

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 1, 2004

Members Present: Jeffrey W. Oakes, Chairman  
Norman A. Hills, Vice Chairman  
Janice M. Mendes, Treasurer  
Robert J. Merlino, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Susan Nilson & Todd Zell.

Meeting convened at 7:00 PM Wednesday, September 1, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 28, 2004 by N. Hills and J. Mendes.

7:00 PM **BARBARA T. DeCOSTA** - RFD (41D-1194) to verify the B.V.W. as flagged at 2 Washburn Park Road (continued). No one was present on Mrs. DeCosta's behalf. The stamped and signed I.L.S.F. calculations have not been received. J. Mendes moved to continue the hearing to 7:30 PM September 15, 2004; N. Hills seconded; voted unanimously.

J. Oakes moved to issue a fourth three-year Extension Permit to Anne TenBrook for adding sand to her beach and loam to her meadow across the street from her home at 192 Front Street (SE41-526); J. Mendes seconded; voted unanimously.

7:10 PM **WILLIAM B. HOLMES** – NOI (SE41-1010) to replace a foundation and construct an in-ground swimming pool at 75 Water Street (continued). J. Oakes left the room. Susan Nilson of CLE Engineering, Inc. represented Mr. Holmes and said the 50% Rule does not apply because the improvements are estimated at \$138,750.00, which is well below 50% of the house's appraised value of \$631,000.00. She said the foundation will only be 2-1/2 feet higher than it presently is. Due to the lack of a voting quorum, R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:25 PM September 15, 2004; N. Hills seconded; voted unanimously. J. Oakes returned to the table.

7:20 PM **TODD & ERIN ZELL** – RFD (41D-1200) to construct a garage and second-story addition at 148 Spring Street. Todd Zell was present, described the project, and asked that the permit include a 14' x 30' deck behind the house, which is not shown on

the plan. T. Zell said Brooke Munroe flagged the wetland line. N. Hills said he and J. Mendes visited the site, and it is very thick with tall trees and grapevines in the rear of the lot. J. Oakes said the Commission will accept the wetland line as shown only for this project, including the deck/patio, but the line will have to be verified for any future grading or clearing. J. Mendes moved to close the hearing; N. Hills seconded; voted unanimously. J. Oakes moved to issue a Conditional Negative Determination for Box #3, with a Condition that the wetland line must be verified in future projects; J. Mendes seconded; voted unanimously.

Horace Furumoto's request for a second three-year Extension Permit to construct a garage and three porch additions at 101 Indian Cove Road was discussed (SE41-836). J. Oakes noted that one of the porch additions is shown 25', rather than 30', from the wetland line. R. Merlino moved to issue a final three-year Extension Permit; N. Hills seconded; voted unanimously.

Minutes were reviewed. R. Merlino moved to accept the June 16, 2004, July 7, 2004 and August 4, 2004 minutes as written, and the July 21, 2004 minutes as corrected; J. Mendes seconded; voted unanimously.

Meeting adjourned at 8:15 PM.

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Diane R. Drake, Secretary

Approved October 6, 2004