

FINAL

**MARION CONSERVATION COMMISSION**

MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 21, 2005

Members Present: Jeffrey W. Oakes, Chairman  
Norman A. Hills, Vice Chairman  
Janice M. Mendes, Treasurer (left at 7:40 PM)  
Sherman E. Briggs, Jr., Recording Secretary (left at 8:00 PM)  
Robert J. Merlino, Member

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

Secretary: Diane R. Drake

Others Present: Patrick O'Neale, Andrew Butler, Susan Nilson, Wilma and  
Marshall Bailey

Meeting convened at 7:00 PM Wednesday, September 21, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 17, 2005 by J. Oakes and N. Hills.

7:00 PM **ZORA ENTERPRISES, INC.** - ANORAD (SE 041-1023) to verify the Bordering Vegetated Wetland lines at Olde Willow Road (continued). Zora Enterprises' legal counsel, Margaret Ishihara, has requested an indefinite continuation. J. Mendes moved to continue the hearing indefinitely, with the Applicant's consent; N. Hills seconded; voted unanimously.

August 17, 2005 minutes were reviewed and accepted as written on a motion by R. Merlino; N. Hills seconded; voted by majority with J. Oakes abstaining. September 7, 2005 minutes were accepted as written on a motion by N. Hills; J. Mendes seconded; voted unanimously.

The Commission discussed the request for a Certificate of Compliance for Gary Grainger's pier repair and gazebo across from 60 Water Street (SE41-930). N. Hills said there is no railing on the pier, and no gazebo. Susan Nilson of CLE Engineering, Inc. said the gazebo was not allowed under Chapter 91, and will not be constructed. S. Nilson said the Owner chose not to have a railing, which was optional. R. Merlino moved to issue a full Certificate of Compliance but note the absence of the gazebo; N. Hills seconded; voted by majority with J. Oakes and J. Mendes abstaining.

7:15 PM **ROBERT LANE** – RFD (41D-1220) to construct a dwelling, a guest house, a septic system and a driveway at Lots 89 and 90A Holly Road, Piney Point (continued). J. Oakes left the room. The Owner of the site, Andrew Butler, was present with his Engineer, Susan Nilson. A revised plan has been submitted eliminating all the proposed structures. S. Nilson said an additional wetland flag (#7A) has been added, and soil test logs have been submitted. R. Merlino said he would like to visit the site again to verify the wetland line. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:30 PM October 5, 2005; J. Mendes seconded; voted unanimously. J. Oakes returned to the table.

7:22 PM **STEPHEN CLARK** – RFD (41D-1201) to place a line of boulders and to level and reseed an existing lawn at 713 Mill Street (continued). S. Clark had requested one last continuation because he has not been able to move the pile of dirt due to the recent heavy rains. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM October 5, 2005, and visit the site on October 1, 2005; J. Mendes seconded; voted unanimously.

7:32 PM **TOWN OF MARION** – NOI (SE 041-1034) to install a new water main from Mill Street to the proposed elevated water storage tank at the end of Benson Brook Road. Patrick O'Neale of Tata & Howard represented the Town and described the project. He said the brooks that cross the road actually are protected under the Rivers Protection Act and the 200' buffer zone has been noted on the plans. He said the trench will be 5-1/2' deep and 30" wide and will be backfilled every day. He said any extra fill will be taken off site, not stockpiled. J. Oakes showed Mr. Neale areas on the plans where the proposed haybales are not necessary. Mr. Neale said installing a silt fence would cost more than haybales due to the labor to correctly install it. J. Oakes said either haybales or silt fences can be used. N. Hills moved to close the hearing; R. Merlino seconded; voted unanimously.

J. Mendes left the meeting at 7:40 PM to attend a housing authority meeting at the Sippican School.

7:48 PM **WILMA BAILEY** – NOI (SE 041-1036) to eradicate phragmites at 41 Dexter Road, Dexter Beach (continued). Wilma and Marshall Bailey were present. The file number has been assigned. M. Bailey said he spoke with D.E.P.'s Dorothy Blickens today to reassure her that he only wants to cut the stalks and apply Rodeo twice a year, just like his neighbors (Annmarie Levins and the Dexter Beach Association) are doing. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously. R. Merlino moved to issue the Order of Conditions as drafted by J. Oakes; N. Hills seconded; voted unanimously.

S. Briggs left the meeting at 8:00 PM to attend a bike path meeting.

N. Hills drafted the Order of Conditions (SE 041-1034) for the Town of Marion. R. Merlino moved to issue the Order as written; N. Hills seconded; voted unanimously.

Meeting adjourned at 8:15 PM.

---

Diane R. Drake, Secretary

Approved October 5, 2005