

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 16, 2004

Members Present: Jeffrey W. Oakes, Chairman
Robert J. Merlino, Acting Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member (left at 7:30 PM)

Members Absent: Janice M. Mendes, Treasurer
Norman A. Hills, Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Susan Nilson, Phil Jagoda, Glenn Amaral, Robert & Winifred Sylvia, Alison Curry Wallace, Eleanor Pontes, Arlene Wilson, Bernadette D. & Ernest W. Weber, Millie & Bryant Palmer, Thomas F. McGuire, and Brooke Monroe.

Meeting convened at 7:00 PM Wednesday, June 16, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 12, 2004 by J. Oakes, J. Mendes & N. Hills.

7:10 PM **CARMINE MARTIGNETTI** – Amendment to his Order of Conditions (SE41-1004) for constructing a single-family dwelling, a garage, an in-ground swimming pool, a septic system, and a walkway to the coastal beach at 71 Moorings Road. The Amendment is to expand the scope of work to include a footing and foundation perimeter drain leading to a 3' wide, 3' deep, 10' long leaching trench in the coastal bank. J. Oakes left the room. Susan Nilson and Philip Jagoda of CLE Engineering, Inc. represented Mr. Martignetti and described the proposed drain. P. Jagoda said the Commission had recently issued a permit to George Chamberlain of West Drive for a similar drainage trench. S. Nilson said the trench would be dug by a backhoe and backfilled with the same material. She said this trench will only drain groundwater, not surface water, and there will be a hydrostatic relief valve in the pool to prevent the pool from draining into this system. R. Merlino said the Commission would like to do an inspection as soon as this system is installed; S. Nilson said she will notify us immediately. H. Kenney moved to close the hearing; S. Briggs seconded; voted unanimously.

7:20 PM **WILLIAM B. HOLMES** – NOI (SE41-1010) to replace a foundation and construct an in-ground swimming pool at 75 Water Street. H. Kenney moved to continue this hearing, at the engineer's request, to 7:20 PM Wednesday, July 7, 2004; S. Briggs seconded; voted unanimously. J. Oakes returned to the room.

R. Merlino moved to issue a full Certificate of Compliance to John Kevin McMahon for his septic system project at 94 Holly Road (SE41-910); H. Kenney seconded; voted by majority with S. Briggs abstaining.

R. Merlino drafted Carmine Martignetti's Amended Order of Conditions approving the drainage trench at 71 Moorings Road, and moved to issue it as written; (SE41-1004) S. Briggs seconded; voted by majority with J. Oakes not participating in the discussion and vote.

7:30 PM **ROBERT J. & WINIFRED E. SYLVIA** – NOI (no file number yet) to pipe and fill an existing drainage ditch at 165 Spring Street. Mr. and Mrs. Sylvia were present with their engineer, Glenn Amaral of G.A.F. Engineering, Inc. G. Amaral described the project and said the proposed pipe is sized to handle a 100-year storm event. He explained that any sheet flow will collect into the two basins of the pipe. He said groundwater does not feed this ditch, and the growth of vegetation is due to the ditch not being maintained. He said the ditch is a health problem due to mosquitoes that breed there. J. Oakes said the Commission's site inspection was held on June 12, 2004, at which time they noted the lack of the following on the plan: (1) the ditch was not identified as an intermittent stream; (2) the Bordering Vegetated Wetland was not identified; and (3) the banks of the stream were not identified. G. Amaral said he does not think the ditch meets the definition of an intermittent stream because it flows only from storm events and it does not have an hydraulic connection. J. Oakes said he has not had a chance to review the drainage calculations. Arlene Wilson said she was representing an abutter to this property, Eleanor Pontes, and said there are wetlands on the property that are not identified on the plan, and she believes the ditch is an intermittent stream. She said the wildlife issue also is not addressed. A. Wilson said her client (Eleanor Pontes) was concerned about scouring on her property, and that some stilling capacity prior to crossing Maple Avenue might prevent scouring. The owner of 6 Maple Avenue said the ditch is always blocked and has a terrible smell, and she is in favor of the project. Mrs. Sylvia said that piping the ditch should eliminate that smell. Five abutters present said they were in favor of piping the ditch. J. Oakes and G. Amaral suggested Mr. and Mrs. Sylvia contact Plymouth County Mosquito Control, which could clean the brook without any permits. G. Amaral said he would research D.E.P.'s Superseding Orders of Conditions for situations such as this and asked to continue the hearing. R. Merlino moved to continue the hearing, with the Applicants' consent, to 7:30 PM July 7, 2004; S. Briggs seconded; voted unanimously. Another site inspection will be held at 8:30 AM Saturday, July 3, 2004; G. Amaral said he will be at the site at that time. (Note: The July 3rd site visits were rescheduled to Monday, July 5, 2004 because the Fourth of July Parade in Town would cause problems accessing the sites.)

