

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 7, 2007

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Bruce C. Hebbel, Member
Joel D. Hartley, Associate Member (left at 7:55 PM)

Members Absent: Sherman E. Briggs, Jr., Recording Secretary
Lawrence B. Dorman, Member
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Walter Hartley, Jessica Whittaker, Jack Egger, Lars Olson and Alan Minard

Meeting convened at 7:00 PM Wednesday, March 7, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Due to the M.A.C.C. Conference being held on Saturday, March 3, 2007, site inspections were held on Sunday, March 4, 2007 by N. Hills and B. Hebbel.

7:00 PM **THE KITTANSETT CLUB** - NOI (SE41-1062) to modify existing parking areas at 11 Point Road and Butler's Point (continued from February 7, 2007). At their Engineer's request, B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:10 PM May 2, 2007; J. Hartley seconded; voted by majority with J. Oakes abstaining.

7:01 PM **SIPPICAN LANDS TRUST** - Appointment for discussion with Jessica Whittaker of the Sippican Lands Trust regarding approval of a conservation restriction for 238 acres of land in Marion abutting Mattapoissett, between Interstate 195 and Aucoot Cove, owned by Dennis Mahoney & Sons. Dennis Mahoney & Sons will continue with Chapter 61 forestry management on the parcel and perhaps sink wells for water to sell to Marion, but the Lands Trust will manage the land. J. Oakes moved to sign the restriction; B. Hebbel seconded; voted unanimously.

7:10 PM **JOHN MEDEIROS** - RFD (41D-1307) to construct a 16' x 18' addition at the rear of the dwelling at 170 Cross Neck Road. Mr. Medeiros was not present. N. Hills and B. Hebbel had inspected the site. The addition will replace the existing deck but will still be at least 30' from the wetland line. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Box #3; B. Hebbel seconded; voted unanimously.

7:17 PM **WILLIAM HOLMES** - J. Hartley moved to issue a three-year Extension Permit for William Holmes' pool and foundation project at 75 Water Street (SE41-1010); B. Hebbel seconded; voted by majority with J. Oakes abstaining.

7:25 PM **KENNETH HANSON** - NOI (D.E.P. file number not yet issued) to add sand to an existing beach at 47 East Avenue, Planting Island. J. Oakes left the room. Jack Egger represented K. Hanson. N. Hills said eight cubic yards was proposed, but the actual amount will be less because the sand cannot cover the existing marsh grass. Due to the lack of a file number, N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM March 21, 2007; B. Hebbel seconded; voted unanimously. J. Oakes returned to the room.

7:30 PM **ROBERT AND ELLEN KAPLAN** - RFD (41D-1308) to replace a basement window with a door leading to a new 10' x 10' patio at 42 West Avenue, Planting Island. The Kaplans were represented by their contractor, Lars Olson. The patio will have a base of crushed stone for drainage. J. Oakes moved to close the hearing; B. Hebbel seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Box #3; B. Hebbel seconded; voted unanimously.

B. Hebbel moved to accept the January 3, 2007 meeting minutes as written; J. Oakes seconded; voted unanimously.

7:40 PM **ALAN MINARD AND NANCY JOHNSON** - Appointment for discussion with Mr. Minard regarding Determinations 41D-1300 and 41D-1301 to continue grounds maintenance at 123 Allens Point Road (Lots 43B, 30 and 30C). Mr. Minard was present and asked how the last site inspections went. J. Oakes said a few flags were adjusted based on vegetation and soils, and explained the changes to Mr. Minard. The Determinations will be written later tonight.

ISLAND WHARF ROAD LLC - They need a letter saying the proposed Chapter 91 license revisions to the floats at 2 Island Wharf are minor and will not require a formal Amendment to their Order of Conditions (SE41-988). B. Hebbel moved to send a letter accepting the changes without amending the Order of Condition; J. Hartley seconded; voted by majority with J. Oakes abstaining.

J. Hartley left the meeting at 7:55 PM.

7:55 PM **STEVEN HURLEY** - Discussion regarding road runoff/grading at 21 Bayview Road (SE41-921). J. Oakes said he viewed the site on Friday, March 2, 2007 during a heavy rainstorm. J. Oakes said he thinks a good foot or more of fill has been added to the road, and S. Hurley's driveway and road are at the same grade. Abutter Walter Hartley was present and said S. Hurley added pea stone on the road all the way up to Arrowhead Lane. W. Hartley verified that Bayview Road is a private road, but there is no neighborhood association to maintain it. The Commission Members agreed that fill had been added to the road and as much as possible needs to be removed. In addition, Mr. Hurley needs to restore a swale across his driveway. J. Oakes moved to have N. Hills draft a letter to S. Hurley, reminding him that the Commission is still waiting for a plan to restore the swale; B. Hebbel seconded; voted unanimously.

THE TOWN OF MARION - Discussion regarding reports of wetland violations taking place at the Sprague's Cove retention ponds at Silvershell Beach (SE41-556). Marion Department of Public Works personnel are in the process of clearing brush and trees from the banks of the ponds. D.P.W. Superintendent Robert Zora will meet the Commission at the site at 8:30 AM Saturday, March 10, 2007.

THE TOWN OF MARION - Discussion regarding seawall erosion at Silvershell Beach (SE41-432). N. Hills said Harbormaster Michael Cormier is concerned about the public's safety due to the poor condition of the seawall which is being undermined, and he would like to fix it before summer. The Commission will meet with M. Cormier at the site at 9:00 AM Saturday, March 10, 2007.

ALAN MINARD AND NANCY JOHNSON - J. Oakes drafted the two Determinations (41D-1300 and 41D-1301) for maintenance landscaping at Lots 43B, 30 and 30C Allens Point Road. B. Hebbel moved to issue a Positive Determination for Box #2a accepting the wetland line, plus a Negative Determination for Box #3 for the proposed work, for both filings; J. Oakes seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved July 18, 2007