

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JUNE 18, 2003

Members Present: Robert J. Merlino, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Janice M. Mendes, Treasurer  
Joel D. Hartley, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary  
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Hew Russell, Mark G. Patroliia, Dottie Drolett, Irene Young, Kevin W. Forgue, Joseph Zora Jr.

Meeting convened at 7:00 PM Wednesday, June 18, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Monday, June 16, 2003 by R. Merlino and J. Mendes.

7:00 PM Mail was reviewed.

7:10 PM **DR. HENNING GAISSERT AND DR. LUCY YOUNG** - RFD (41D-1145) to remove a single-story elevated dwelling at Zora Road and Front Street, and construct a two-story elevated dwelling in the same footprint on the existing pilings. Dr. Gaissert and Dr. Young were present and said the existing foundation will be reused. The house is in the AE flood zone with the top of foundation at 20.33'. The ground elevation is at 12', which means there is 23' of height to work with and still keep the structure below the 35' limit set by the Building Department. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Box #2; J. Mendes seconded; voted unanimously.

7:20 PM **GILDA PIETRAGALLA (GILDA'S STONE ROOSTER)** – RFD (41D-1146) to replace a cesspool at 27 Wareham Street with a septic system. Kevin Forgue of G.A.F. Engineering, Inc. represented Ms. Pietragalla and said there is a single cesspool 20' from the wetlands at the rear of the building. He said that cesspool will be replaced by a Title 5 septic system constructed west of the building, with a leaching field in front of the building. K. Forgue said no work is proposed behind the building, other than filling the cesspool. K. Forgue said there will be 1600 feet of alteration in the buffer zone in front of the building, due to backfilling, and there will be very little stockpiling of materials at the site during the project. K. Forgue said a Request for a Determination of Applicability was filed because the project meets D.E.P.'s requirements for work in a Buffer Zone. K. Forgue said a portion of the paved parking area is on abutter Richard Dix's property, but a line of boulders has been

placed to prevent parking on that property. K. Forgue said the leaching field will be paved over. J. Hartley requested the hay bale line to be moved in an additional four feet; K. Forgue said that will not be a problem. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Hartley moved to issue a Conditional Negative Determination for Box #3, with a Condition that the hay bales be placed at least 5' further away from the wetlands; J. Mendes seconded; voted unanimously.

7:30 PM **STEVEN GORMLEY** – NOI (SE41-990) to construct a float system and perform dredging at 1A Main Street. The Applicant's agent, CLE Engineering, Inc., has requested a continuation. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:11 PM July 2, 2003; J. Hartley seconded; voted by majority with J. Oakes abstaining.

7:40 PM **ISLAND WHARF ROAD, LLC** – NOI (SE41-988) to expand and reconfigure a float system and perform dredging at 2 Island Wharf Road. The Applicant's agent, CLE Engineering, Inc., has requested a continuation. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:10 PM July 2, 2003; J. Hartley seconded; voted by majority with J. Oakes abstaining.

7:50 PM **ISLAND WHARF ROAD, LLC** – NOI (SE41-989) to place dredge spoils in two stockpiles at 35 Benson Brook Road. The Applicant's agent, CLE Engineering, Inc., has requested a continuation. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:20 PM July 2, 2003; J. Hartley seconded; voted by majority with J. Oakes abstaining.

R. Merlino moved to issue a Full Certificate of Compliance for Shirley Miller's house at 93 Moorings Road (SE41-585); J. Mendes seconded; voted unanimously. Lawrence Dorman, the new owner of this property, has filed a Request for a Determination of Applicability (41D-1147) for the decks that are in the process of being built there. That hearing will be on July 2, 2003.

J. Oakes moved to accept the April 2, 2003 minutes as corrected; J. Mendes seconded; voted unanimously.

J. Oakes moved to accept the April 16, 2003 minutes as written; J. Mendes seconded; voted unanimously.

8:00 PM **ZORA ENTERPRISES, INC.** – NOI (SE41-986) to construct a single-family dwelling at Lot 5 Olde Sheepfield Road (continued). Joseph Zora, Jr. was present with his Engineer, Kevin Forgue of G.A.F. Engineering, Inc. K. Forgue said the subdivision plans were recorded at the Plymouth County Registry of Deeds in 1989, well before the Rivers Protection Act went into effect. K. Forgue said the approved wetland lines for the subdivision, shown on the Plans of Record for Superseding Order of Conditions SE41-400, is valid through December 3, 2003. K. Forgue said the proposed house is situated in the best location to provide the minimum impact to the stream. J. Hartley said he thought the wetland flags were to be replaced, and the Commission was to conduct another site

inspection when that was done. J. Zora, Jr. said he was under the impression the flags needed to be replaced prior to work beginning. R. Merlino and J. Oakes preferred to close the hearing tonight, do another site inspection on June 28, 2003, and write the Order of Conditions at the July 2, 2003 meeting. K. Forgue said the flags would be replaced by June 28, 2003. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

8:12 PM **ZORA ENTERPRISES, INC.** – NOI (SE41-985) to construct a single-family dwelling at Lot 125 Olde Sheepfield Road (continued). Joseph Zora, Jr. was present with his Engineer, Kevin Forgue of G.A.F. Engineering, Inc. Other than the two issues discussed in the previous hearing, K. Forgue said grading is the only impact to the inner riparian zone on this lot. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

8:25 PM **ZORA ENTERPRISES, INC.** – NOI (D.E.P. File Number not received yet) to construct a single-family dwelling at Lot 126 Olde Sheepfield Road. Joseph Zora, Jr. was present with his Engineer, Kevin Forgue of G.A.F. Engineering, Inc. This filing is due to this project receiving a Positive Determination. Natural Heritage's comments for this project have not yet been received, but will probably require a 25' setback from the wetlands as was required in the last two filings, to protect habitat for the eastern box turtles in that area. Due to the lack of a D.E.P. file number, J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:30 PM July 2, 2003; J. Hartley seconded; voted unanimously.

Scott Cowell's application for an aquaculture farm at the entrance to Sprague's Cove was discussed. The Selectmen have requested comments by July 1, 2003. A letter with the Commission's comments will be given to the Town Administrator prior to that date.

Meeting adjourned at 9:00 PM.

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Diane R. Drake, Secretary

Approved February 18, 2004