8:05 PM **MASSACHUSETTS HIGHWAY DEPARTMENT** – RFD (41D-1187) to resurface Route 105 in Rochester, starting at the Marion town line. Thomas McGuire represented the Mass. Highway Dept. and said the Commission had previously approved this project, but that Determination expired before the work could be done. He said hay bales are in place and drainage structures are being reconstructed now. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously. J. Oakes moved to issue a Determination for Negative Box 2; R. Merlino seconded; voted unanimously.

8:10 PM **FRANK ANTIN** – RFD (41D-1188) to enclose a 14' x 20' area under 18 Nokomis Road to be used for storage and to prevent the water pipes from freezing. Ernest Weber represented Mr. Antin and said strong winds cause the pipes to freeze, despite heat tape. E. Weber said there will be breakaway walls, as required by Building Commissioner William Moore. 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 the Condition that the project must meet Building Code Regulations for construction in Velocity Zones; S. Briggs seconded; voted unanimously.

8:15 PM **DR. WILLIAM PENDERGAST & DR. DAVID MARCELLO, JR.** – RFD (41D-1189) to anchor a float at Lot 31A Cove Circle with two helix moorings and two mushroom moorings rather than with four pilings. No one was present on behalf of the Applicants, but Harbormaster Charles Bradley had recommended this configuration and approved it by telephone. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Box #2; R. Merlino seconded; voted unanimously.

8:18 PM **TOWN OF MARION** – NOI (SE41-1008) to cap the landfill at Benson Brook Road (continued). Brooke Munroe represented the Town and said she flagged the wetlands at that site. J. Oakes said he disagreed with the flagging near the drainage basin, and explained which flags needed to be moved. B. Munroe said the plan will be revised to show the adjusted flags and retention basin, promised to submit the revised plan in the next few days, and asked the Commission to close the hearing tonight. J. Oakes moved to close the hearing, but not issue the Order of Conditions until the revised plan is received; R. Merlino seconded; voted unanimously.

8:32 PM **TOWN OF MARION** – RFD (41D-1190) to install a shower head at Silvershell Beach, off Front Street. This project is just to replace a shower head that was there previously. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Box #2; S. Briggs seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit to Gordon A. Sherlock, Jr. for controlling phragmites and adding beach sand at Beach Park, at the end of Taunton Avenue (SE41-832); S. Briggs seconded; voted unanimously.

R. Merlino moved to issue a Duplicate Original three-year Extension Permit to AnnMarie Levins for adding beach sand at 53 Dexter Road, Dexter Beach (SE41-911); S. Briggs seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit for the pier/float and dredging project at "The Cove" development, Jenney Lane (SE41-815); S. Briggs seconded; voted unanimously.

J. Oakes drafted The Town of Marion's Order of Conditions (SE41-1008) for capping the landfill at Benson Brook Road and moved to issue it as written; R. Merlino seconded; voted unanimously.

J. Oakes moved to pay the \$215.00 M.A.C.C. annual dues; R. Merlino seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved September 1, 2004