey W. Oakes, Associate
Bruce C. Hebbel, Associate (appointed on July 13, 2010)

Secretary: Diane R. Drake

Others Present: George "T.J." and Kelly Walker, Joan Hartnett-Barry, Jack O'Leary,
Luis Bettencourt, Nathan and Aida Elder, Robert McNamara,
Michael Cormier and Susan Nilson

Meeting convened at 7:00 PM Wednesday, July 14, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 10, 2010 by N. Hills and J. Hartley.

7:00 PM **WILLIAM A. SAMPSON** - RFD (41D-1413) to raze the existing dwelling at 43 Dexter Road, Dexter Beach, and reclaim the yard by clearing brush up to 15' from the wetland line (continued from June 9, 2010). Mr. Sampson has not updated his wetland line yet, and requested another one-month continuation. L. Dorman moved to continue the hearing, at the Applicant's request, to 7:00 PM August 11, 2010, S. Briggs seconded, voted unanimously.

CYNTHIA F. (EVANS) CASNER - N. Hills moved to issue a full certificate of compliance for reconstructing a seawall at 28 Point Road and for stabilizing and filling an eroded area adjacent to the seawall, J. Hartley seconded, voted unanimously (SE 041-434).

7:06 PM **GEORGE "T.J." WALKER** - appointment for discussion regarding tree cutting and other activities in the conservation restriction land behind 639 Point Road. Mr. and Mrs. Walker were present. T.J. explained that 18 acres of land around his house at 639 Point Road was given to the Conservation Commission, plus another 3-1/2 acres abutting Cross Neck Road. He said his last forestry plan was for cutting along the Stone Estate, but that expired last year. He said logging has been taking place at the three Ellis lots closer to Point Road. N. Hills said he had viewed a portion of the Walker land from the rear of lots on Cross Neck Road. T.J. Walker said a Forester inspected the site two weeks ago, a new forestry plan is being prepared, and he will give the Conservation Commission a copy of it. It was agreed to do a site inspection on July 24, 2010 with T.J. Walker present, and with his permission.

7:16 PM **CHRISTOPHER BRYANT** - NOI (SE 041-1138) to construct a one-acre (total) aquaculture project in Job's Cove (continued from June 9, 2010). The Applicant is awaiting Natural Heritage's approval and had requested a three-month continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM on October 27, 2010, J. Hartley seconded, voted unanimously.

7:17 PM **SARDINHA FAMILY TRUST** - NOI (SE 041-1140) to expand the gravel parking lot behind 454 Wareham Street, and install a landscape berm and a storm water management system. Jack O'Leary of Merrill Associates represented the Trust and described the history of the site and the proposed work. He said current bylaws prohibit parking within 50 feet of the street for new projects, but although this is a grandfathered lot and is exempt, Mr. Sardinha agreed to try to meet the new Zoning Bylaws on parking at the Planning Board's request. J. O'Leary said the Trust has appealed the Planning Board's site plan review conditions, but that would not affect the order of conditions. N. Hills said the plan of record of the house behind this property shows a wetland line, and asked J. O'Leary to stake the rear property line so that another inspection can be held with a better understanding of which lot the wetlands are on. N. Hills questioned the "isolated wetland" which seems to be near a ditch or two, but it is unknown which lot it is on. J. O'Leary said no paving is proposed, and although the driveway beside the house will be widened, there will be no change in grade. He said eleven parking spaces are called for by Zoning Bylaws, which he feels is too many because several of them won't ever be used. N. Hills said the proposed swale is 1-1/2' tall, very broad and flat. J. O'Leary agreed to continue the hearing so that the property line can be staked and another site inspection can be held. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:50 PM July 28, 2010 and visit the site again with J. O'Leary on July 24, 2010, J. Hartley seconded, voted unanimously.

7:40 PM **ROBERT B. McNAMARA** - RFD (41D-1425) to remove construction debris at the east end of Shawondasse Road, and to add gravel to the road. Robert McNamara was present and said Arne Excavating will remove the material, then grade the road. He said the Sippican Lands Trust is in favor of this project and has agreed to pay half the cost. R. McNamara said the disturbed area of the Sippican Lands Trust property, after the construction materials are removed, will be replanted; N. Hills requested a conservation seed mixture be used. R. McNamara said the Sippican Lands Trust President, Christopher Bryant, told him there is a five-foot-wide access path which he maintains with a weed whacker. L. Dorman moved to close the hearing, S. Briggs seconded, voted unanimously.

