

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 7, 2003

Members Present: Robert J. Merlino, Chairman
Joel D. Hartley, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Janice M. Mendes, Treasurer
Jeffrey W. Oakes, Member (left at 8:35 PM)

Members Absent: Horace S. Kenney, Jr., Associate Member
Frank J. Germano, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Stephen Kelleher, William Koss, Richard S. Russell, Norry K. Alves, Elizabeth S. Dunn, Brian P. Dunn, Gregory Koss, Susan Nilson, Richard Dix

Meeting convened at 7:00 PM Wednesday, May 7, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 3, 2003 by R. Merlino, J. Hartley, J. Mendes and J. Oakes.

7:00 PM **ROGER G. REISER** - NOI (SE41-982) to repair an existing licensed pier at 43 Piney Point Road by reforming all stone and concrete abutments. Richard S. Russell represented Mr. Reiser and described the proposed work. He said the footprint will be the same as that licensed in 1992. R. Russell said concrete forms will be set in place and concrete pumped into the forms from in front of the house. R. Russell said the entire pier is out of water at low tide, and work will be done at that time. He said no stones will be removed, and rebar will be used. R. Russell asked the Commission to include in the Order a special condition requiring the contractor to speak or meet with the Commission prior to beginning the work. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

7:10 PM **MICHAEL D. CARLOZZI** - NOI (SE41-984) to construct a 20' x 40' in-ground swimming pool at 120 Bullivant Farm Road. Richard S. Russell represented Mr. Carozzi. Also present was Norry Alves of Dartmouth Pools and Spas, the pool installer. R. Russell said Mr. Carozzi prefers to construct the pool as shown on the plan, but would consider changing the direction for the length of the pool from east-west to north-south. The pool as proposed will be 140' from the pool to the river's edge. The flags in the field match the flags on the original plan of record for constructing the house. R. Merlino and J. Oakes said it appears that a 10'-wide swath of marsh has been filled. R. Russell said the Rivers Protection Act does not apply because the house was built in 1991, prior to the creation of the Rivers Protection Act. R. Merlino said the pool does meet the Rivers Protection Act requirements. R. Russell said a soil analysis would probably show that a

few inches of sand has been placed on top of the marsh. R. Merlino said he would prefer to address this discrepancy as a condition of this order for the pool, rather than with an Enforcement Order. R. Russell agreed to continue the hearing for two weeks so that he can do a soil analysis. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:00 PM May 21, 2003; J. Hartley seconded; voted unanimously.

7:35 PM **BRIAN P. DUNN** – RFD (41D-1141) to construct a 16' x 30' addition on the north side of the workshop at 669 Front Street. Brian Dunn was present with his Mother, Elizabeth Dunn. B. Dunn said he would like to use three tiers (1-1/2' to 2') of logs filled with stone and rock for the foundation. J. Oakes asked B. Dunn to place bean poles or stakes with the wetland flag numbers as shown on the plan, and the Determination could be issued tonight with that condition. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes moved to issue a Conditional Negative Determination for Box No. 3, with the condition that the wetland flags shall be staked as shown on the plan prior to construction; J. Hartley seconded; voted unanimously.

7:45 PM **GREGORY KOSS** – Appointment for discussion regarding rebuilding the house at 32 Beach Street (SE41-676). Gregory Koss was present with his Father, William Koss, and Architect, Stephen Kelleher. W. Koss said he would like to rebuild the house, which was destroyed in a fire and razed, on the same footprint under a third Amended Order of Conditions, rather than under a new Notice of Intent filing. W. Koss said the existing columns are 11" below F.E.M.A.'s newer height of VE-17, and he thinks F.E.M.A. will approve rebuilding the house on the existing pilings. W. Koss said the insurance company requires the new house to be built within two years. R. Merlino said the Wetland Regulations do not address this type of situation, and explained that Amendments can only be issued for changes of a minor nature. W. Koss said the house will be built in accordance with Town Bylaw 615. R. Merlino said he believes the house will have to be constructed on pilings 11" higher than before. S. Kelleher said raising the pillars would require removing 2' of the columns and repouring them, which would require heavy equipment and mats on the site, which would be detrimental to the wetlands. The Members agreed that a new Notice of Intent should be filed for rebuilding the house, and the old Order will stay in effect for the wetland replication. William and Gregory Koss agreed to submit a Notice of Intent for a hearing on May 21, 2003. S. Briggs did not participate in the discussion.

8:10 PM **THE KITTANSETT CLUB** – Appointment for discussion with Susan Nilson of C.L.E. Engineering regarding the cutting of phragmites by the clubhouse parking lot at 11 Point Road. J. Oakes left the room. S. Nilson said the cutting that had been done will be included in a future Notice of Intent for reconstructing the parking lots. J. Oakes returned.

Appointment for discussion with **RICHARD DIX** regarding the Enforcement Order on his River Road property (41D-843). Richard Dix was present with his children, and said the stone wall is in place, and some of the grass has grown in. R. Merlino asked R. Dix to notify the Conservation Commission when he is ready for a site inspection.

J. Oakes left the meeting at 8:35 PM.

R. Merlino drafted Roger Reiser's Order of Conditions (SE41-982) and moved to issue it as written; J. Mendes seconded; voted unanimously.

J. Mendes moved to ratify the Emergency Certification Permit that was issued to Gregory Koss to demolish the house; J. Hartley seconded; voted by majority with S. Briggs abstaining.

Reorganization was discussed. J. Hartley moved to have J. Oakes become Chairman, and if he declines this position, then ask R. Merlino to continue as Chairman. R. Merlino said he would accept being Chairman for one more year. J. Mendes seconded; voted unanimously. J. Hartley said he would remain as Vice Chairman, unless J. Oakes would like that position. It was voted to have J. Mendes remain as Treasurer, and S. Briggs remain as Recording Secretary.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved August 6, 2003