

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 18, 2007

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary (absent from 7:00-7:15 PM)
Bruce C. Hebbel, Member

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

Secretary: Diane R. Drake

Others Present: John Whittemore, John Kelly, Jessica Whittaker, Michael Thompson,
Susan Nilson, Brenda & John Lobo, Laura Kay Coggeshall, Alex Poulos and William R. Washburn.

Meeting convened at 7:00 PM Wednesday, April 18, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 14, 2007 by N. Hills, J. Oakes and B. Hebbel.

7:00 PM **SARDINHA FAMILY TRUST** - NOI (SE41-1053) to replace the restaurant building at 450 Wareham Street with two new buildings - a restaurant and an office/retail building (continued from March 21, 2007). The project is still being reviewed by the Planning Board. At the Engineer's request, J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:00 PM May 16, 2007; B. Hebbel seconded; voted unanimously.

7:01 PM **SIPPICAN LANDS TRUST** - Appointment for discussion with Jessica Whittaker regarding approval of a Conservation Restriction for land owned by the Town on Ichabod Lane (Lots 27 and 29). She said the Sippican Lands Trust will be the steward for the Town, and they would like to have a kayak launch there. J. Oakes moved to sign the conservation restriction; B. Hebbel seconded; voted unanimously.

7:05 PM **THE KITTANSETT CLUB** - Appointment for discussion regarding storm damage at the third green (SE41-781). J. Oakes left the room. John Kelly and John Whittemore were present with their Engineer, Susan Nilson. She distributed a drawing and photographs of the affected area at the third green and shore due to the southeast storm on April 15-16, 2007. S. Nilson said the course needs to be kept open, and The Club considers this to be major damage. She proposed using coconut logs covered with sand to stabilize the bank, instead of replacing the railroad ties. She said the logs will last 8-10 years or more if buried, and will prevent this from happening again. She said an enforcement order could be issued to allow the work to be done as soon as possible, or an emergency certificate could be issued, or they could just do the work and

follow up with an after-the-fact filing and an as-built drawing. She said Kittansett's main concern is to repair the damage as quickly as possible, and because the damage is above the mean high water line, no other filings will be needed. S. Briggs joined the meeting at 7:20 PM at N. Hills' request. He agreed with the proposed repair work and said coconut logs are working out really well. N. Hills recommended issuing an Enforcement Order, and revise the plan to show the sizes of the rocks and logs that will be used. B. Hebbel moved to issue an Enforcement Order to prevent further erosion of the bank; S. Briggs seconded; voted unanimously. J. Oakes returned to the room.

7:30 PM **MARION LANDS TRUST** - ANRAD (SE41-1064) to verify the delineation of the wetland resource areas at 369/371 Wareham Street and Lots 68A and 68B Wareham Street (continued from March 21, 2007). Michael Thompson of Thompson Merrill represented the Applicant. N. Hills explained that the Commission is in the process of retaining a wetlands consultant to verify the resource areas, as allowed under the Commission's Policy Standard #4. M. Thompson proposed using the Buzzards Bay Project's wetlands specialist, John Rockwell, to verify the lines; N. Hills said the Commission has decided to use another professional this time. J. Oakes said Fairhaven also uses J. Rockwell as a consultant, and noted that if John had not already been representing the Town (for the Recreation Committee's project), then he could have been used. S. Briggs explained how the Planning Board handles their consultant issues, and said they let the applicant know at the first hearing that a consultant will be needed. M. Thompson asked to continue the hearing to May 16. B. Hebbel moved to continue the hearing, with the Applicant's consent, to May 16, 2007 at 7:10 PM; J. Oakes seconded; voted unanimously.

7:43 PM **JOHN AND BRENDA LOBO** - RFD (41D-1309) to relocate a shed and construct an attached garage at 48 Joanne Drive (continued from April 4, 2007). Mr. and Mrs. Lobo were present. The Commission visited the site again on April 14, 2007 to approve the revised proposed location of the shed. Mr. and Mrs. Lobo said the shed will sit on cinder blocks, not fill. J. Oakes reminded them of the Commission's 15' no-touch buffer zone to wetlands. B. Hebbel moved to close the hearing; J. Oakes seconded; voted unanimously. B. Hebbel moved to issue a Negative Determination for Box #3; J. Oakes seconded; voted unanimously.

7:45 PM **TOWN OF MARION, RECREATION COMMITTEE** - NOI (SE41-1068) to construct a new ball field at Washburn Lane (continued from April 4, 2007). William Washburn represented the Recreation Committee and asked for a continuance so that another site inspection can be held with the Applicants. Abutter Laura Kay Coggeshall of 49 Washburn Lane was present with Alexander Poulos. She submitted a letter requesting a copy of the deed for 42 Washburn Lane, a letter stating she had seen an eastern box turtle at 42 Washburn Lane, and a letter requesting a copy of the Conservation Commission's minutes for tonight's hearing. N. Hills said her letters will be taken into consideration. B. Hebbel moved to continue the hearing, with the Applicant's consent, to 7:20 PM May 2, 2007; J. Oakes seconded; voted unanimously.

JOHN A. WHITTEMORE - S. Briggs moved to issue a second three-year Extension Permit to John A. Whittemore for adding beach sand at 51 East Avenue, Planting Island (SE41-939); B. Hebbel seconded; voted by majority with J. Oakes abstaining.

Minutes were reviewed. J. Oakes moved to approve the January 17, 2007 minutes as amended; B. Hebbel seconded; voted unanimously. J. Oakes moved to approve the April 4, 2007 minutes as amended; S. Briggs seconded; voted unanimously.

N. Hills reported his conversation with Kenneth Ferreira following D.E.P.'s site inspection on April 3, 2007 for a Superseding Order of Conditions for Wassim Chedid's property at Lot 123 Indian Cove Road (SE41-1059). The site visit was performed by two D.E.P. employees. Dr. Popitz was in attendance and provided additional plans to the D.E.P. representatives. The conversation revealed that M. Popitz had tape recorded the whole site visit, unbeknownst to the attendees. Separately, N. Hills drafted a letter to M. Popitz in response to his several emails. B. Hebbel moved to send the letter as written, upon approval by the Town Administrator; S. Briggs seconded; voted unanimously. J. Oakes left the room.

N. Hills drafted an Enforcement Order to The Kittansett Club regarding erosion at the third green (SE41-781). B. Hebbel moved to issue the Enforcement Order as written; S. Briggs seconded; voted unanimously. J. Oakes returned to the room.

Discussion followed regarding which consultants to ask for quotations for the Marion Lands Trust project (SE41-1064). The Commission decided on Peter C. Fletcher, Wetlands Consulting Service (Andrew Ashley), Horsley Witten Group (Mario DiGregorio), Hancock Associates (Mark Louro), and LEC Environmental Consultants (Mark Manganello).

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved May 2, 2007