7:47 PM **NATHAN and AIDA ELDER** - appointment for discussion regarding site work in the rear of 148 Spring Street, possibly in the buffer zone to wetlands (41D-1200). S. Briggs suggested augering five or six holes along the north side of the lot to see where fill has been added. Jack O'Leary said his biologist has done many soil tests in that area and there may not be clear delineations of soil types, in which case vegetation would be a better delineation. S. Briggs said there are 75-year-old trees back there and the yard is upgradient which makes him question whether it is a wetland. S. Briggs said he would also like the property bounds to be marked. N. Hills said he will contact J. Oakes to see if he will do the augering after the lot lines have been marked. Nathan Elder said the manmade ditch has been allowed to be overgrown and the standing water is a mosquito health matter, and he would like to clean/maintain it. S. Briggs said some ditches can be

piped and covered over, such as what was done to the one behind the Sippican Shop. S. Briggs said the ditch is an intermittent stream, not a perennial stream.

8:03 PM **TOWN OF MARION** - NOI (SE 041-1139) to construct a handicap access lift/boat lift at 1 Island Wharf, a 10' x 20' float, and a 4' x 12' ramp to a landing abutting the existing timber walkway on the wharf. Harbormaster Michael Cormier was present with his engineer, Susan Nilson of CLE Engineering, Inc. who described the proposed work. M. Cormier said the Harbormaster and his assistants are the only ones who will be authorized to operate the lift. M. Cormier said the lift operates only on electricity, no hydraulics. M. Cormier said construction will hopefully be this fall, as the Chapter 91 application has been submitted and it is awaiting public comment. J. Hartley moved to close the hearing, S. Briggs seconded, voted unanimously.

BAYBERRY LANE ASSOCIATION - The Harbormaster had reported wetland violations taking place at the bottom of Bayberry Lane. A site inspection will be held on July 24, 2010.

ANDREW KOTSATOS - The vegetation has now grown. L. Dorman moved to issue a full Certificate of Compliance for razing the dwelling at 196 Point Road and constructing a new dwelling with an attached garage, a deck, porches, a patio and a pool in its place, J. Hartley seconded, voted unanimously (SE 041-1091).

ANA S. and DUDLEY L. BAUERLEIN, JR. - N. Hills moved to issue a full Certificate of Compliance for upgrading the septic system at 64 West Avenue, Planting Island, and constructing an addition and deck, J. Hartley seconded, voted by majority with S. Briggs abstaining (SE 041-1114).

ERNEST R. YEAW has requested a three-year extension permit for constructing a dwelling and driveway at 26 Doran Way, Dexter Beach (SE 041-1075). N. Hills said there is a pipe draining the foundation into the wetlands which needs to be addressed. N. Hills moved to issue the extension with a note accompanying it to place haybales around the end of the drainage pipe, J. Hartley seconded, voted by majority with S. Briggs abstaining.

TOWN OF MARION - SPRAGUE'S COVE - Discussion followed regarding the Sprague's Cove Stormwater Remediation Project maintenance work at Silvershell Beach (SE 041-556). S. Briggs said the trees that were planted are getting too large and if they blow over and uproot they could damage the integrity of the dikes. N. Hills said abutters met with the Selectmen on July 13, 2010 about that.

N. Hills moved to approve payment of \$323.00 for **M.A.C.C.** annual dues (July 1, 2010 through June 30, 2011), L. Dorman seconded, voted unanimously. This is a \$23.00 increase from last year's cost.

N. Hills moved to ratify the \$540.00 payment to Sabatia, Inc. for the assessment and report of **BAY WATCH REALTY TRUST's** potential Vernal Pool #3 off Front Street (SE 041-1104), J. Hartley seconded, voted by majority with S. Briggs abstaining.

GREGORY KOSS - Discussion followed regarding mowing that was done at 32 Beach Street (SE 041-676). N. Hills drafted a letter in response to Mr. Koss's explanation that the mowing

was just maintenance, except the mowing extends about 100', not 25' as shown on the plan of record. S. Briggs moved to send the letter as written, L. Dorman seconded, voted unanimously.

TOWN OF MARION - N. Hills drafted the Order of Conditions for the Island Wharf handicap access lift/boat lift and moved to issue it as written, L. Dorman seconded, voted unanimously (SE 041-1139).

ROBERT B. McNAMARA - J. Hartley moved to issue a Negative Determination for Boxes 2 and 3 for removing construction debris at the east end of Shawondasse Road, and adding gravel to the road, with a condition that work shall not extend further than 10' onto the Sippican Lands Trust lot, L. Dorman seconded, voted unanimously (41D-1425).

OPEN MEETING LAW - Revised changes effective July 1, 2010 were briefly discussed. J. Hartley thought the M.A.C.C. might offer a training session to clarify the changes.

N. Hills moved to adjourn at 8:48 PM, J. Hartley seconded, voted unanimously.

Diane R. Drake, Secretary

Approved September 8, 2010