

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 18, 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: Dr. Martha Stark, Donna DiBona, Elizabeth Marsden, Alex Marsden, William McConnell, Robert & Winifred Sylvia, John Rockwell, Glenn Amaral, Dwight Dunk, Richard Charon.

Meeting convened at 7:00 PM Wednesday, August 18, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 14, 2004 by J. Oakes, N. Hills, J. Mendes and R. Merlino.

7:00 PM **WILLIAM B. HOLMES** - NOI (SE41-1010) to replace a foundation and construct an in-ground swimming pool at 75 Water Street (continued). The cost breakdown for the foundation is not yet complete. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:10 PM September 1, 2004; R. Merlino seconded; voted by majority with J. Oakes abstaining.

Donna DiBona of DKD Development Corporation was present to discuss the Commission's concerns with her new house project at 28 Olde Sheepfield Road (SE41-985). The Commission explained that she needs to install drywells, and to sod or loam and seed the eroded area by the garage before a Certificate of Compliance can be issued. J. Oakes asked about the drainage swale between her lot and the abutting lot; Ms. DiBona said the swale is addressed under the Superseding Order of Conditions for the subdivision roads (SE41-400). Ms. DiBona said she will notify the Commission when she is ready for another site inspection.

7:10 PM **ALEX N. & ELIZABETH MARSDEN** – NOI (SE41-1013) to construct a single-family dwelling with an attached garage, a swimming pool, stone retaining walls, and filling and grading at Lot 36 Deer Run. Mr. and Mrs. Marsden were present with their Engineer, Richard Charon, who submitted a revised plan showing adjusted flag locations as noted by the Conservation Commission Members during the site visit. In addition, a permanent chain link fence 15' upland of the wetland line was added to delineate the "no

touch" zone. R. Charon said the Marsdens would like to loam and seed up to that fence. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously.

7:20 PM **TOWN OF MARION, D.P.W.** – RFD (41D-1198) to verify the wetland delineations and upgrade sewerage pump stations at Silvershell (Front and Lewis Streets), Front Street (at Holmes Lane), Point Road (at River's Edge), and Creek Road. William McConnell and Dwight Dunk of Camp Dresser McKee represented the Town. J. Oakes said two sites ( Silvershell and Front Street) are flood plain issues, and the other two (Point Road and Creek Road) are in the buffer zone to wetlands. W. McConnell said haybales are shown on the detail sheets. He said the Creek Road work is only to install a valve, and the Point Road work includes the installation of an 8'-diameter manhole plus other work. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Boxes 2 and 3; N. Hills seconded; voted unanimously.

R. Merlino moved to issue a Full Certificate of Compliance to Mark A. and Christine N. Fantoni for their new home and septic system at 16 Rogers Drive, Piney Point (SE41-830); J. Mendes seconded; voted unanimously.

J. Mendes moved to issue a Full Certificate of Compliance to John Beck for renovations to his home at 17 River Road (SE41-983); N. Hills seconded; voted unanimously.

7:40 PM **ROBERT J. & WINIFRED E. SYLVIA** – RFD (41D-1199) 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 submitted a plan with the correct street name (165 Spring Street rather than 165 Maple Avenue). J. Oakes said that, based on a Superseding Order for a different project, this ditch does NOT meet the definition of an intermittent stream. J. Oakes said the site is not in the flood zone. In response to J. Oakes' suggestion to use bottom manholes rather than solid, G. Amaral said he would prefer to use perforated pipe instead of open space; J. Oakes said that would be OK also. R. Merlino moved to close the hearing; J. Mendes seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Boxes 1, 4 and 6 with a note that the Determination is based on the findings of D.E.P.'s Superseding Orders of Conditions #201-334 and 201-335; N. Hills seconded; voted unanimously.

7:45 PM **ROBERT J. & WINIFRED E. SYLVIA** – NOI (D.E.P. number not assigned yet) to pipe and fill an existing drainage ditch at 165 Spring Street (continued). Mr. and Mrs. Sylvia were present with their Engineer, Glenn Amaral of G.A.F. Engineering, Inc. The Commission had voted to allow this project to be done under a Determination of Applicability (S41D-1199). G. Amaral asked to continue this hearing, with the Applicants' consent, to September 15, 2004. He said that if the Determination is not appealed by then, he will withdraw the Notice of Intent. J. Mendes moved to continue the hearing, with the Applicants' consent, to 7:10 PM September 15, 2004; R. Merlino seconded; voted unanimously.

7:50 PM **MARGARET DeCOSTA** – RFD (41D-1194) to verify the Bordering Vegetated Wetlands as flagged at 2 Washburn Park Road (continued). No one represented Ms. DeCosta. Due to the lack of calculations for the Isolated Land Subject to Flooding, J. Mendes moved to continue the hearing to 7:00 PM September 1, 2004; N. Hills seconded; voted unanimously.

8:12 PM Appointment for discussion with John Rockwell regarding emergency repairs to the railroad grade bike path for the Open Space Commission. J. Rockwell submitted plans and photographs of the existing and proposed culvert locations and described the work needed at each one. J. Rockwell explained that the Conservation Commission has two choices: (1) issue an Enforcement Order to the Open Space Commission to make them do whatever work is necessary to prevent further erosion, or (2) consider the Open Space Commission as exempt, and not require them to submit a filing. J. Rockwell said a Notice of Intent will eventually be submitted for restoring the railroad bed. He said siltation measures will not be necessary at this time because there won't be any water. R. Merlino asked J. Rockwell why he does not want to file a Notice of Intent?; J. Rockwell said the lack of TIME. J. Rockwell said that technically, according to the Town of Falmouth decisions, this work is exempt. J. Oakes moved to issue an Enforcement Order to the Open Space Commission to have them do whatever is necessary to prevent further erosion of the railroad grade (Map 24, Lot 30; Map 25, Lot 32; and Map 27, Lot 13); R. Merlino seconded; voted unanimously.

N. Hills drafted Alex N. and Elizabeth Marsden's Order of Conditions for their home at Lot 36 Deer Run (SE41-1013), and moved to issue it as written; R. Merlino seconded; voted unanimously.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved October 6, 2004