

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 6, 2004

Members Present: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman
Janice M. Mendes, Treasurer
Sherman E. Briggs, Jr., Recording Secretary
Robert J. Merlino, Member

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

Secretary: Diane R. Drake

Others Present: Helen Hills, David Davignon, William Saltonstall, Rick Barnes, Phil Jagoda, Susan Nilson, Mary Curran, and Charles Paulsen.

Meeting convened at 7:00 PM Wednesday, October 6, 2004 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 2, 2004 by J. Oakes, N. Hills and J. Mendes, and on Monday, October 4, 2004 by R. Merlino.

7:00 PM **DOROTHY HARRIS** - RFD (41D-1202) to upgrade a septic system at 22 Point Road. David Davignon of N. Douglas Schneider & Associates, Inc. represented Ms. Harris and described the project. N. Hills moved to close the hearing; J. Mendes seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Boxes 2 and 3; N. Hills seconded; voted unanimously.

J. Mendes moved to reimburse N. Hills \$80.00 for an October 23, 2004 M.A.C.C. course; R. Merlino seconded; voted by majority with N. Hills abstaining.

7:10 PM **NORMAN A. HILLS** – NOI (SE41-1015) to construct an attached garage/shop to the dwelling at 680 Front Street. N. Hills left the room. Helen Hills was present with her Architect, William Saltonstall, who submitted an architectural drawing of what the house will look like with the garage. J. Oakes said the wetland line as flagged appears to be correct. J. Oakes explained to H. Hills that the Commission has a policy of discouraging construction within 30' of a wetland line, and this garage will be 23' from the wetland line, but because that area is already cleared up to the wetland line, there would be no further altering. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously. N. Hills returned to the table.

Minutes were reviewed. J. Oakes moved to accept the August 18, 2004 minutes as amended; R. Merlino seconded; voted unanimously. J. Oakes moved to accept the

September 1, 2004 minutes as written; R. Merlino seconded; voted unanimously. J. Mendes moved to accept the September 15, 2004 minutes as amended; R. Merlino seconded; voted by majority with J. Oakes abstaining.

7:25 PM **RICHARD E. BARNES** – NOI (SE41-1018) to upgrade a septic system at 383 Point Road. David Davignon represented Richard Barnes, who was also present. D. Davignon described the proposed work. J. Oakes said the wetland line is acceptable. R. Merlino moved to close the hearing; J. Mendes seconded; voted by majority with S. Briggs abstaining.

7:30 PM **MOORINGS BREAKWATER TRUST** – NOI (SE41-1016) for maintenance dredging of the Converse Point pier basin at the end of Moorings Road. J. Oakes left the room. S. Nilson and Philip Jagoda represented the Trust. P. Jagoda described the project and said the disposal site has not yet been determined. S. Nilson said the work is planned for next fall, but other permits are needed and requests for bids will also take time. The Harbormaster/Shellfish Officer has not responded to the Commission's request for comments on this project, but S. Nilson said the Harbormaster told her he is in favor of the project as long as the dredge spoils are offloaded elsewhere. S. Nilson said she will submit another filing if the dredge spoils disposal site is in the Buffer Zone. Discussion followed on how to mark the area to be dredged; S. Nilson said stakes are placed, and the contractor's superintendent will be on site to monitor the project. R. Merlino moved to close the hearing; J. Mendes seconded; voted unanimously. J. Oakes returned to the table.

7:40 PM **MICHAEL & MARY CURRAN** – NOI (SE41-1017) to expand the lawn area behind the house at 38 Point Road. Mrs. Curran was present with her representative, David Davignon, who described the proposed work. The Commission had issued a Positive Determination for this work. J. Oakes said the tide was at the base of the seawall at the time of the site inspection. J. Oakes said he saw wetland plants (bayberry, beach plums and poison ivy) in the area to be cleared, and would like a botanist to determine whether that area is a wetland. D. Davignon said he will have Lelito Environmental do an analysis. J. Oakes said excavating the area may cause damage to the Coastal Bank and could encourage scouring during storm events; D. Davignon said he will be submitting a filing to reconstruct the seawall at a three-to-one slope. R. Merlino suggested including the lawn expansion with the forthcoming seawall reconstruction project. J. Oakes said he would like Coastal Zone Management to review both projects and submit their comments to the Conservation Commission. R. Merlino moved to continue the hearing, with the Applicant's consent to 7:00 PM November 3, 2004; J. Mendes seconded; voted unanimously.

7:50 PM **MARION HOUSING AUTHORITY (TASK FORCE)** – Appointment for discussion regarding Mr. Sweeney's proposed "friendly 40B housing" project at Maggie's Ice Cream, Spring Street. J. Mendes said she is on this Task Force and submitted up-to-date plans of the project. S. Briggs reminded the Commission that this project will not go through the Planning Board, being a 40B project, and if there are no wetlands on the site, then the Conservation Commission also won't be involved, just the Zoning Board of

Appeals. R. Merlino suggested inspecting this site on October 16, 2004, along with the other site inspections, to be sure there are no wetlands there.

8:06 PM **MARION HARBOR EAST TRUST** – RFD (41D-1203) to repave North, South and West Drives off Point Road. Charles Paulsen represented the Trust and explained the project. He said this work was last done in 1990, and in 1975 prior to that. S. Briggs suggested installing silt fences instead of haybales so that the full width of the road can be repaved. J. Oakes said he would like to view the silt fence installation before the work begins. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously. R. Merlino moved to issue a Conditional Negative Determination for Box #2, with Conditions that the Commission will be notified to inspect the silt fence prior to the project, and another inspection will be done when the project is complete; J. Mendes seconded; voted unanimously.

Thomas Munnell's request for a Certificate of Compliance for constructing a new house foundation and removing trees and poison ivy at 86 Hammett's Cove Road was discussed (SE41-913). The mowed 15'-wide no-touch zone is growing back. There is an old foundation on the site which was a boat storage shed. J. Oakes moved to issue a Full Certificate of Compliance; R. Merlino seconded; voted unanimously.

The Commission discussed Stephen Clark's Enforcement Order for filling wetlands at 711/713 Mill Street (41D-1201). R. Merlino said S. Clark, R. Zora and Camp Dresser & McKee are all involved in the work that was done during the effluent line pipe bursting project. R. Merlino said the contractor left the area covered with woodchips, and S. Clark added loam and seeded it. R. Merlino said the Town and CDM admit that they may have caused some of the damage and R. Zora offered to "scrape up the fill" and reseed the area. R. Merlino said he asked S. Clark to stake out the wetland line as shown on the plan of record. R. Merlino said the Order of Conditions for the pipe bursting project is still valid, and recommended letting the Town do the remediation work without an additional filing.

R. Merlino moved to issue a Full Certificate of Compliance to DKD Development Corporation (Donna DiBona) for the new house at 28 Olde Sheepfield Road (SE41-985); N. Hills seconded; voted unanimously.

R. Merlino drafted Richard E. Barnes' Order of Conditions (SE41-1018) for septic system repairs at 383 Point Road and moved to issue it as written; J. Oakes seconded; voted by majority with S. Briggs abstaining.

N. Hills drafted Moorings Breakwater Trust's Order of Conditions (SE41-1016) for maintenance dredging of the Converse Point pier basin and moved to issue it as written; R. Merlino seconded; voted by majority with J. Oakes abstaining.

J. Oakes drafted Norman Hills' Order of Conditions (SE41-1015) for a garage addition at 680 Front Street and moved to issue it as written; R. Merlino seconded; voted by majority with N. Hills not participating in the discussion and vote.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved October 20, 2004