

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 8, 2010

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

Members Absent: Jeffrey W. Oakes, Associate  
Bruce C. Hebbel, Associate

Secretary: Diane R. Drake

Others Present: Christian Farland, Joan Hartnett-Barry, Richard Charon, Brandon Faneuf,  
Craig and Jeff Lawrence, and Catherine Brodeur.

Meeting convened at 7:00 PM Wednesday, September 8, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 4, 2010 by J. Hartley, S. Briggs, N. Hills and L. Dorman.

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 August 11, 2010). Mr. Sampson was not present. L. Dorman moved to continue the hearing to November 10, 2010 at 7:00 PM, N. Hills seconded, voted unanimously. Mr. Sampson will be notified of the continuation date and time.

**SARDINHA FAMILY TRUST** - request for a certificate of compliance for replacing the L'Auberge restaurant building at 450 Wareham Street with a Dunkin Donuts restaurant (SE 041-1053). N. Hills said there is a potential for erosion in the rear of the site where people walk through to Spring Street. S. Briggs suggested issuing the certificate with conditions to maintain the siltation fence in the rear of the building for another year and remove the railroad ties and debris. N. Hills moved to issue the certificate as discussed, S. Briggs seconded, voted unanimously.

7:05 PM **TOWN OF MARION** - appointment for discussion with Ray Pickles regarding specifications for plantings at the Sprague's Cove Storm Water Remediation Project on Front Street at Silvershell Beach (SE 041-556). R. Pickles had requested a rescheduling of this appointment because the other abutters were unable to attend tonight. The appointment was rescheduled to 7:00 PM on November 10, 2010.

7:10 PM **MARK W. MacLEAN** - NOI (D.E.P. file number not assigned yet) to construct an addition with a screened porch and deck on the southeast end of the dwelling at 10 Hammett's Cove

Road, an in-ground swimming pool and patios at the south end of the dwelling, and associated grading. W. Carreau left the room. Christian Farland of Thompson-Farland represented Mr. MacLean and described the proposed work. He said the work is not in the flood plain and will be 30' from the wetlands at its closest point. C. Farland said CLE Engineering delineated the wetland line in January 2010. S. Briggs reminded C. Farland that there is a sewer easement on this property. N. Hills asked what would happen to the water in the swimming pool because it is so close to the wetlands; C. Farland said he was sure it would not be discharged into the wetlands. Due to the lack of a file number, L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:05 PM September 22, 2010; N. Hills seconded; voted unanimously. W. Carreau returned to the table.

7:20 PM **LAURENCE E. REINHART** - NOI (SE 041-1141) to construct a single-family dwelling, a septic system, a driveway, and associated filling and grading at Lot 70 East Avenue, Planting Island (continued from August 25, 2010). Richard Charon of Charon Associates represented Mr. Reinhart and submitted revised plans. He said Mr. Reinhart is the sole owner of this lot. A swale is proposed to prevent runoff onto the abutting property which is presently owned by Mrs. Reinhart in a trust. J. Hartley moved to close the hearing, S. Briggs seconded, voted unanimously.

7:30 PM **JOHN and CRAIG LAWRENCE** - appointment for discussion regarding work in the buffer zone to wetlands at 5 Pawkechatt Way (41D-1402, SE 041-1076). John and Craig Lawrence were present with their engineer (Christian Farland of Thompson Farland) and wetlands biologist (Brandon Faneuf of Ecosystems Solutions). A wetlands report had been submitted. C. Farland described the history of the site and showed U.S.G.S. maps and photographs. B. Faneuf said the wetland is isolated, and he considers it to be an isolated vegetated wetland. S. Briggs said about 45 large white pines at that site went down in Hurricane Bob in August 1991 and when the trees were removed the stump holes were not completely filled in, creating those isolated pockets. N. Hills said he'd like to read the report and view the site again. The cement and junk left by the contractor have been removed. N. Hills said the garden on the adjacent lot was created without a filing with the Conservation Commission. The revised plan shows a pad for the swimming pool. C. Farland said a Request for Determination of Applicability filing may be submitted in the future to replace some of the invasive species with native species. B. Faneuf submitted soil logs for his report. S. Briggs said Holmes and McGrath delineated the line for one of the previous owners, Mr. and Mrs. Cassum. The Lawrences agreed to allow another site inspection with B. Faneuf present. It was agreed to continue the discussion to 7:20 PM on October 13, 2010 with another inspection on October 9, 2010 at 8:35 AM.

7:50 PM **CATHERINE A. BRODEUR** - NOI (SE 041-1142) to establish two 100' x 220' aquaculture projects, one off Ram Island and one off Planting Island tip (continued from August 25, 2010). Catherine Brodeur was present. Natural Heritage has approved the project with conditions. C. Brodeur said the Harbormaster and Shellfish Officer have approved both of these sites and she expects to be ready for Phase II within two years. N. Hills said he thought a new Notice of Intent would be filed for the second phase, but an option would be to approve the first phase and then have her come back to amend the order to include Phase II. L. Dorman suggested approving both sites now with a condition that an appointment for discussion will be held with the Conservation

Commission before starting Phase II. L. Dorman moved to close the hearing, S. Briggs seconded, voted unanimously.

N. Hills drafted the certificate of compliance for **SARDINHA FAMILY TRUST** with conditions to remove the railroad ties and debris, maintain the siltation fence for one more year before removal, and the Commission will hold another inspection in one year; S. Briggs seconded the motion, voted unanimously.

Minutes were reviewed. J. Hartley moved to accept the **May 12, 2010** minutes as corrected, S. Briggs seconded, voted by majority with L. Dorman abstaining. N. Hills moved to accept the **May 26, 2010** minutes as written, S. Briggs seconded, voted by majority with W. Carreau and L. Dorman abstaining. N. Hills moved to accept the **June 23, 2010** and **July 14, 2010** minutes as written, L. Dorman seconded, voted unanimously. N. Hills moved to accept the **August 25, 2010** minutes as corrected, W. Carreau seconded, voted by majority with J. Hartley abstaining.

L. Dorman drafted **CATHERINE A. BRODEUR**'s order of conditions (SE 041-1142) and moved to issue it as written, N. Hills seconded, voted unanimously.

N. Hills drafted **LAURENCE E. REINHART**'s order of conditions (SE 041-1141) and moved to issue it as written, W. Carreau seconded, voted unanimously.

L. Dorman moved to adjourn at 8:40 PM, N. Hills seconded, voted unanimously.

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Diane R. Drake, Secretary

Approved September 22, 2010