

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 19, 2008

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr.
Lawrence B. Dorman

Members Absent: Bruce C. Hebbel
Horace S. Kenney, Jr., Associate
Joel D. Hartley, Associate

Secretary: Diane R. Drake

Others Present: Ruth Nicolaci, Debora Elfers, Kevin Madley and David Davignon.

Meeting convened at 7:00 PM Wednesday, November 19, 2008 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, November 15, 2008 by N. Hills, J. Oakes and L. Dorman.

7:00 PM **96 MOORINGS ROAD NOMINEE TRUST, C/O WILLIAM ELFERS, TRUSTEE** - NOI (SE 041-1099) to remove two licensed stone jetties at 96 Moorings Road, and construct a pile-supported timber pier leading to a stone-built pier with a 5'-wide, 12"-thick cement walkway (cap), a 3' x 16' gangway, and an 8' x 20' wooden float anchored with two piles. Deborah Elfers was present with her engineers, Kevin Madley of LEC Environmental Consultants and David Davignon of N. Douglas Schneider and Associates. This hearing was continued from November 5, 2008 to allow the Harbormaster to comment on the revised drawings lengthening the timber portion of the pier and shortening the stone portion. The Harbormaster had responded that the solid-filled section of the project will result in the permanent loss of fish habitat, land containing shellfish and eel grass beds. He also questioned the accuracy of a visual shellfish survey because soft shell clams are found four to eight inches below the substrate, and he would ideally prefer the pier to be all timber with a batter board wave break structure in the area of the float. K. Madley said he had spoken with the Harbormaster to clarify how he would like the shellfish survey to be done. J. Oakes said the National Marine Fisheries Service is premature in stating there will be shellfish loss until the environmental notification form is submitted. D. Davignon said large depressions caused by removing the jetties will be filled with cobble. D. Davignon said the wave energy from the rebuilt seawall being done as a separate project (SE 041-1089) will reduce wave action, not increase it. J. Oakes said the Conservation Commission can require removal of shellfish if deemed necessary by the Shellfish Officer, and by removing one of the groins, more area is going to become available for shellfish. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:17 PM **INDIAN COVE TRUST** – NOI (SE 041-1102) to construct a single-family dwelling with a septic system at Assessors' Lot 44 Holly Pond Road (continued from November 5, 2008). David Davignon had requested another continuation while the conservation restriction issues were explored by their lawyer. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:10 PM December 3, 2008; J. Oakes seconded; voted unanimously.

The Commissioners discussed **DONNA DiBONA**'s request for a certificate of compliance for her new dwelling at 48 Cranberry Way (SE 041-1052). The boulder line at the turnaround is now in place. The order of conditions did not require the house to have downspouts or drip strips. J. Oakes was concerned with runoff and would like the certificate to have a cover letter asking the new owner to retain runoff on the site and not direct it to the driveway. The certificate of compliance will include the continuing condition that "the existing boulders along the turnaround shall not be moved or removed." L. Dorman moved to issue a full certificate of compliance with a cover letter regarding roof runoff; J. Oakes seconded; voted unanimously.

The Commissioners discussed the **COLE DAUGHTERS REALTY TRUST**'s request for a three-year extension permit to construct a new dwelling at Lot 11 Delano Road (SE 041-1037). The Commissioners agreed that the only issue on the site is the wetland line. L. Dorman moved to issue a two-year extension permit and check the wetland line again before issuing any further extensions; J. Oakes seconded; voted unanimously.

7:27 PM **COOLMAR LIMITED PARTNERSHIP** – N. Hills said he had verbally approved the environmental firm's proposed sampling and analysis plan for the oil spill area at 604A Point Road (SE 041-1066), provided only hand tools are used. He said the oil booms have been removed from the site. An email will be sent to the environmental firm verifying their plan.

November 5, 2008 minutes were reviewed and approved as amended on a motion by L. Dorman; J. Oakes seconded; voted by majority with S. Briggs abstaining. The October 3, 2008 minutes will be reviewed at the Commission's next meeting.

N. Hills volunteered to write the 2008 annual report.

N. Hills said he was upset with the inaccuracies in the November 13, 2008 article in The Wanderer "Marion Residents Voice Concern over Ball Field" by Kenneth Souza (SE 041-1068), and had drafted a response. It was agreed that a response was necessary, but B. Hebbel thought the draft response was accurate but too wordy. N. Hills said he would revise the letter and send it to the Members for their comments.

N. Hills and J. Oakes drafted the **96 MOORINGS ROAD NOMINEE TRUST** order of conditions (SE 041-1099) for a new pier at 96 Moorings Road. L. Dorman moved to issue it as written; S. Briggs seconded; voted unanimously.

S. Briggs said the **BAY WATCH REALTY TRUST**'s 40B housing project behind The Wave restaurant is becoming active, and a new wetland line will need to be established and accepted. N. Hills said the Commission may request bids to have the resource areas flagged and placed on a plan, at the Owner's expense, similar to David Croll's order of resource area delineation

project off Wareham Street. D. Drake said the wetlands specialist chosen by the Commission to delineate David Croll's site was recently hired by Bay Watch for their appeal of the Town's Little Neck Village expansion project.

Meeting adjourned at 8:20 PM.

Diane R. Drake, Secretary

Approved December 17, 2008