

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 9, 2011

Members Present: Sherman E. Briggs, Jr., Chairman  
Norman A. Hills, Vice Chairman and Clerk  
Joel D. Hartley  
Wendy L. Carreau

Members Absent: Lawrence B. Dorman, Treasurer  
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Christine Assad, Susan Domolky, Joan Hartnett-Barry, Eunice Manduca and Susan Nilson

Meeting convened at 7:00 PM Wednesday, November 9, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, November 5, 2011 by S. Briggs and N. Hills.

7:00 PM **GARY PARSONS**, 13 Shady Lane, Dexter Beach - NOI (SE 041-1166) to raze the dwelling and construct a new dwelling and driveway, install associated utilities and perform necessary grading. This hearing was continued from October 26, 2011 due to the lack of a D.E.P. file number, which has been received. W. Carreau moved to close the hearing; N. Hills seconded; voted unanimously.

**OTHER MATTERS**

A. **GALE RUNNELLS**, 17 Reservation Way (SE 041-1165). N. Hills said he met with William Johnston of Reservation Way regarding the stockpiled wood and pallets at the bottom of the road, near Gale Runnells' property. The wood is stored there and used to repair the walkway/pier over the marsh. A location out of the wetlands was agreed upon to store the wood on saw horses.

B. **CHRISTOPHER BRYANT**'s proposed oyster grant in Job's Cove (SE 041-1138). N. Hills said the abutters that opposed this project lost their appeal to deny the order of conditions, but are requesting D.E.P. to reopen the hearing to consider new evidence. According to an article in the Cape Cod Times, a one-acre shellfish grant proposed in Mashpee will require a MEPA (Massachusetts Environmental Policy Act) review because the grant is in a velocity zone, takes up more than a half-acre, and has more than 2,000 square feet of bottom-anchored structures. The abutters to Job's Cove want C. Bryant's project to also undergo a MEPA review. N. Hills said he spoke with Dan Gilmore at the Lakeville D.E.P. about this and was told that the Mashpee case does not apply to Marion, and D.E.P. will respond accordingly to the abutters' legal counsel.

C. **TOWN OF MARION LAGOONS** - S. Briggs said he attended a meeting with private parties regarding whether the Town's lagoons are leaching into Sippican Harbor, as the Buzzards Bay Project has supposedly proven.

7:10 PM **DOLA STEMBERG**, 85 Moorings Road - amended order of conditions (SE 041-1126) to raze and reconstruct a dwelling and garage, install an in-ground swimming pool and landscape. The amendment is for minor modifications to the building footprint, site grading, the pool footprint and the addition of a pool house. Susan Domolky, the new owner of the property, was present with her engineer, Susan Nilson of CLE Engineering. S. Nilson said a gas line will be run down the road, but it is only in a flood plain, not a buffer zone. S. Nilson said the dwelling will be built in compliance with the new flood plain map velocity zone regulations. Instead of a pool house, a pergola will be built, and there will be a 3'-high wall around the pool so that only a 3'-high pool fence (instead of a 6'-high fence) will be needed in accordance with the Board of Health Regulations. S. Domolky said the pool will probably be salt water, and if it ever needed to be drained, it would not be drained near the septic system. Grading around the septic system and pool was discussed. S. Nilson said the roof runoff system has not changed, it is just included on the new plan instead of a separate plan. S. Briggs moved to close the hearing; W. Carreau seconded; voted unanimously.

Certificates of compliance for **GREGORY KOSS**'s house at 32 Beach Street were discussed. D.E.P. File No. SE 041-987 is for rebuilding the dwelling after it had been destroyed by fire. D.E.P. File No. SE 041-676 is for replicating wetlands that were impacted while building and rebuilding the dwelling. S. Briggs and N. Hills had inspected the site. The prospective new owner, Christine Assad, was present and joined the discussion regarding what landscaping could and could not be done. Discussion followed on where mowing can be done now, without requesting a new permit from the Conservation Commission. S. Briggs said he thinks the house's foundation will be in compliance with the new FEMA Regulations. N. Hills would like the certificates of compliance to reference the outstanding enforcement orders so they won't just fade away. C. Assad said she understands that an engineer needs to reflag the wetland lines, show the lines on a plan and have the Conservation Commission verify them. S. Briggs moved to issue full certificates of compliance for both of the orders of conditions; W. Carreau seconded; voted unanimously. A copy of the enforcement order(s) will be sent to C. Assad with a copy of the certificates of compliance.

N. Hills moved to issue a full certificate of compliance to **D. JOSEPH DUGGAN II** for extending a pier, setting a ramp, a float and four support piles at 17 Dexter Road, Dexter Beach ; J. Hartley seconded; voted unanimously (SE 041-1150).

N. Hills moved to issue a third three-year extension permit to **ANNMARIE LEVINS and LINDA SEVERIN** for eradicating phragmites at 53 Dexter Road, Dexter Beach; J. Hartley seconded; voted by majority with S. Briggs abstaining (SE 041-972).

A certificate of compliance for **ELLEN P. BOWLER TRUST**'s pier maintenance and improvements (replacing the decking, railings and stringers, and repairing the stone supports) was discussed. The latch preventing public access over the pier has been repaired. N. Hills moved to issue a full certificate of compliance; J. Hartley seconded; voted unanimously (SE 041-1155).

**OTHER MATTERS** - complaints have been received by the Town Administrator, Building Commissioner and the Conservation Commission regarding what appears to be extending a driveway through wetlands at **DONALD KEMP**'s Lot 97 Cove Circle and 24 Cove Circle, Piney Point properties. There were similar complaints about illegal clearing on these lots in 2008, and at that time D. Kemp said he would hire Thompson Engineering to delineate the wetlands, but he never did. S. Briggs inspected the site and said it appears they are doing percolation tests in the rear of the site, not extending the driveway. The Board of Health agent has an appointment on November 29, 2011 to witness percolation tests there. S. Briggs said he will call the engineer, Flaherty, from Falmouth to see what is going on and whether there are wetlands being disturbed. The properties are to be sold at public auction on December 7, 2011. S. Briggs said the mortgage-holding bank may be setting up the percolation tests to see if the system passes prior to the auction.

N. Hills drafted **DOLA STEMBERG**'s amended order of conditions (SE 041-1126) to raze and rebuild the dwelling at 85 Moorings Road and moved to issue it as written; J. Hartley seconded; voted unanimously.

J. Hartley drafted **GARY PARSONS**'s order of conditions (SE 041-1166) to raze and rebuild the dwelling at 13 Shady Lane, Dexter Beach, and moved to issue it as written; N. Hills seconded; voted unanimously.

J. Hartley moved to accept the **OCTOBER 8, 2011 MINUTES** as amended; N. Hills seconded; voted unanimously.

Meeting adjourned at 8:15 PM.

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Diane R. Drake, Secretary

Approved December 14, 2011