

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 15, 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: John Rockwell

Meeting convened at 7:00 PM Wednesday, December 15, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 11, 2004 by J. Oakes, N. Hills, J. Mendes and R. Merlino.

7:00 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). Another site inspection was held with Mr. Clark on Saturday morning, December 11, 2004. At that time the Conservation Commission Members repositioned boundary flags to re-establish the Bordering Vegetated Wetland line based on existing plans of record. The boulder line is fine. Mr. Clark agreed to remove the unpermitted fill by the garage by the spring of 2005. R. Merlino moved to continue the hearing, at the Applicant's request, to 7:10 PM April 20, 2005, with another site inspection on April 16, 2005; N. Hills seconded; voted unanimously.

Minutes were reviewed. R. Merlino moved to accept the November 17, 2004 minutes as amended; N. Hills seconded; voted unanimously. J. Oakes moved to accept the December 1, 2004 minutes as amended; N. Hills seconded; voted unanimously.

Kathleen Giles' appeal of her positive Determination (41D-1204) to construct a 24' x 28' detached garage at 42 Tucker Lane was discussed. Tena Davies of D.E.P. by letter said she has accepted the request for an appeal, but in lieu of a site inspection, there would be an informal meeting at D.E.P. in Lakeville on Wednesday, January 5, 2005 at 10:00 AM. Ms. Davies called the Commission office today to explain that she was inclined to uphold the Commission's Determination. She spoke with R. Merlino who happened to be present when she called. R. Merlino drafted a letter to Ms. Davies explaining why the

Determination should be upheld. N. Hills moved to send the letter as written; J. Mendes seconded; voted unanimously.

The Commission discussed Arthur and Cheryl Walker's Enforcement Orders (41D-1162 and 41D-1208) for wetlands violations at 587 Front Street. N. Hills said he had spoken to Rich Gioiosa of D.E.P., Ed Burke's supervisor. Mr. Burke is on D.E.P.'s Strike Force ("REACT" team). Mr. Burke left a telephone message for N. Hills, saying he had spoken with Cheryl Walker, who told him that most of the items of the Enforcement Orders have been corrected. Mark Mahoney of the Environmental Protection Agency has requested background information on this case.

R. Merlino moved to issue a Full Certificate of Compliance to Thomas Hurrie for his new home and septic system at 295 County Road (SE41-969); J. Mendes seconded; voted unanimously.

The request by the Estate of Charles Coolidge for a fourth three-year Extension Permit for extending the pier at 604 Point Road an additional 48' was discussed (SE41-534). The Commission agreed to hold off issuing another extension until a response is received from the Harbormaster and/or Shellfish Officer addressing shellfish, eel grass and navigation at the site, and asking for a photograph of the site at low tide. This will be discussed again at the Commission's January 19, 2004 meeting.

John Rockwell was present and asked the Commission to comment on the new Open Space Plan. He will submit a hard copy for the Commission's use. The Commission said they will try to respond at their February 2, 2005 meeting.

Meeting adjourned at 8:05 PM.

Diane R. Drake, Secretary

Approved February 2, 2005