

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 3, 2008

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr. (absent from 7:00 PM to 7:20 PM)  
Bruce C. Hebbel

Members Absent: Lawrence B. Dorman  
Horace S. Kenney, Jr., Associate  
Joel D. Hartley, Associate

Secretary: Diane R. Drake

Others Present: Kenneth and Beverly A. Hanson, Susan Nilson, Amy Bail, Rich Clayton,  
Joseph Longo, Dana Angelo, Richard Charon, Richard Schaefer and  
Eunice Manduca (and others who may not have signed in).

Meeting convened at 7:10 PM Wednesday, September 3, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 30, 2008 by N. Hills and B. Hebbel.

7:10 PM **FRANKLYN G. AND PRISCILLA P. BILL** - NOI (SE 041-1097) to construct a retaining wall on the landward side of the house at 296 Delano Road; repair a seawall, railings on a stone pier, and wood decks on the house; and associated grading. This hearing was continued from August 20, 2008 due to the lack of Natural Heritage and Endangered Species Program's response. Richard Charon by telephone said he still has not received NHESP's response and requested yet another continuation. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:00 PM September 17, 2008; B. Hebbel seconded; voted unanimously.

7:11 PM **EDWARD T. NOVAKOFF** – Appointment for discussion regarding downsizing the new house construction at 21 Holly Lane (SE 041-1079). Richard Charon was present and presented a revised plan showing a smaller dwelling. He asked the Commission to accept this revised plan as the new plan of record without the need to amend the order. J. Oakes moved to accept the revised plan as the new plan of record without a formal hearing; B. Hebbel seconded; voted unanimously.

J. Oakes moved to issue a three-year extension permit to **ANNMARIE LEVINS AND LINDA SEVERIN** for eradicating phragmites at 53 Dexter Road, Dexter Beach; B. Hebbel seconded; voted unanimously (SE 041-972).

S. Briggs joined the meeting at 7:20 PM.

7:20 PM **JOHN A. WHITTEMORE** – Amendment to an order of conditions (SE 041-1087) for pier improvements at 51 East Avenue, Planting Island. The amendment is to replace the ramp and walkway with a 30'-long ramp, and set two piles for anchoring the inboard end of the existing floating dock. J. Oakes left the room. Susan Nilson represented Mr. Whittemore and described the changes. She said the U.S. Army Corps. of Engineers has approved the changes. Abutters Kenneth and Beverly A. Hanson said they support this request. B. Hebbel moved to close the hearing and accept the revised plan as the new plan of record; S. Briggs seconded; voted unanimously. J. Oakes returned to the table.

7:25 PM **TOWN OF MARION** – NOI (SE 041-1100) to redevelop Little Neck Village, 330 Wareham Street. The three existing buildings, the unoccupied dwelling and garage will be razed or moved. Four residential buildings and a community building will be constructed, with associated utilities, landscaping and community garden(s). Richard Schaefer, legal counsel for E.A. Fish, introduced the others present for this project: Dana Angelo - project director, and Joseph Longo, Richard Claytor and Amy Ball – Horsley Witten engineers. D. Angelo said the curb cut has moved and the existing curb cut to the garage will be chained off but will serve as the secondary access in case of an emergency. He said there will be an 18'-wide grass path around the entire site for the Fire Department's access. J. Longo explained that "structural grass" is going to be a tightly compacted soil per the Fire Chief's suggestion. He said the two units furthest from the water will discharge runoff overland toward Hermitage Road per the new storm water regulations when ground water is too high to use retention basins. S. Briggs said the downside to that drainage method is that a lot of vegetation will be lost. J. Longo estimated that 3,500 to 4,000 cubic yards of fill will be required. The existing stone walls will be used wherever possible. Mulch-filled 12" silt socks are proposed rather than siltation fencing or haybales. J. Oakes asked if the Planning Board is requiring a consultant to examine the runoff calculations; J. Longo said that will be Kenneth Motta of Field Engineering, and Tom Houson will be looking at it for the Zoning Board of Appeals. N. Hills asked how the 15' no-touch zone will be permanently marked; J. Longo said boulders will probably be used. J. Oakes thought the boulders could be placed on the wetland side of the silt socks, close enough so that rider mowers could not get through. J. Longo said Peabody Properties will manage the site, and everything beyond the silt socks will be allowed to revegetate. The Natural Heritage and Endangered Species Program's response has not yet been received. There will be a Special Town Meeting on September 22, 2008 to vote to acquire the land. The ZBA's hearing is October 2, 2008. B. Hebbel said he would like to have a copy of the current construction plans. J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:30 PM September 17, 2008; B. Hebbel seconded; voted unanimously.

N. Hills moved to issue a full certificate of compliance for **STEVE OKOLITA**'s septic system upgrade at 37 Cranberry Way; B. Hebbel seconded; voted unanimously (SE 041-919). The system was crushed and filled when the "Berry Patch" was connected to the Town's expanded sewer system in 2006.

B. Hebbel moved to issue an invalid certificate of compliance to **CYNTHIA C. (RIVERA) DYER** to construct a stone wall along the landward edge of the seawall at 90 Point Road because the work was never done; N. Hills seconded; voted unanimously (SE 041-537).

N. Hills moved to issue a full certificate of compliance for **CYNTHIA C. (RIVERA) DYER**'s in-ground swimming pool at 90 Point Road (noting that turf was used instead of a bluestone patio), and an invalid certificate of compliance for the remainder of the proposed work that was not built – the concrete patio, pool filter shed and sunroom addition; B. Hebbel seconded; voted unanimously.

N. Hills said he and B. Hebbel inspected **ANDREW KOTSATOS**'s new dwelling project at 196 Point Road while they were in that area doing a nearby site inspection (SE 041-1091). N. Hills said there is a huge pile of fill placed along the siltation fence by the coastal bank, and was concerned that the fence would not hold it back if there was a hard rain. S. Briggs said there are 1,200 cubic yards of fill to be removed but it includes a lot of rocks and they are having a hard time finding someone that could use it. J. Oakes drafted a letter to Mr. Kotsatos regarding the fill and moved to send it as written; B. Hebbel seconded; voted unanimously. A copy of the letter will also be sent to the contractor (Mike Isabelle) and the engineer (Christian Farland of Thompson Merrill).

N. Hills moved to issue **JOHN A. WHITTEMORE**'s amended order of conditions (SE 041-1087) as written; B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Meeting adjourned at 8:30 PM.

---

Diane R. Drake, Secretary

Approved October 1, 2008