

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 17, 2004

Members Present: Sherman E. Briggs, Jr., Recording Secretary
Janice M. Mendes, Treasurer
Joel D. Hartley, Member
Norman A. Hills, Associate Member

Members Absent: Robert J. Merlino, Chairman
Jeffrey W. Oakes, Vice Chairman
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: James Davidian, Teresa Davidian, Marie Davidian, William G. Saltonstall Jr., George A. Moberg, Thelma Mobergt, David Davignon, Phillip Jagoda, and Susan Nilson.

Meeting convened at 7:00 PM Wednesday, March 17, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 13, 2004 by J. Hartley, J. Mendes and N. Hills.

7:00 PM **SIPPICAN LANDS TRUST** - NOI (SE41-1002) to construct a 90'-long boardwalk at Lot 17D Point Road (behind 392 Point Road). William G. Saltonstall, Jr. represented the Trust and said the 90' length of the boardwalk is what the Commission recommended. He said he would prefer the boardwalk supports to be PVC rather than metal. J. Mendes moved to close the hearing; N. Hills seconded; voted unanimously. S. Briggs joined the meeting at 7:05 PM.

During the inspection of the Lands Trust project, it was noted that the abutting property at 406 Point Road, owned by Robert and Patricia Shaw, had recently cleared their water view.

Michael and Nanette Lane's septic repair project at 25 Giffords Corner Road was discussed (SE41-970). J. Mendes moved to issue a Partial Certificate of Compliance for everything except the landscaping, with the condition that the silt fence be reinstalled; N. Hills seconded; voted by majority with S. Briggs abstaining from the discussion and vote.

7:15 PM **JAMES AND MARIE T. DAVIDIAN** – NOI (SE41-1005) to construct a seasonal floating dock system at 21 East Avenue, Planting Island. The system consists of an 8' by 20' float held in place with two pilings, a 45'-long gangway, and an 8' by 6' concrete landing pad. Mr. and Mrs. Davidian were present with their representative, David Davignon of N. Douglas Schneider & Associates. Also present were Mr. and Mrs. George Moberg,

abutters of the Davidians, who stated they were in favor of this project, and had no objections to it. The Harbormaster and Shellfish Officer responded by memo to the Commission's request for comments (attached). The Division of Marine Fisheries commented on this project by letter (attached). D. Davignon addressed each of their concerns (attached), and stated this project, as redesigned, meets or exceeds the requirements of the Harbormaster, Shellfish Officer, the Division of Marine Fisheries and D.E.P. J. Hartley said the Harbormaster and Shellfish Officer have not yet responded to D. Davignon's letter, and he would like to continue the hearing to the next meeting in order to give them time to review and respond to it. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:00 PM April 7, 2004; S. Briggs seconded; voted unanimously.

7:40 PM **CARMINE MARTIGNETTI** – NOI (SE41-1004) to construct a dwelling, a garage, an in-ground swimming pool, a septic system and a walkway to the coastal beach at Lot 7A Moorings Road. Susan Nilson and Phillip Jagoda of CLE Engineering, Inc. represented Mr. Martignetti. S. Nilson submitted a profile and Division of Wetlands and Waterways policy to explain how she determined the top of bank location. S. Nilson said it's a unique site because there is no flood (AE) zone; it goes right from the Velocity (VE) zone to Zone X. S. Nilson said there will be a chain link fence 20' from, and paralleling, the coastal bank, and no vegetation will be cleared between the fence and the coastal bank. J. Hartley said he does not agree with the location of the coastal bank on the plan, and thinks the 100 foot buffer zone line shown on the plan is actually the coastal bank. A lengthy discussion followed about coastal bank definitions. She said that changing the 100-foot buffer zone line to the coastal bank line will not affect this project will not affect the coastal bank's stability. S. Nilson said no fill is proposed in the Velocity zone, in the lawn area. She said the stones on the bank have never been disturbed. S. Nilson said the Applicant would like to start construction as soon as possible, and asked the Commission to close the hearing tonight. She promised to submit a revised plan showing the current coastal bank designation as the Velocity zone line, and the silt fence extended to include the walkway to the coastal bank. J. Hartley moved to close the hearing and not issue the Order of Conditions until the revised plan has been received; S. Briggs seconded; voted unanimously.

8:15 PM **THE KITTANSETT CLUB** – NOI (SE41-1003) to repave a parking lot at 11 Point Road, and add crushed stone to an adjacent parking area of lawn and phragmites. Susan Nilson of CLE Engineering, Inc. represented Kittansett and agreed with the Commission that someone had plowed through vegetation to let the parking lot water drain off, but the runoff drains naturally into a sandy area, not into the Bay. The Commission said repaving the existing paved parking lot is not a problem. S. Nilson said a swale is proposed on the stone parking lot, and she would like the Order of Conditions to allow cleaning the swale. S. Nilson said she preferred the swale, rather than a line of boulders, to prevent parking beyond the stone area. J. Hartley said he would like the swale to be shown on the plan. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:15 PM April 7, 2004 so that the plan can be revised for that meeting; N. Hills seconded; voted by majority with S. Briggs abstaining from the discussion and vote.

ARTHUR & CHERYL WALKER – Enforcement Order (41D-1162) for unauthorized clearing in wetlands/buffer zone to wetlands/riverfront district at 587 Front Street. A site inspection from abutting properties was held on Saturday, March 13, 2004; work has continued and the fence has been installed right to the Sippican River. In response to the Conservation Commission's letter of December 29, 2003 reminding them to file a Notice of Intent, Cheryl Walker responded with a letter dated January 12, 2004 stating they had fired Charon Associates and will be hiring another engineer, and will notify the Commission "when all is completed." The Walkers also have not responded to the Board of Health's letter of February 17, 2004 ordering them to come into compliance with Title V. This discussion was continued to April 7, 2004.

J. Mendes moved to issue the Sippican Lands Trust's Order of Conditions (SE41-1002) as drafted; S. Briggs seconded; voted unanimously.

J. Hartley moved to issue Carmine Martignetti's Order of Conditions (SE41-1004) as drafted; J. Mendes seconded; voted unanimously.

J. Mendes moved to issue a second three-year Extension Permit to PNH Realty Trust (SE41-789) to construct an addition, a new building, relocate a fuel storage facility, create a road and parking areas, and install drainage detention areas at Hiller Dodge, 635 Mill Street; S. Briggs seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved April 7, 2004