

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 19, 2003

Members Present: Joel D. Hartley, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
(absent from 7:00 PM to 7:10 PM)
Janice M. Mendes, Treasurer
Frank J. Germano, Jr., Associate Member

Members Absent: Robert J. Merlino, Chairman
Jeffrey W. Oakes, Member
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Norry Alves, Larry Robert, David Davignon, Thomas Gelson, Neil Ben (illegible), July Jachimczyk, Kevin McClurg, Thomas Cooper, Richard S. Russell.

Meeting convened at 7:00 PM Wednesday, March 19, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 15, 2003 by J. Hartley, J. Mendes and J. Oakes.

7:00 PM **SHIRLEY MILLER** - RFD (41D-1135) to construct a house and garage at Lot 129 Olde Sheepfield Road. The Plan of Record for this lot does not show the 100' buffer zone delineation to the Bordering Vegetated Wetlands across the street, but the site is partially in the buffer zone. J. Hartley moved to close the hearing; J. Mendes seconded; voted unanimously. J. Mendes moved to issue a Negative Determination for Box #3 (buffer zone); F. Germano seconded; voted unanimously.

The Commission discussed Paul S. Anesti, Jr.'s request for a Certificate of Compliance for his new house at 965 Point Road (SE41-928). D. Drake explained that Norbert DeMello sold this lot to Steven Nye, who was issued an Order of Conditions to construct a house there. Mr. Nye sold the empty lot to a builder, Bill Bachant, who built the house and sold it to the present owner, Paul Anesti Jr. Mr. Anesti didn't know there was an outstanding Order of Conditions on his property until he was unable to refinance his mortgage and could not, because of this lien. The firm that supposedly did a title search when Mr. Anesti was buying the house was contacted and agreed to pay for all costs necessary to get a full Certificate of Compliance. G.A.F. quickly viewed the site and requested a Certificate of Compliance. A site inspection done on March 15, 2003 showed the required drywells had not been installed. The title search firm told the builder to install the drywells. The builder said he was very busy but would get to it a.s.a.p. Another site inspection will be done in two weeks.

S. Briggs joined the meeting at 7:10 PM.

7:10 PM **MICHAEL D. CARLOZZI** – RFD (41D-1134) to construct a 20' x 40' in-ground swimming pool at 120 Bullivant Farm Road. Norry Alves of Dartmouth Pools and Spas represented Mr. Carlozzi and described the proposed work. J. Hartley questioned the wetland flagging and discussed the Rivers Protection Act which applies to this property. S. Briggs asked if the pool could be turned sideways so that it doesn't extend as far toward the shore; N. Alves said the way it is shown now requires the least amount of fill. J. Mendes moved to close the hearing; S. Briggs seconded; voted by majority with F. Germano not voting.

7:20 PM **KEVIN McCLURG** – NOI (SE41-980) to upgrade a septic system at 30 Abel's Way. Mr. McClurg was present with his representative, David Davignon of N. Douglas Schneider, Inc. D. Davignon said the existing septic tank will be pumped dry and filled with sand, and the existing leaching field will be abandoned in place. He said a new F.A.S.T. system septic tank, pump chamber and leaching field will be installed, and the finish grade will be 18"-24" higher than the existing grade. He said all excavated material will be removed from the site and clean fill will be brought in. J. Hartley said wetland flags 110, 111 and 112 are missing and need to be replaced before work begins; D. Davignon said James Walsh of Westport did the flagging, and the missing flags will be replaced. J. Mendes moved to close the hearing; S. Briggs seconded; voted by majority with F. Germano not voting.

7:30 PM **THOMAS GELSON** – RFD (41D-1136) to construct a new driveway and barn at 1 Pasture Lane. Thomas Gelson was present. J. Hartley said the proposed paddock is right up against the wetland line, and the new driveway location is not clear. T. Gelson said the driveway will be 35'-40' away from the wetlands, on the other side of the holly tree. T. Gelson said a silt fence will be installed along the road. S. Briggs suggested T. Gelson install the silt fence now, and then the Commission could view the site. J. Mendes moved to close the hearing; S. Briggs seconded; voted by majority with F. Germano not voting.

A complaint has been received of possible violations taking place in the wetlands behind David Parson's house at 85 Quail's Crossing Road. S. Briggs viewed the site today and said three or four oak trees had been removed in the Rollies' yard, not Parson's yard.

7:40 PM **THOMAS COOPER** – Appointment for discussion regarding the need for a permanent barrier 10' upland of the retention pond at Lot 81B Cove's End Road (SE41-978). Thomas Cooper was present with his representative, Richard Russell. R. Russell said he viewed the site today and the top of the retention pond is at 8'. R. Russell asked if the requested permanent fence could be placed at the edge of the retention pond, rather than 10' upland of the pond, so that the house will have at least a little bit of a back yard. S. Briggs said retention ponds can be maintained under The Act; R. Russell agreed. F. Germano said the retention area has not been maintained so far, and contains cattails, red maples and other wetland plants. T. Cooper said the Order of Conditions (SE41-710) and the plan of record for the house built on the abutting lot, that has the other half of the retention pond, only required a hay bale line, not a permanent

barrier. S. Briggs said a fence might get in the way of the D.P.W. when cleaning the pond, and there is an easement from the road to the pond which cannot be blocked. J. Mendes said she would vote to let the fence be put right against the retention area at elevation 8'. R. Russell said the pond is a manmade structure for road drainage, and not a wetland under The Act. S. Briggs said the retention pond has no outlet, so it isn't a wetland. R. Russell said a split rail fence is a good idea to delineate the do-not-touch area. As the Order of Conditions has not yet been issued, S. Briggs moved to amend the draft Order of Conditions to install a permanent split rail fence or a permanent vegetated barrier along the top of the bank of the retention pond, at elevation 8'; J. Mendes seconded; voted by majority with J. Hartley abstaining.

J. Hartley moved to issue a Duplicate Original Extension Permit for upgrading a septic system and constructing an addition at 52 Moorings Road (SE41-876); J. Mendes seconded; Voted by majority with S. Briggs abstaining.

J. Hartley moved to issue a Full Certificate of Compliance for Box #1 for John Doran's (Dexter Road Realty Trust) addition, deck and septic system repair at 106 Dexter Road (SE41-948); J. Mendes seconded; voted by majority with F. Germano not voting.

Michael D. Carlozzi's pool project at 106 Bullivant Farm Road (41d-1134) was discussed. J. Hartley said the whole 200' is a resource area to the river, and he feels a N.O.I. filing is required; the other Members agreed. J. Mendes moved to issue a Positive Determination for Boxes 1, 3 and 7; S. Briggs seconded; voted by majority with F. Germano abstaining.

Thomas Gelson's barn and driveway project at 1 Pasture Lane (41D-1136) was discussed. J. Hartley moved to issue a Conditional Negative Determination for Box #3 (buffer zone) with the following conditions: (1) prior to construction, the wetland line shall be reflagged; (2) prior to construction, the Conservation Commission shall inspect the silt fence and staked locations of the barn and paddock; (3) prior to construction, a silt fence shall be installed 20' from the wetland; and (4) the silt fence shall constitute a limit of work, including the paddock area; S. Briggs seconded; voted by majority with F. Germano not voting.

S. Briggs drafted Kevin McClurg's Order of Conditions (SE41-980) for a septic repair at 30 Abel's Way and moved to issue it as written; J. Mendes seconded; voted by majority with F. Germano not voting.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved June 4, 2003