

FINAL

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

Members Present: Norman A. Hills, Chairman
Bruce C. Hebbel, Member
Lawrence B. Dorman, Member

Members Absent: Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Dana Altobello, Ernest Yeaw, Katie Parsons, William Titcomb, Wendy & Jack Guthro, Robert Field, Elena Lovett, Timothy Santos, Scott Wolf, Annie Griffenberg, Riaz & Cecily Cassum, Stephen Hart, Walter Hartley, Judith & Robert Rosbe, Sue & Steve (unintelligible)

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

7:00 PM **ERNEST R. YEAW** - NOI (SE41-1075) to construct a single-family dwelling, a driveway, install utilities, and associated filling and grading at Lot 148 Doran Way, Dexter Beach. Ernest Yeaw was present with his Engineer, Dana Altobello of Thompson Merrill, who described the project and asked for a variance to the Commission's 30' no-build setback policy, as was recently given to the Cole Daughters Realty Trust for constructing a single-family dwelling on Delano Road, a site very similar to this one. A review of the Cole Daughters Realty Trust plan revealed the closest approach to the Bordering Vegetated Wetlands to be 16 feet, as opposed to E. Yeaw's plan proposing only a five foot distance. N. Hills said the two plans are not comparable. N. Hills asked whether Mr. Yeaw had tried to get a street setback variance from the Zoning Board of Appeals; D. Altobello said no, they haven't, because to his knowledge the Z.B.A. has never approved such a variance. L. Dorman said he would prefer the Applicant to try to get a setback variance from the Z.B.A.; D. Altobello said they really would like to work with the Commission toward a solution, because the Z.B.A. most likely would not approve a variance. N. Hills said he has concerns about construction taking place so close to the wetlands, and questioned the percentage up uplands to wetlands. D. Altobello asked whether the Commission would approve a partial foundation being built further from the wetlands, with the rest of the house being cantilevered, on sonotubes; N. Hills said that is a possibility. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM August 15, 2007; B. Hebbel seconded; voted unanimously.

7:17 PM **RIAZ CASSUM** - NOI (SE41-1076) to raze the dwelling at 5 Pawkechatt Way and construct a new dwelling with an attached garage, a wrap-around porch and a detached garage in its place. Riaz and Cecily Cassum were present with their Engineer (Timothy Santos of Holmes and McGrath), Architect (Stephen Hart), and Landscape Architect (Annie Griffenberg of Stephen Stimson Associates). T. Santos described the project. The existing house is 10' from the wetlands; the new house will be 40' away. The amount of lawn and impervious driveway will be reduced substantially. "Reinforced turf" is pavers that allow grass to grow between them. Runoff will be collected in a trench and will not run off the property. N. Hills asked if the driveway at the rear could be pulled further away from the wetlands; T. Santos said the Owner would like to keep it as shown on the plan and was hoping the downsizing of the lawn and driveway would make up for that. The white pipe from the house to the wetlands is for the sump pump and will be removed when the new home is built. L. Dorman said he would prefer the proposed new paved driveway to be pavers. Judith and Robert Rosbe were present and said they are direct abutters and totally in favor of this project. B. Hebbel said the Applicant has made a genuine attempt to pull the house further from the wetlands, and the project is well thought out; his only concern is the bituminous driveway. B. Hebbel suggested the Applicant use siltation fencing or straw bales, not hay bales. B. Hebbel moved to close the hearing; L. Dorman seconded; voted unanimously.

7:40 PM **PHILIP D. STEVENSON** - RFD (41D-1322) to repair sinkholes along a seawall at 50 Point Road. The Applicant had requested a continuation so that he could have an engineer prepare a detailed plan of the project. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM August 1, 2007; B. Hebbel seconded; voted unanimously.

7:42 PM **STEVEN HURLEY** - Request for a Certificate of Compliance for constructing a new dwelling at 21 Bayview Road (SE41-921). Steven and Sue Hurley were present with their Engineer, Robert Field of Field Engineering. Abutter Walter Hartley was also present. R. Field said there have been no changes to the plan since the Commission's letter, but further grading cannot be done due to circumstances under Mr. Hurley's control. L. Dorman said he visited the site today during the rainstorm, and the water was not crossing the road and not ponding. Another site inspection will be held at 8:35 AM July 28, 2007; R. Field said he and S. Hurley will be there. L. Dorman moved to hold off issuance of the Certificate of Compliance until the Commission's August 1, 2007 meeting.

N. Hills moved to issue a three-year Extension Permit to **THE COVE IN MARION TRUST** for their pier and dredging project at Jenney Lane (SE41-815); L. Dorman seconded; voted unanimously.

B. Hebbel moved to issue a three-year Extension Permit to **JOHN W. BRAITMAYER** for adding beach sand at 520 Point Road (SE41-942); L. Dorman seconded; voted unanimously.

Minutes were reviewed and accepted as follows:

October 18, 2006 - B. Hebbel moved to accept as written; L. Dorman seconded; voted unanimously.

February 7, 2007 - L. Dorman moved to accept as written; B. Hebbel seconded; voted unanimously.

February 21, 2007 - B. Hebbel moved to accept as amended; L. Dorman seconded; voted unanimously.

March 7, 2007 - B. Hebbel moved to accept as written; L. Dorman seconded; voted unanimously.

March 21, 2007 - B. Hebbel moved to accept as amended; L. Dorman seconded; voted unanimously.

May 2, 2007 - L. Dorman moved to accept as amended; B. Hebbel seconded; voted unanimously.

May 16, 2007 - B. Hebbel moved to accept as amended; L. Dorman seconded; voted unanimously.

N. Hills drafted an Order of Conditions for **RIAZ CASSUM** to raze the dwelling at 5 Pawkechatt Way and construct a new dwelling with an attached garage and a detached garage in its place (SE41-1076). L. Dorman moved to issue the Order as written; B. Hebbel seconded; voted unanimously.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved August 15, 2007