

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JUNE 4, 2003

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

Members Absent: Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Sharon Wilson, Richard S. Russell, William Madden, Norry K. Alves, Paula & Jeffrey Tosca, Joseph Webster, Joseph Zora Jr., David Davignon, Dyan & Steve Wyman, Arthur & Matthew Wetmore.

Meeting convened at 7:00 PM Wednesday, June 4, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 31, 2003, 2003 by R. Merlino, J. Oakes and J. Hartley.

7:00 PM **JANIE COOLIDGE** – RFD (41D-1143) for rebuilding a deck and landscaping at 604E Point Road. Richard Russell represented Ms. Coolidge. Also present was Ms. Coolidge's landscape designer, Sharon Wilson. The site is in the buffer zone to wetlands. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously.

The following minutes were unanimously approved as written:

- (1) December 18, 2002 (J. Hartley moved, J. Mendes seconded);
- (2) January 15, 2003 (J. Hartley moved, J. Mendes seconded);
- (3) February 5, 2003 (J. Hartley moved, J. Mendes seconded);
- (4) February 19, 2003 (R. Merlino moved, J. Mendes seconded);
- (5) March 5, 2003 (J. Mendes moved, J. Hartley seconded); and
- (6) March 19, 2003 (J. Hartley moved, J. Mendes seconded).

7:10 PM **ZORA ENTERPRISES, INC.** – NOI (SE41-986) to construct a new dwelling on Lot 5 Olde Sheepfield Road. Joseph Zora, Jr. was present with his engineer, William Madden of G.A.F. Engineering, Inc. R. Merlino said the Commission disagrees with the wetland line on this lot, approved by Superseding Order of Conditions SE41-400. W. Madden said these lots were created in 1987, prior to the Rivers Protection Act, and he will obtain a plan of the subdivision showing when it was recorded. R. Merlino said the house meets the criteria of the Commission's Policy Standards, and a permanent split-rail

fence is proposed. The only issues are the wetland line and proof of the subdivision's date of recording. J. Mendes moved to continue the hearing, with the Applicant's consent, to June 18, 2003 at 8:00 PM; J. Hartley seconded; voted unanimously.

7:25 PM **ZORA ENTERPRISES, INC.** NOI (SE41-985) to construct a new dwelling on Lot 125 Olde Sheepfield Road. Joseph Zora, Jr. was present with his Engineer, William Madden of G.A.F. Engineering, Inc. A permanent fence is proposed on this lot. J. Oakes and R. Merlino said they disagree with this wetland line, as well. J. Hartley said he would like the wetland flags to be put back in position; W. Madden said that will be done. R. Merlino said the only issues on this lot are the wetland line and proof of the subdivision's date of recording. J. Mendes moved to continue the hearing, with the Applicant's consent, to 8:05 PM June 18, 2003; J. Hartley seconded; voted unanimously.

7:30 PM **ZORA ENTERPRISES, INC.** – RFD (41D-1142) to construct a new dwelling on Lot 126 Olde Sheepfield Road. Joseph Zora, Jr. was present with his Engineer, William Madden of G.A.F. Engineering, Inc. R. Merlino asked why the buffer zone delineation does not follow the wetland line delineation; W. Madden said he did not know and will check on that. J. Oakes questioned whether this project could be allowed under a Request for a Determination of Applicability, even though there is no work proposed in the 100' inner riparian zone to the stream. J. Oakes said the 20% clearing limit might not apply because this lot was created prior to the Rivers Protection Act. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Hartley moved to issue a Positive Determination for Boxes 3 and 7A; J. Mendes seconded; voted unanimously.

7:40 PM **JOSEPH V. WEBSTER** – Amendment (SE41-861) to reflect new applicants, a revised house footprint, driveway and grading, and to construct a boulder retaining wall at Lot 20A Cross Neck Road. Joseph Webster was present with his Daughter and Son-In-Law, Paula and Jeffrey Tosca. David Davignon of N. Douglas Schneider & Associates, Inc. represented Mr. Webster and described the proposed changes to the project. He said this subdivision was created in 1995, prior to the Commission's Policy Standard #1, and is therefore exempt from it. R. Merlino asked that the retaining wall be continued to wetland flag #1; D. Davignon agreed to do that. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:52 PM **ARTHUR WETMORE** – RFD (41D-1144) to replace an 18' x 36' above-ground swimming pool at 10 Puckerbush Lane with an 18' x 36' in-ground swimming pool in the same location. Norry Alves of Dartmouth Pools and Spas represented Mr. Wetmore, who was also present with his son Matthew. The house was built in 1983. R. Merlino said the edge of the lawn is the edge of the wetlands. Mr. Wetmore said he would like the chain link fence to be installed outside of the boulder line, because the Board of Health may not consider the fence to be 6' high if the boulders are along the outside of the fence. Mr. Alves said all the excavated material (except the boulders and the fill needed for backfilling) will be taken off the site. Mr. Wetmore said he would like to place a line of boulders along the fence by the woods, and said no material will be placed outside the fenced-in area. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

J. Hartley drafted Joseph V. Webster's Amended Order of Conditions (SE41-861), and included the Commission's 15' no-disturb requirement because this is an undeveloped lot. J. Hartley moved to issue the Order as written; J. Oakes seconded; voted unanimously.

J. Hartley moved to issue a Negative Box #3 Determination for Janie Coolidge's landscaping/deck project at 604E Point Road (41D-1143); J. Oakes seconded; voted unanimously.

J. Hartley moved to issue a three-year Extension Permit for Lars Olson's new dwelling project at 1 Shore Drive (SE41-904); J. Oakes seconded; voted unanimously.

J. Oakes moved to issue a Conditional Negative Determination for Box #3 to Arthur Wetmore (41D-1144) for his swimming pool project at 10 Puckerbush Lane, with conditions requiring all extra materials to be removed from the site, and the chain link fence as a delineation of the limit-of-work area; J. Hartley seconded; voted unanimously.

M.A.C.C.'s annual dues have increased 58%, from \$125.00 to \$215.00. Treasurer J. Mendes said the newsletter is available online, and moved to not pay this invoice; the motion was not seconded. R. Merlino moved to support M.A.C.C. and pay the \$215.00 annual dues invoice; J. Hartley seconded; voted by majority with J. Mendes voting against, and signing the requisition for payment form under protest.

The Commission discussed Shirley Miller's request for a Certificate of Compliance for constructing her former home and septic system at 93 Converse Road (SE41-585). The site inspection showed that the downspouts are now in place, but the new owner was in the process of constructing two substantial decks in the buffer zone to wetlands, and also in the flood plain. The Commission decided not to issue the Certificate of Compliance at this time, and send a letter instructing the new owner to file a Request for a Determination of Applicability for the two decks.

Meeting adjourned at 9:00 PM.

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Diane R. Drake, Secretary

Approved February 18, 2004