

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 17, 2007

Members Present: Norman A. Hills, Chairman  
Sherman E. Briggs, Jr., Recording Secretary  
Lawrence B. Dorman, Member

Members Absent: Jeffrey W. Oakes, Vice Chairman  
Bruce C. Hebbel, Member  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: David and Barbara Thrall, Will Saltonstall, Mary Bush-Brown and  
David Davignon

Meeting convened at 7:08 PM Wednesday, October 17, 2007 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 13, 2007 by N. Hills, B. Hebbel and L. Dorman.

7:08 PM **DAVID E. AND BARBARA S. THRALL** - RFD (41D-1335) to upgrade a septic system and construct a circular driveway extension at 12 Sparrow Lane. David and Barbara Thrall were present with their engineer, David Davignon of N. Douglas Schneider & Associates. D. Davignon said this is a voluntary septic upgrade, and after the installation the runoff from the roadway will be redirected away from the front of the house. L. Dorman moved to close the hearing; S. Briggs seconded; voted unanimously.

7:10 PM **HARDWICK SIMMONS** – RFD (41D-1336) to construct a swimming pool, a pool house, and do landscaping at 83 Hammett's Cove Road. Mr. Simmons was represented by Will Saltonstall(architect) and Mary Bush-Brown (landscape designer). W. Saltonstall described the work. He said the new driveway will be 1,400 square feet less than the present driveway. The pool is in the flood plain and will be raised. He said he is meeting with pool contractors and prefers it to be a covered pool rather than drained. L. Dorman moved to close the hearing; S. Briggs seconded; voted unanimously.

7:25 PM **ALEXANDER BINER** – Discussion followed regarding Mr. Biner's request to expand the footprint of the proposed garage at 546 Point Road (SE41-966), and filling of wetlands related to his order of conditions for constructing an addition to the house (SE41-925). N. Hills will draft a letter to Mr. Biner regarding these matters.

7:28 PM N. Hills moved to issue a negative determination for box #3 to **DAVID E. AND BARBARA S. THRALL** for their septic upgrade project at 12 Sparrow Lane (41D-1335); L. Dorman seconded; voted unanimously.

L. Dorman moved to issue a conditional negative determination for box #2 to **HARDWICK SIMMONS** for his swimming pool/pool house/landscaping project at 83 Hammett's Cove Road (41D-1336) with a condition that a drywell shall be installed to handle any pool drainage; S. Briggs seconded; voted unanimously.

L. Dorman moved to issue a third three-year extension permit to **GORDON A. SHERLOCK, JR.** for cutting phragmites and adding beach sand at Beach Park off Taunton Avenue (SE41-832); S. Briggs seconded; voted unanimously. A letter shall accompany the extension permit, praising Mr. Sherlock for doing a good job, but asking him to use moderation to prevent cutting seagrass, to refrain from mowing the area for one year, and to just cut individual phragmites.

Discussion followed regarding **BARBARA T. DECOSTA'S** request for a three-year extension permit for extending a driveway to two house lots at the rear of 2 Washburn Park Road (SE41-1019). N. Hills questioned the way the replication was done. S. Briggs said he will speak with the owner of one of the back lots, James Tripp, regarding the lack of connection of the replication area to the wetlands. As this order of conditions is valid until November 22, 2007, the extension permit will be discussed at the November 7, 2007 meeting.

L. Dorman moved to issue a fourth three-year extension permit to **THE TOWN OF MARION** for the removal of obstructions from the Sippican River, in order to help the alewives swim upstream to spawn (SE41-693); S. Briggs seconded; voted unanimously.

L. Dorman moved to issue full certificates of compliance to **MARTHA STARK** for constructing a breezeway and a deck between the two structures at 4 West Avenue, Planting Island (SE41-900), and for constructing a storage area, a shower, deck additions, and rebuilding stairs at 4 West Avenue, Planting Island (SE41-1021); S. Briggs seconded; voted unanimously.

Discussion followed regarding **MARTHA STARK'S** request for a partial certificate of compliance for reconstructing her seawall at 4 West Avenue, Planting Island (SE41-1021). The rest of the project, for conversion of a gravel driveway into a lawn and construction of a new circular driveway, is not yet complete. A 10' x 20' (approximate) deck from the steps to the seawall stairs has been constructed. This deck was not permitted and is not shown on the plan of record. An amendment to the order and a revised as-built plan is needed. L. Dorman moved to deny the issuance of a partial certificate of compliance until the unpermitted deck issue is resolved; S. Briggs seconded; voted unanimously.

The **MATTAPOISETT RIVER VALLEY WATER DISTRICT** is requesting permission to remove the siltation fencing for the railroad grade water main project (SE41-1051). The Commission Members will visit the site individually to see the boulders and work that has been done, and let the engineer know whether it is OK to take down the fences.

A site visit had been held on October 13, 2007 at **ALEXANDER BINER'S** 546 Point Road property regarding wetland violations (SE41-966 and SE41-925). All the wetland stakes shown on the plans of record have been replaced by G.A.F. Engineering. A substantial amount of filling of wetlands has been done. L. Dorman moved to have N. Hills draft and send a letter to Mr. Biner regarding these violations; S. Briggs seconded; voted unanimously.

The Commission Members discussed wetland violations that were done by a bobcat on October 7, 2007 at **BRONWEN CUNNINGHAM'S** 23 Cross Street (a.k.a. 23 Arrowhead Lane) property (old filings are SE41-857 and 41D-1240). Ms. Cunningham was told to stop and further work. She had visited the Conservation office and said she will file a request for a determination of applicability for the work in time for the Commission's November 7, 2007 meeting.

Discussion followed regarding **STEVEN CLARK'S** wetland violations and new fence at 711/713 Mill Street (SE41-868). S. Clark had visited the Conservation office and said he hired Thompson Merrill to flag the wetland line(s) and mark the property bounds. Another site visit will be held on October 31, 2007.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved February 6, 2008