

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 16, 2003

Members Present: Robert J. Merlino, Chairman
Sherman E. Briggs, Jr., Recording Secretary
Janice M. Mendes, Treasurer
Jeffrey W. Oakes, Member

Members Absent: Joel D. Hartley, Vice Chairman
Horace S. Kenney, Jr., Associate Member
Frank J. Germano, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Kevin W. Forgue, Jocelyn & Matthew Gandolfi, John & Sandra Beck, Douglas Dick, Evelyn & Ernest Correia

Meeting convened at 7:00 PM Wednesday, April 16, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 12, 2003 by J. Oakes and J. Mendes.

7:00 PM **MATTHEW & JOCELYN GANDOLFI** - RFD (41D-1138) to construct a dwelling at Lot 131 Olde Sheepfield Road. Mr. and Mrs. Gandolfi were present and described the project. The site is barely in the 100' buffer zone to wetlands across the road. J. Mendes moved to issue a Negative Determination for Box No. 3; J. Oakes seconded; voted unanimously.

7:10 PM **RICK DeANGELO** – RFD (41D-1139) to repair a septic system at 16 Holly Lane. Kevin Forgue of G.A.F. Engineering represented Mr. DeAngelo and explained that the Commission viewed the site about three years ago to permit the installation of the new septic system. The tank has been damaged and will be pumped and filled with sand. A new tank will be installed beside it. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Box No. 2; J. Mendes seconded; voted unanimously.

Associate Member Frank Germano, Jr. has notified the Selectmen that he does not wish to be reappointed due to health reasons. J. Hartley said he knows of a lawyer that works at D.E.P. that showed an interest in being an associate member, and he will ask him if he is still interested.

7:20 PM **DR. MICHAEL POPITZ** – NOI (SE41-981) to remove willow trees in front of 64 Indian Cove Road and along the road, and replace them with wetland shrubs such as elderberry or swamp azalea. This filing is in response to a Positive Determination of

Applicability (41D-1128) for this work. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. J. Oakes drafted an Order of Conditions requiring the shrubs to be balled rather than in pots, planted at a ratio of at least one shrub per tree to be removed. All work by the house is to be done by hand, but a bobcat can be used to remove the trees along the road, with particular care regarding underground utilities. J. Oakes moved to issue the Order as written; R. Merlino seconded; voted unanimously.

7:30 PM **WILLIAM SEMICH** – RFD (41D-1140) to raze an existing garage at 270B Delano Road, and construct a two-story garage in its place. Douglas Dick of LDA Architects represented Mr. Semich and described the proposed work. He said the house is in the Velocity Zone, but the garage is in the AE Flood Zone. He said the new garage will be built in the same location, with the second story an open space with no facilities. J. Oakes said FEMA Regulations do not apply to non-habitable structures. Mr. Dick said the house is now seasonal, but renovations are planned in the future to make it a year-round dwelling. R. Merlino said renovations to the house are limited by the 50% Rule, and a detailed cost estimate by the contractor will be required with that filing. J. Oakes moved to close the hearing; J. Mendes seconded; voted unanimously. S. Briggs moved to issue a Conditional Negative Determination for Box No. 2, with conditions that the structure shall have no living space, and all runoff shall be directed to drywells; J. Mendes seconded; voted unanimously.

7:40 PM **JOHN BECK** – Notice of Intent (SE41-983) to raise the house and deck at 17 River Road 2', and construct a second-story addition with a covered walkway/porch along the front of the two-story section. Mr. and Mrs. Beck were present. The site is in the AE-15 Flood Zone, and is in the Buffer Zone to wetlands. Mr. Beck said the cost estimate for this work is approximately \$150,000, which is why he is raising the house up above elevation 16', to bring it above the flood plain. S Briggs said three cement blocks will be needed to raise the house 2'. Mr. Beck said the house will remain as two bedrooms, even though it has a laundry room. The bedrooms will be on the second floor, and the living room, dining room and laundry room on the first floor. Mr. Beck said the raising will be done from inside, and some excavation may be needed a few feet around the foundation. He said he is concerned that the crushed cesspool might eventually settle, and would like permission to add loam to bring it back to grade. In addition, he would like permission to remove a large tree behind the house. R. Merlino said there is no issue with removing that tree. R. Merlino said a siltation barrier shall be required 15' upland of the wetland line, and will mark the limit of work. Mr. Beck said he would like to add more rocks to the coastal bank to prevent erosion; the Commission said a Notice of Intent will be required for a permit to do that work. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. R. Merlino moved to issue an Order of Conditions allowing the project, with the condition that no fill shall be placed further than 15' from the foundation; S. Briggs seconded; voted unanimously.

J. Oakes moved to issue a Certificate of Compliance to Barbara DeCosta for constructing a gravel driveway from Washburn Park Road to her house in the rear of the property (2 Washburn Park Road) (SE41-531); J. Mendes seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 8:50 PM.

Diane R. Drake, Secretary

Approved June 18, 2003