

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 21, 2003

Members Present: Robert J. Merlino, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary (absent from
7:00 PM to 7:15 PM)
Janice M. Mendes, Treasurer
Joel D. Hartley, Member

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

Secretary: Diane R. Drake

Others Present: Richard S. Russell, Michael Thompson, William & Gregory Koss,
William Wareham, Julie Winters, Stephen Kelleher.

Meeting convened at 7:00 PM Wednesday, May 21, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 17, 2003 by J. Mendes, J. Hartley and J. Oakes. R. Merlino visited the sites on Monday, May 19, 2003.

On Tuesday, May 20, 2003 the Marion Board of Selectmen voted to reappoint Members R. Merlino and S. Briggs, and Associate Member H. Kenney, Jr. for three-year terms ending May 31, 2006. F. Germano, by letter to the Board of Selectmen, explained that he did not wish to be reappointed as an Associate Member due to health reasons.

7:02 PM **MICHAEL D. CARLOZZI** - NOI (SE41-984) to construct an in-ground swimming pool at 120 Bullivant Farm Road (continued). Richard Russell and Michael Thompson represented Mr. Carlozzi. R. Russell said he did soil samples, and the marsh has not been filled. M. Thompson explained that drawings for the last three projects at this site were at 30 scale, 40 scale and 50 scale, and the wrong scale had been used on the plan for this project, which in turn affected the wetland line and the buffer zone shown on this plan. M. Thompson said the revised plan corrects that error. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

Discussion followed regarding a Certificate of Compliance for Donald Acher's new dwelling and tight tank at 65 Dexter Road. A site inspection was held on May 17, 2003, to verify that the walls under the house are breakaway as required by F.E.M.A. regulations. Mr. Acher told the Commissioners that he wanted to add loam. The Commission decided to hold off issuing a full Certificate of Compliance until the site is revegetated.

S. Briggs joined the meeting at 7:15 PM.

An Enforcement Order had been issued to Richard Dix of 9 River Road for (1) clearing vegetation and piling brush and woodchips in a wetland; and (2) stockpiling loam in a wetland (41D-843). A site inspection was held on May 17, 2003 in response to Mr. Dix's request to lift the Enforcement Order. Stone walls had been built, apparently to delineate the property lines between Gilda's Stone Rooster and his property. It was decided not to lift the E.O. at this time.

7:17 PM **GREGORY W. & ELIZABETH L. KOSS** – NOI (SE41-987) to reconstruct a house at 32 Beach Street which had been destroyed by fire. Gregory Koss was present with his Father, William Koss, and Architect, Stephen Kelleher. S. Kelleher said they would like to rebuild the house on the present foundation, and is having Michael Thompson survey the site to establish the Velocity Zone elevation baseline, which may differ from the old Velocity Zone elevation line when the house was built. S. Kelleher said if F.E.M.A. forces them to raise the foundation, the present foundation's box girder can be cut off and placed on top of the columns, which would raise the bottom of the lowest structural member by 13", thus making it is compliance with the newer F.E.M.A. regulations. S. Kelleher said the height of the new dwelling will not change at all. The previous Order of Conditions for the additions and the replication (SE41-676) will continue until the replication area is established. G. Koss said the Notice of Intent for the original house was submitted in 1987, and his occupancy permit was in 1989, which precedes the Commission's 15' no-disturb policy standard. An abutter, Beverly Wareham, asked if the new house would continue to be a two-family dwelling; R. Merlino said that is a Building Department issue, not a Conservation Commission issue. J. Oakes suggested conditioning the Order of Conditions to allow work to begin as shown on the Plan of Record, and if F.E.M.A. mandates that the house must be raised, then a new/revised Plan of Record shall be submitted to the Conservation Commission at that time. J. Mendes moved to close the hearing; J. Hartley seconded; voted by majority with S. Briggs not participating in the discussion and vote.

A complaint has been received that Joseph Cavallo of 279 Delano Road may be filling in wetlands. A site inspection was held on May 4, 2004 with Mr. Cavallo. A huge pile of brush has been piled on the edge of the wetlands there, in the no-touch zone, and fill has been added to make a road to the tennis court. S. Briggs said he graded the tennis court 17 years ago, and the unvegetated (now filled) area may be due to the septic system repair within the last few years. S. Briggs said he will speak with Mr. Cavallo and ask him to remove the brush pile and stop stacking brush there.

J. Hartley drafted Michael D. Carlozzi's Order of Conditions (SE41-984) for a swimming pool at 120 Bullivant Farm Road, and moved to issue it as written; J. Mendes seconded; voted unanimously.

The Commission approved the purchase of six nameplates for the Commission Members, to be paid from the Town's office supplies account.

J. Mendes moved to issue a three-year Extension Permit for Gregory Koss's Order of Conditions (SE41-676) for wetlands replication at 32 Beach Street; J. Hartley seconded; voted by majority with S. Briggs abstaining.

J. Hartley moved to issue Duplicate Original Certificates of Compliance for Barbara DeCosta's driveway and logging Orders of Conditions (SE41-529 & SE41-531), which the Plymouth Registry of Deeds has misplaced; J. Mendes seconded; voted unanimously.

J. Oakes drafted Gregory Koss's Order of Conditions (SE41-987) for rebuilding the house at 32 Beach Street, and moved to issue it as written; J. Mendes seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 8:38 PM.

Diane R. Drake, Secretary

Approved February 18, 2004