

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 23, 2009

Members Present: Norman A. Hills, Chairman  
Jeffrey W. Oakes, Vice Chairman (absent from 7:00-7:06 PM,  
left at 7:52 PM)  
Sherman E. Briggs, Jr.  
Lawrence B. Dorman  
Joel D. Hartley  
Wendy L. Carreau, Associate

Members Absent: Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Deborah Meikle, Bernadette Kelly, William Long, Anne Donovan, Elizabeth Fredericks, Cathy and Stephen Dahill, Jerry Garcia, Horace S. Kenney Jr., Carolyn Correia Xifaras, Christopher Bryant, Richard Schaefer, Christian Farland, Stevie Carvalho, Susan Nilson and Carleton Burr Jr.

Meeting convened at 7:00 PM Wednesday, September 23, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 19, 2009 by N. Hills and J. Oakes.

At the Town Administrator's request, the Conservation Commission will now meet on the second and fourth Wednesdays of each month so that the School Committee meetings can be televised on the first/third Wednesdays.

7:00 PM **THE KITTANSETT CLUB** - RFD (41D-1387) to upgrade the sewage disposal system for the Clubhouse and Pro Shop at 11 Point Road. General Manager Jerry Garcia was present with Kittansett's Engineer, Susan Nilson of CLE Engineering, Inc. S. Nilson said there are currently three systems servicing the property. She said the raised system will have sloped sides, and she is waiting for the Board of Health to approve the variance application for a Presby System. She said grease from traps will be carried away. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

J. Oakes joined the meeting at 7:06 PM, as he could not participate in the Kittansett hearing.

7:10 PM **DEBORAH H. MEIKLE** - RFD (41D-1386) to erect a split rail fence, and to reclaim and maintain a pathway to the shore at 378 Delano Road. This is an after-the-fact filing. Deborah Meikle was present with her realtor, Bernadette Kelly, who explained that they would like to keep the pathway clear for access to a sitting area by the water, and the fence is to delineate the

property line because the abutter has encroached on the property. J. Oakes said minor activities such as maintaining paths are allowed within the Riverfront area. N. Hills said any proposed clearing on the shore is not allowed without first filing a new Request for Determination of Applicability. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

7:20 PM **JENNIFER HAMBLY** - RFD (41D-1391) to raze and reconstruct the 15' x 20' porch addition at 63 Creek Road, and extend the driveway along the east side of the garage. No one represented Jennifer Hambly who was unable to attend tonight because she is vacationing in Florida. Any wetlands on the property are far from the proposed work; this filing is necessary because the property is in the flood plain. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:26 PM **LUCIUS EVANS** - RFD (41D-1388) to reclaim and maintain a foot path to the shore on an easement over the Sippican Lands Trust's Brainard Marsh property off Delano Road, east of Bass Point Road. No One represented Lucius Evans. The Sippican Lands Trust was represented by its President, Christopher Bryant, Land Steward Horace S. Kenney, Jr., and legal counsel Richard Schaefer. R. Schaefer said he would prefer that a notice of intent be filed for this work. D. Drake said she spoke with Lucius Evans today, and he would be requesting a continuation of the hearing to December 9, 2009 with another inspection on December 5, 2009 when the foliage should be gone. C. Bryant said he has not been notified of this work, and the stone wall has been taken down. William Long of 16 Bass Point Road, an abutter, wanted to know who would be using the path, leaving beer cans, etc.; C. Bryant said the Sippican Lands Trust owns the site and all Sippican Lands Trust land is open to the public. W. Long said clearing a 20'-wide path will become a security issue for the Bass Point Road area homeowners. R. Schaefer said the easement is for only two houses across Delano Road, and it is in perpetuity. Steven Dahill said the area has standing water in the spring and fall, and L. Evans had told him he needed a 20'-wide pathway to launch his two sailboats. L. Dorman thought the other property owner who shares this easement should be notified of this project. L. Evans had stated to the Commission Members that he would not do any more work on the path until spring 2010. L. Dorman moved to continue the hearing, at the Applicant's request by telephone today, to 7:00 PM December 9, 2009 with another site inspection on December 5, 2009; J. Oakes seconded; voted unanimously.

