

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 5, 2007

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Bruce C. Hebbel, Member  
Lawrence B. Dorman, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Edward Novakoff, Caroline Moore Tripp, Nancy and Luke Hill, Mark Manganello, Charles Brown, David Davignon, Rick Charon, Jeffrey Osborn, William F. Madden, Chris Capone, Thomas McGuire, Bill Travers, Bronwen Cunningham, Dennis Seguin, Keith M. David, Susan Nilson, Greenwood Hartley III and R. Henry Norweb III.

Meeting convened at 7:00 PM Wednesday, December 5, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 1, 2007 by N. Hills, J. Oakes and L. Dorman.

7:00 PM **EDWARD T. AND LISA J. NOVAKOFF** - NOI (SE41-1079) to raze and reconstruct the dwelling at 21 Holly Lane (continued from November 7, 2007). Mr. Novakoff was present with his engineer, Richard Charon of Charon Associates. Another site inspection had been held with the botanist, Robert Gray. R. Charon submitted a revised plan. He said the house was built in 1959 and the fill there is historic. He said by cantilevering the house, it will be 12' from flag #6 instead of 8', with an actual disturbance another 10' away. A rail fence is proposed along the present wetland line. The slab elevation has been dropped one foot. N. Hills asked whether the 12' x 16' projection could be removed; R. Charon said this is the house the Novakoffs have worked on with their architect, and the new house will be one third larger than the present house, with a porous deck. J. Oakes suggested the 10'-wide strip of land that has been mowed should be grubbed of the phragmites and replanted with bayberry and other wetland plants. It was agreed the split rail fence can be replaced with a boulder line. The D.E.P. file number has been received. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:17 PM **1997 QUALIFIED PERSONAL RESIDENCE TRUST (C/O MARK EPSTEIN, TRUSTEE)** – RFD (41D-1341) to construct a 16' x 20' addition at 6 Point Road. David Davignon represented the Epsteins and described the project. He said the work will not be in the buffer zone to the coastal bank, it will only be in the flood plain. D. Davignon said he is not

involved with the sump pump problem. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:20 PM **DOLA STEMBERG** – Amendment to an Order of Conditions (SE41-1058) for landscaping activities at 85 and 99 Moorings Road and the Lily Pond. The Amendment is to modify the restoration area plantings and to remove phragmites, bittersweet and knotweed adjacent to the Lily Pond. J. Oakes left the room. Mark Manganello of LEC Environmental represented Ms. Stemberg and described the history of the project and the proposed expanded scope of work to remove bittersweet and phragmites from around the Lily Pond. The osprey pole is to be relocated closer to the coastal bank in the replication area. He said the pole will be installed after the replication and in accordance with any conditions from the previous order which had approved it. Phragmites will be cut and Rodeo applied. N. Hills said there is still some mowing taking place in the wetlands; M. Manganello said he will speak to the groundskeeper about that. He will revise the plan to take into consideration the 15' no-touch zone. M. Manganello said a rock line was proposed instead of a fence, but a fence can be installed if the Commission would prefer it. N. Hills said he would like a stamped, revised (or new) plan showing the changes. B. Hebbel would like a maintenance schedule. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM January 2, 2008; B. Hebbel seconded; voted unanimously. J. Oakes return to the table.

7:36 PM **ALEXANDER BINER** – Appointment for discussion regarding remediation for wetlands that were filled at 546 Point Road (SE41-925) (continued from November 7, 2007). William F. Madden represented Mr. Biner. He said he has no additional information at this time and asked to discuss this matter on December 19, 2007. The Commission agreed to continue the discussion to 7:40 PM December 19, 2007.

7:38 PM **CHARLES A. BROWN** – NOI (SE41-1083) to construct an addition and two decks on the northerly side of the dwelling at 23 Indian Cove Road. Charles Brown was present with his engineer, William F. Madden, who described the project. The project is mostly in the flood plain; just a small portion is in the buffer zone to wetlands. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:43 PM **MOORE MARION TRUST, C/O CAROLINE TRIPP** - NOI (SE41-1080) to eliminate an area of phragmites and do vista pruning at 468 Point Road. Christopher Capone of Sitec Engineering represented the Trust and described the proposed work. The phragmites will be weedwhacked to 6"-8" high and Rodeo will be applied in early spring with a potential second and third application. He discussed the Natural Heritage and Endangered Species Program's comments. He said under the Wetlands Protection Act there is no problem, but it will need a MESA review before work can proceed, but this does not need to hold up issuance of the order of conditions. The Owners were present and said they would prefer to install a split rail fence rather than a boulder line to demarcate the no-touch zone. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:50 PM **MASSACHUSETTS HIGHWAY DEPARTMENT** – RFD (41D-1338) to rehabilitate Route I-195 in Wareham beginning at the Marion Town Line, the Sippican River (continued from November 7, 2007). Thomas McGuire was present with William Travis. The project is basically to take the highway down 2" and repave it. T. McGuire submitted a plan

