

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 16, 2008

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

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

Secretary: Diane R. Drake

Others Present: Steven Clark, Christian Farland, Eileen Bastarache, John Rockwell and
Jessica Whittaker

Meeting convened at 7:00 PM Wednesday, April 16, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 12, 2008 by N. Hills and L. Dorman.

7:00 PM **STEVEN CLARK** - RFD (41D-1349) to verify the delineation of the wetland resource areas at 713 Mill Street (continued from March 19, 2008). Steven Clark was present. N. Hills and L. Dorman had visited the site on April 12, 2008; S. Clark was pulling the fill back from the wetlands at that time. S. Clark explained where the boundary markers are and where he has sloped the banks. J. Oakes said boulders will make a good wetland delineation. S. Clark said he would like to plant more trees, more white pines and a few holly trees, in the wetlands. J. Oakes said red maples and tupelos would do well there. S. Clark said he'd also like to plant eight arborvitaes along the road. Another site inspection will be held on May 3, 2008. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:00 PM May 7, 2008 and inspect the site again on May 3, 2008; J. Oakes seconded; voted unanimously.

7:12 PM **JOHN CURRY** – NOI (SE 041-1094) to reconstruct the dwelling at 15 Giffords Corner Road, construct a deck, remove the failed septic system, install a Title V septic system, and perform associated site work. Christian Farland of Thompson Merrill represented Mr. Curry and described the project. He said the footprint of the house will be 36' by 26' and the number of bedrooms (three) will not change. The Board of Health had already approved the necessary variances for the proposed Presby sewage disposal system. The present leaching field will not be dug up. Eileen Bastarache, the next door neighbor, said she was relieved to learn the system was not going to be raised. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously. On a separate but related matter, N. Hills told Ms. Bastarache that whoever was creating access to the rear of the lot will need to file for a permit before doing any more work in the buffer zone to the

wetlands in the rear of the lot. Ms. Bastarache said she just bought her house in November of 2007 and it was she, not Mr. Curry, that had placed brush in the rear of the lot. She promised she would not do any more work in the back of that lot.

7:35 PM **PATRICIA VAN DEN BROEK** – RFD (41D-1350) to construct a 10'-wide, 130'-long, flat stone cap along the back side of the existing seawall at 34 Point Road to prevent ongoing erosion. J. Oakes said his employer, CLE Engineering, did the Chapter 91 licensing paperwork for Ms. Van den Broek years ago, but he does not think his participation in this hearing would be a conflict. No one represented Ms. Van den Broek. The Harbormaster, by letter, said he is in favor of the project and believes this work will help to prevent future erosion. J. Oakes suggested the disturbed areas should be planted with sea grass. J. Oakes moved to close the hearing and issue a conditional negative determination for boxes two and three with a condition that disturbed areas shall be planted with beach grass; L. Dorman seconded; voted unanimously.

7:30 PM **MARION OPEN SPACE ACQUISITION COMMISSION** – John Rockwell was present to discuss the former Boyd property at the end of the railroad bed off Washburn Park Road. The Sippican Lands Trust bought the property and is holding it until the Town can raise the money to buy it. J. Rockwell described the work he would like to do there. He said he is applying for grant money from the Buzzards Bay National Estuary Program to restore the wetlands on that site, but because of time constraints for the grant, he asked the Commission to issue an enforcement order to The Sippican Lands Trust demanding the necessary remediation work from flags C3 through C9 to begin right away. He will follow up with a notice of intent filing for the remainder of the cleanup work.

7:50 PM **THE SIPPICAN LANDS TRUST** – Appointment for discussion with Jessica Whittaker regarding remediation for temporary trenches and cleanup of the leftover oil cleanup materials at Pierson Woods caused by clean-up efforts from an oil spill at Coolmar Limited's 604 Point Road property (SE 041-1066). J. Whittaker showed photographs of the litter-strewn area and said she would like to remove the containment booms and absorbent pads. She asked the Commission whether they would prefer the ditches to be filled back in with what was dug out when they were made, or just let them be so they will revegetate. J. Oakes and N. Hills said they would like to view the site again. An inspection was tentatively scheduled for 5:00 PM Monday, April 28, 2008 at Alan Minard's empty lot on Allens Point Road.

8:15 PM **THE WAVE RESTAURANT, INC.** (SE 041-472). Additional fill has been placed in the buffer zone to wetlands at 208 Spring Street. The owner(s) of The Wave have not responded to the Commission's February 25, 2008 letter asking them to submit a request for determination filing with the Commission for stockpiling materials in the buffer zone to wetlands. J. Oakes would like them to at least install a siltation fence along the southwestern half of the stockpiled material. N. Hills will draft another letter to the owners, Todd Zell and Bradford Silva.

MATTAPOISETT RIVER VALLEY WATER DISTRICT (SE 041-1051) regarding siltation problems along the railroad bed. J. Oakes said he received an email from Jon Gregory of Tata and Howard saying they are aware of the problem and have installed a hay bale line. N. Hills said he will visit the site some time before the Commission's May 7, 2008 meeting.

J. Oakes drafted **PATRICIA VAN DEN BROEK's** determination of applicability (41D-1350) for constructing a cap along the seawall at 34 Point Road to prevent erosion. J. Oakes moved to issue a conditional negative determination for boxes 2 and 3 with a condition that American beach grass will be planted between the new cap and the Rosa rugosa; L. Dorman seconded; voted unanimously.

L. Dorman drafted **JOHN CURRY's** order of conditions (SE 041-1094) for reconstructing the house and upgrading the septic system at 15 Giffords Corner Road. L. Dorman moved to issue it as written; J. Hills seconded; voted unanimously.

N. Hills drafted an enforcement order to **THE SIPPICAN LANDS TRUST** for wetland violations at the Boyd property at the railroad grade off Washburn Park Road and moved to issue it as written; L. Dorman seconded; voted unanimously.

N. Hills said clearing and grading appears to be taking place at the **WILSON** property, 23 Parlowtown Road. The work is in the 100' buffer zone to wetlands on Matthew Silva's 27 Parlowtown Road property. J. Oakes drafted a letter to the Wilson family and moved to send it as written; L. Dorman seconded; voted unanimously.

February 20, 2008 minutes were reviewed and unanimously approved as written on a motion by L. Dorman, seconded by J. Oakes.

April 2, 2008 minutes were reviewed and unanimously approved as amended on a motion by L. Dorman, seconded by N. Hills.

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved May 7, 2008