

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 15, 2003

Members Present: Robert J. Merlino, Chairman  
Joel D. Hartley, Vice Chairman  
Janice M. Mendes, Treasurer  
Jeffrey W. Oakes, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary  
Horace S. Kenney, Jr., Associate Member  
Frank J. Germano, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Brian Grady of G.A.F. Engineering, Paul J. White of Barden's Boat Yard, David Davignon of N. Douglas Schneider & Associates, and Muriel B. Neall.

Meeting convened at 7:00 PM Wednesday, January 15, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 11, 2003 by R. Merlino, J. Hartley, J. Mendes and J. Oakes.

7:00 PM **DR. MICHAEL POPITZ** - RFD (41D-1128) to construct a bulkhead entrance to the basement, and to trim/top/prune/remove trees to restore a water view and increase natural ventilation at 64 Indian Cove Road (continued). Dr. Popitz was not present. Another site inspection had been held on January 11, 2003 with Dr. Popitz to verify exactly what work was proposed. J. Oakes researched the definition of vista pruning. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes moved to issue a Conditional Negative Determination for Box #2, allowing the bulkhead and tree trimming work under this filing, but prohibiting the removal of trees; and requiring the Applicant to submit a Notice of Intent to replace the pussy willows with high bush blueberries or elderberry; J. Mendes seconded; voted unanimously.

7:17 PM **WHIMSEY REALTY TRUST** - NOI (SE41-975) to build a deck and construct an addition at 59 East Avenue, Planting Island. Brian Grady of G.A.F. Engineering, Inc. represented Whimsey Trust and described the project. He said the deck will extend 4' further than the existing deck, and the old deck will have to be demolished to build the addition. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. R. Merlino drafted the Order of Conditions and moved to issue it as written; J. Mendes seconded; voted unanimously.

Joseph and Karen Scott already have a Partial Certificate of Compliance for their house, garage and driveway at 477 Delano Road (SE41-903), and requested Certificates of

Compliance for the other outstanding Orders on their property. J. Hartley moved to issue a Full Certificate of Compliance for Box #1 for the house, garage, driveway and landscaping (SE41-903), and Certificates of Compliance for Box #3 (Order expired without the work being done) for constructing Kyle's Drive (SE41-732) and one house on each of the three Subdivision Lots (SE41-769, SE41-770 and SE41-771); J. Mendes seconded; voted unanimously.

In response to a written report by the Marion Police Department of wetland violations taking place on Sippican Lands Trust's property behind Mr. Pina's home at 169 Wareham Street, the Commission conducted a site inspection on Saturday, January 11, 2003 with the Sippican Lands Trust's President, Horace S. Kenney, Jr. Brush has been dumped there for years by way of Mr. Pina's driveway. All agreed that the Department of Public Works should place boulders across the road to prevent any more dumping.

Julia Enroth-Whitlock had asked the Commission to see if the Town's Lot 94 Wareham Street has enough upland to construct a Habitat for Humanity home. R. Merlino said the lot has extensive wetland species and standing water, and appears to be unbuildable. He will relay this information to Ms. Enroth-Whitlock.

The M.A.C.C. Annual Spring Conference in Worcester is scheduled for Saturday, March 1, 2003. J. Hartley and J. Oakes said they will attend the conference.

A stormwater remediation task force is being organized by the Marion Department of Public Works and the Buzzards Bay Project. They would like someone from the Conservation Commission to join their task force and attend their meeting at the Wareham Multi-Center (beside the Wareham Town Hall) at noontime January 22, 2003. R. Merlino said he will go to the initial meeting and report back, but S. Briggs will be our delegate thereafter.

D.E.P. will be holding a meeting at the Marion Harbormaster's office at 10:30 AM Friday, January 17, 2003 regarding a Superseding Order of Conditions for the Bird Island filling project (SE41-973). The Conservation Commission was notified of this meeting as a courtesy. No one was able to attend the meeting.

**BARDEN'S BOAT YARD** – Amendment to an Order of Conditions (SE41-552) to add two bulkhead pilings at 2 Island Wharf Road. J. Oakes left the room. Paul White of Barden's Boat Yard explained that the pilings are needed to prevent the bulkhead from moving forward. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Mendes moved to issue the Amended Order of Conditions as written; J. Hartley seconded; voted unanimously. J. Oakes returned to the table.

**GEORGE CHAMBERLAIN** – RFD (41D-1129) to construct a 3'-wide, 60'-long, 1.5'-deep sump pump leaching trench between the house and the coastal bank at 4 West Drive. David Davignon of N. Douglas Schneider & Associates represented Mr. Chamberlain and described the project, which is the installation of a gravity drain with a 5' overdig all around the trench, sized to be as large as possible while being limited by the

neighbors and the seawall. He said the drain will be in the mottling layer by the house, and will probably flow heavily only in the spring and fall. D. Davignon said they would like to construct the pit now, and loam and seed the area in the spring. The septic system is on the other end of the house, by the road. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Box #2; J. Oakes seconded; voted unanimously.

The Commission discussed Joseph Zora, Sr.'s request to construct the foundation of the house at 39 Giffords Corner Road 10' further easterly (SE41-949). A site inspection was done on January 11, 2003. The silt fence has been completely installed, but some of the wetland flags have been knocked down and fill was up to/in the wetlands near wetland flags B7, B8 and B9.. The Commission agreed that moving the house 10' further easterly was a minor change and would not require an amendment to the order. A letter will be sent to Mr. Zora approving that change, and asking him to remove the fill in the wetlands and replace the flags.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved June 4, 2003