showing the haybale and jersey barrier locations. B. Travis said they are not specifying siltation socks in place of siltation fencing yet. B. Hebbel would like staging to be prohibited from near the Sippican River; W. Travis said it is in their contract that no staging is allowed within 100' of a wetland. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously.

7:58 PM **BRONWEN CUNNINGHAM** – RFD (41D-1337) to level the lawn at 23 Cross Street (a.k.a. 23 Arrowhead Lane) by adding loam and seeding, and do landscaping (remove briars, add plantings) (continued from November 7, 2007). Bronwen Cunningham was present with her surveyor, Dennis Seguin, who presented plans showing the proposed work. He said the only area that extended into wetlands was on Jobs Cove Road. He said B. Cunningham wants to remove the briar roots and add three inches or so of loam, none on the abutting properties. He also submitted a plan showing proposed stones on the southeast corner of the property to prevent storm damage caused by the abutting Hurley property which has been built up with fill. N. Hills said he would like to view the site again with the plan in hand. D. Seguin said he was present when Site Solutions reflagged the line using vegetation and soil samples, but the soil logs have not been submitted because the line was so obvious. Another site inspection will be done on December 15, 2007. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:15 PM December 19, 2007; L. Dorman seconded; voted unanimously.

8:20 PM **BEVERLY YACHT CLUB** – NOI (SE41-1081) to repair the seawall at 99 Water Street, reconstruct the gazebo, increase the width of the pier from 5' to 8', expand the wooden floats by 45' and 55', and expand the concrete float by 55'. J. Oakes left the room. Harry Norweb, the Commodore of the Club, was present with his engineer, Susan Nilson of CLE Engineering, Inc. S. Nilson described the project and said the piles will be replaced. The concrete supports will remain. The gazebo may need to be replaced in the same footprint. She said a new Chapter 91 license will be obtained due to the float extensions. The only moorings that might be impacted by lengthening the middle float are two that belong to the Yacht Club, and the floats will be 250' from the channel. L. Dorman moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes returned to the table.

8:35 PM **GREENWOOD HARTLEY III** – Appointment for discussion regarding 19 Quelle Road which he has purchased. He explained that he would like to remove the existing 700 square foot house and rebuild it on the same footprint in compliance with flood plain regulations, and would like to know what is necessary to get through the Conservation Commission. The Commission Members agreed that Mr. Hartley will need to submit a notice of intent with an engineer's plan to begin the process.

J. Oakes suggested issuing a negative determination for box #2 to the **1997 QUALIFIED PERSONAL RESIDENCE TRUST (C/O MARK EPSTEIN, TRUSTEE)** for the proposed family room addition at 6 Point Road (41D-1341). B. Hebbel so moved; L. Dorman seconded; voted unanimously.

J. Oakes drafted **CHARLES BROWN'S** order of conditions (SE41-1083) for an addition and two decks at 23 Indian Cove Road. B. Hebbel moved to issue the order as written; L. Dorman seconded; voted unanimously.

J. Oakes drafted **EDWARD T. AND LISA J. NOVAKOFF'S** order of conditions (SE41-1079) for razing and reconstructing the dwelling at 21 Holly Lane. B. Hebbel moved to issue the order as written; L. Dorman seconded; voted unanimously.

J. Oakes moved to issue a conditional negative determination for box #3 to the **MASSACHUSETTS HIGHWAY DEPARTMENT** for their Route I-195 rehabilitation project in Wareham (41D-1338), with a condition that staging and refueling are prohibited from the buffer zone; L. Dorman seconded; voted unanimously.

L. Dorman drafted **MOORE MARION TRUST'S** order of conditions (SE41-1080). B. Hebbel moved to issue it as written; N. Hills seconded; voted unanimously.

N. Hills drafted the order of conditions for the **BEVERLY YACHT CLUB** (SE41-1081). L. Dorman moved to issue it as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Capital and operating budgets for 2009 were discussed and accepted as level funded.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved February 6, 2008