

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JULY 2, 2003

Members Present: Robert J. Merlino, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary (absent from  
7:00 PM to 7:40 PM)  
Janice M. Mendes, Treasurer  
Joel D. Hartley, Member

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

Secretary: Diane R. Drake

Others Present: Frederick & Carol Coulson, Susan Nilson, Kevin Snow, Lori Lefevre.

Meeting convened at 7:00 PM Wednesday, July 2, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 28, 2003 by R. Merlino, J. Mendes, J. Hartley and J. Oakes.

7:00 PM **LAWRENCE DORMAN** - RFD (41D-1147) to construct an open deck at 93 Moorings Road. No one represented Mr. Dorman. The deck is in the flood plain and in the buffer zone to wetlands. This is an after-the-fact filing. J. Hartley moved to close the hearing; J. Mendes seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Boxes 2 and 3; S. Briggs seconded; voted unanimously J. Oakes left the room.

7:15 PM **ISLAND WHARF ROAD, LLC** – NOI (SE41-988) for dredging and float expansion/reconfiguration at 2 Island Wharf Road (continued) and **STEVEN GORMLEY** – NOI (SE41-990) for dredging and a float system at 1A Main Street (continued). Frederick and Carol Coulson were present with their Engineer, Susan Nilson. Marion Shellfish Officer Kevin Snow was present to say that he and Harbormaster Charles Bradley were basically in favor of both projects with the comments submitted by both of them. S. Nilson described the projects and discussed the Harbormaster's memo to the Selectmen regarding these projects. She submitted revised plans incorporating the suggested changes. She said the dredging will be done by clamshell and placed on the barge. S. Nilson said the spoils will not be dewatered. F. Coulson said the dredging will take two years to complete, but the rest of the project is planned for this fall. S. Nilson said Steven Gormley's dredging (600 cubic yards) will be done first, and will be done the same way the last projects were done. F. Coulson said he will do all the work himself. S. Nilson said some dredge spoils may have to be dewatered on site, but a silt fence or haybales will be used on land. K. Snow said the only shellfish present at the site is a small bed of oysters in the very corner of

Island Wharf. J. Mendes moved to close both hearings; J. Hartley seconded; voted unanimously.

7:35 PM **ISLAND WHARF ROAD, LLC** – NOI (SE41-989) to place dredge spoils in two stockpiles at 35 Benson Brook Road (continued). J. Oakes was not present. Frederick and Carol Coulson were present with their Engineer, Susan Nilson of CLE Engineering. S. Nilson said she compared the dredge spoils with the thresholds for hazardous waste, submitted a chart of sample results, and determined the spoils are below the thresholds except for conductivity, which should become less after dewatering. S. Nilson said she met with Department of Public Works Superintendent Robert Zora on July 1, 2003 to see if there are to be new wells in the area, and was told that none are proposed. She said the intent is not to leave the spoils there indefinitely; the Coulsons plan to mix it with loam and use it elsewhere. J. Hartley would like the dredge piles to be at a three-to-one slope. S. Nilson said a berm is proposed completely around the stockpiles to prevent runoff. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes returned to the room.

S. Briggs joined the meeting at 7:40 PM.

7:50 PM **ZORA ENTERPRISES, INC.** – NOI (D.E.P. file number not yet received) – to construct a single-family dwelling at Lot 126 Olde Sheepfield Road (continued). This hearing had been continued due to the lack of a D.E.P. file number and Natural Heritage's comments, both of which still have not been received. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:00 PM July 16, 2003; J. Hartley seconded; voted unanimously.

7:58 PM **LORI LEFEVRE** – RFD (41D-1148) to construct a 24' x 24' two-story attached garage at 17 Giffords Corner Road. Ms. Lefevre was present. The work will only be in the buffer zone to wetlands. A special permit from the Zoning Board of Appeals will be required for the side setback. J. Mendes moved to close the hearing; S. Briggs seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Box #3; J. Mendes seconded; voted unanimously.

J. Oakes drafted the Order of Conditions for constructing a house on Lot 5 Olde Sheepfield Road (SE41-986). Natural Heritage recommends a 25' setback from the brook for Eastern Box Turtle habitat, and the Rivers Protection Act requires maintaining a vegetated buffer zone as well. J. Oakes would also like to send a letter to Elizabeth Kouloheras at D.E.P. in Lakeville regarding the incorrect wetland lines on the lot, and attach a copy of his D.E.P. B.V.W. Delineation Field Data Form which shows the proposed house will be located in a B.V.W. J. Oakes moved to issue the Order and letter as written; S. Briggs seconded; voted unanimously.

J. Hartley drafted the Order of Conditions for Island Wharf Road, LLC's dredge spoils project at 35 Benson Brook Road (SE41-989) and moved to issue it as written; S. Briggs seconded; voted by majority with J. Oakes abstaining.

J. Oakes drafted the Order of Conditions for Zora Enterprises, Inc. to construct a house on Lot 125 Olde Sheepfield Road (SE41-985) and moved to issue it as written; J. Hartley seconded; voted unanimously.

R. Merlino drafted the Order of Conditions for Island Wharf Road, LLC's dredging and float expansion/reconfiguration project at 2 Island Wharf Road (SE41-988), and moved to issue it as written; S. Briggs seconded; voted by majority with J. Oakes abstaining.

J. Mendes drafted the Order of Conditions for Steven Gormley's dredging and float system project at 1A Main Street (SE41-990) and moved to issue it as written; J. Hartley seconded; voted by majority with J. Oakes abstaining.

Sherman Briggs's stump dump off County Road was discussed. The Trustees of Reservations is taking over the Hiller property abutting S. Briggs's lot, and they are concerned with the possibility of remediation because of the work being done there. A site inspection with R. Merlino, S. Briggs and Stephen Sloan of The Trustees of Reservations will be scheduled.

J. Hartley moved to issue a Duplicate Original Certificate of Compliance for William LaPierre's addition to the house at 32 Oakdale Avenue (SE41-875); J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit for AnnMarie Levins's and Linda Severin's Order of Conditions (SE41-911) to add beach sand at 53 Dexter Road, Dexter Beach; J. Hartley seconded; voted unanimously.

R. Merlino moved to cancel the Commission's regularly-scheduled meeting on September 3, 2003 due to quorum problems; J. Hartley seconded; voted unanimously.

Meeting adjourned at 9:10 PM.

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Diane R. Drake, Secretary

Approved February 18, 2004