

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 6, 2003

Members Present: Robert J. Merlino, Chairman  
Jeffrey W. Oakes, Vice Chairman (absent from 7:00PM-7:25PM;  
left at 8:20 PM)  
Janice M. Mendes, Treasurer

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

Secretary: Diane R. Drake

Others Present: Norman A. Hills, Richard & Nancy Vickery, Ian Mead, Chris  
Hayward, Alice Briggs, Gynna Barrows.

Meeting convened at 7:00 PM Wednesday, August 6, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 2, 2003 by R. Merlino, J. Mendes and J. Oakes.

7:00 PM **TOWN OF MARION, DEPARTMENT OF PUBLIC WORKS** - NOI (SE41-991) to replace the effluent pipe from the Benson Brook Road Wastewater Plant cross country to the former chlorination station on Mill Street (Route 6) (continued). Chris Hayward and Ian Mead of Camp Dresser & McKee represented the Town. R. Merlino asked what would happen if the ram gets stuck? Mr. Mead said they have found the soil to be soft and will do a test section starting from the Wastewater plant. If the ram gets stuck, he said a 10' x 10' work area will be needed to free it. J. Mendes moved to close the hearing; H. Kenney seconded; voted unanimously.

J. Oakes joined the meeting at 7:25 PM.

7:25 PM **JOSEPH & KAREN L. SCOTT** – RFD (41D-1149) to construct a 16' x 24' open deck at 477 Delano Road. No one was present on behalf of the Scotts. The deck is in the buffer zone to bordering vegetated wetlands. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Box #3; J. Oakes seconded; voted unanimously.

The Commissioners discussed a complaint by Harbormaster Charles Bradley that Richard Corliss has been launching watercraft over the marsh at 51 Dexter Road (SE41-749). R. Merlino drafted a letter to Mr. Corliss, asking him to address the Enforcement Order from 1999 within 60 Days.

7:35 PM **HILLER BROTHERS, INC. & SHERMAN E. BRIGGS, JR.** – RFD (41D-1150) to install a culvert under the access road (owned by Hiller Brothers) off County Road to Lot 62 (owned by Sherman E. Briggs, Jr.). Alice Briggs was present. R. Merlino said this after-the-fact filing is strictly for installing the culvert under the road, not the flume. The Enforcement Order was issued for the flume and stabilization of the bank, and a Notice of Intent will be required for any future work, such as stockpiling materials. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. R. Merlino moved to issue a Conditional Positive and Negative Determination – a Negative Determination for Box #5, with the Condition that this Determination is valid ONLY for the installation of the culvert and the removal of sand that has washed to the other (Hiller) side of the road, and a Positive Determination for Box #2 to accept wetland flags RAB1 through RAB6 as a correct delineation of a portion of the BVW on the Hiller property; J. Oakes seconded; voted unanimously.

J. Oakes moved to issue a Full Certificate of Compliance for Box #1 for Donald Acher's new home @ 65 Dexter Road (SE41-893); J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit to Richard Webb for adding beach sand at 91A Allens Point Road (SE41-920); J. Mendes seconded; voted by majority with J. Oakes abstaining.

A site visit was conducted in response to an anonymous complaint of wetland violations at Dr. Michael Popitz's 63 Indian Cove Road home (SE41-981). Heavy machinery is being used in the wetlands to remove the pussy willow bushes, rather than from the road as the Order of Conditions specified. A letter will be sent to Dr. Popitz.

A site visit was conducted in response to an anonymous complaint of possible wetland violations taking place at Dr. Robert Becher's 72 Indian Cove Road property (SE41-806). No violations were seen. A letter apologizing for the site inspection will be sent to Dr. Becher.

Procedures for handling "anonymous" tips of wetland violations was discussed. R. Merlino believes that if a person complains about another person doing something wrong, the person being accused should know who the complainer is. R. Merlino said Town Administrator Julia Enroth-Whitlock's policy for such complaints is "No Name, No Complaint" unless it is a serious allegation.

May 7, 2003 minutes were unanimously approved as written on a motion by J. Mendes; seconded by J. Oakes.

The Commission's budget was discussed. A new digital camera and a new air conditioner will be requested.

J. Oakes left at 8:20 PM because he could not participate in anything else on the agenda due to a conflict of interest.

H. Kenney moved to approve a three-year Extension Permit for Barden's Boat Yard maintenance dredging at 2 Island Wharf Road (SE41-792); J. Mendes seconded; voted unanimously.

H. Kenney moved to issue a three-year Extension Permit for Great Hill Trust's maintenance dredging and beach nourishment at the Great Hill pier, off Delano Road (SE41-777); J. Mendes seconded; voted unanimously.

R. Merlino drafted the Town of Marion's Order of Conditions for replacing the effluent pipe (SE41-991) and moved to issue it as written; J. Mendes seconded; voted unanimously.

Meeting adjourned at 9:10 PM.

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Diane R. Drake, Secretary

Approved January 7, 2004