7:45 PM **JOHN VAN VOORHIS** - RFD (41D-1389) to construct a 4'-wide by 10' long addition to the dwelling at 6 Cottage Street. Christian Farland was present with Mr. Van Voorhis's Project Engineer, Steve Carvalho, who said the addition is in the flood plain and is going to be a mud room with a washer and dryer. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:48 PM **NORMAN SHACHOY** - RFD (41D-1385) to construct a 400 sq. ft. detached single-story storage building/workshop in the southwest corner of the property at 52 Water street (continued from September 2, 2009). Christian Farland had submitted a revised plan adding a hay bale barrier. J. Oakes said the wetlands on the abutting property have been landscaped, so there is no need for haybales at this time. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

J. Oakes said he cannot participate in the next two hearings and left the building at 7:52 PM.

7:52 PM **DOLA STEMBERG** - RFD (41D-1390) to upgrade the sewage disposal system at 85 Moorings Road. Susan Nilson represented Ms. Stemberg and said the septic tank by the garage will be crushed in place. She said a notice of intent will be filed in the future for this site, but she wants to do the septic system work now. She said remodeling of the house is proposed, with two additional bedrooms, which necessitates this upgrade. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:58 PM **BURR BROTHERS BOATS, INC.** - NOI (SE 041-1112) to remove and replace a commercial building at 309 Front Street, make drainage improvements, and associated site work (continued from September 2, 2009). Carleton (Toby) Burr, Jr. was present. S. Nilson represented him and explained the new materials and revised plans that had been submitted. She said Field Engineering reviewed the materials and CLE's replies, and responded in a three-page letter. Field Engineering determined the storm water system is required to handle the new part of the roof. N. Hills asked whether the Planning Board had discussed raising the floor of the new building with fill; S. Nilson said no, that has not come up. L. Dorman suggested the smaller shed be modified to collect runoff to lessen the existing runoff; S. Nilson said she will look into that. T. Burr said the gravel area between shed #4 and Front street is now used for storing floats. S. Nilson said the roof expansion is designed for infiltration, not treatment. S. Briggs said Burr Brothers has been trying very hard over the last 15 years to bring the boatyard up to the latest standards for washdown areas, etc. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:20 PM October 14, 2009; J. Hartley seconded; voted unanimously.

S. Briggs moved to issue a Negative Determination for Box #2 for **JOHN VAN VOORHIS's** addition at 6 Cottage Street; L. Dorman seconded; voted unanimously (41D-1389).

L. Dorman moved to issue a Negative Determination for Boxes #2 and #3 for **JENNIFER F. HAMBLY's** porch addition at 63 Creek Road; J. Hartley seconded; voted unanimously (41D-1391).

J. Hartley moved to issue a Negative Determination for Boxes #2 and #3 for **THE KITTANSETT CLUB's** sewage disposal system repair at 11 Point Road, with the agreement that the Board of Health is responsible to monitor the grease trap maintenance; W. Carreau seconded; voted unanimously (41D-1387).

N. Hills moved to issue a Negative Determination for Box #2 for **NORMAN SHACHOY's** storage building/workshop at 52 Water Street, with a note that the hay bales are not required; J. Hartley seconded; voted unanimously (41D-1385).

W. Carreau moved to issue a Negative Determination for Boxes #2 and #3 to **DOLA STEMBERG** for upgrading the sewage disposal system at 85 Moorings Road; J. Hartley seconded; voted unanimously (41D-1390).

L. Dorman moved to issue a Conditional Negative Determination for Boxes #2 and #3 (flood plain, buffer zone and River Protection District) to **DEBORAH H. MEIKLE** to maintain a 12'-wide footpath along the split rail fence at 378 Delano Road, and prohibiting clearing past the lawn area; J. Hartley seconded; voted unanimously (41D-1386).

N. Hills moved to issue a three-year extension permit to **THE KITTANSETT CLUB** for repairing and maintaining drainage ditches at 11 Point Road; J. Hartley seconded; voted unanimously (SE 041-1055).

Minutes were reviewed. N. Hills moved to accept the July 1, 2009 minutes as written; S. Briggs seconded; voted by majority with L. Dorman abstaining. L. Dorman moved to accept the July 15, 2009 minutes as written; J. Hartley seconded; voted unanimously. L. Dorman moved to accept the August 5, 2009 minutes as written; J. Hartley seconded; voted unanimously. L. Dorman moved to accept the August 19, 2009 minutes as written; W. Carreau seconded; voted unanimously.

Meeting adjourned at 8:50 PM.

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Diane R. Drake, Secretary

Approved March 24, 2010