

FINAL

**MARION CONSERVATION COMMISSION**  
**MINUTES OF THE REGULAR MEETING HELD ON JULY 16, 2003**

Members Present: Robert J. Merlino, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary (absent from  
7:00 PM to 7:30 PM)  
Janice M. Mendes, Treasurer  
Joel D. Hartley, Member (absent from 7:00 PM to 7:10 PM)

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

Secretary: Diane R. Drake

Others Present: Brian Grady, William McConnell, John Beck, Dwight Dunk.

Meeting convened at 7:00 PM Wednesday, July 16, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 12, 2003 by R. Merlino, J. Oakes, J. Mendes and J. Hartley.

7:00 PM **ZORA ENTERPRISES, INC.** - NOI (SE41-992) to construct a single-family dwelling at Lot 126 Olde Sheepfield Road (continued). The D.E.P. file number has been received. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously.

7:10 PM **WHIMSEY REALTY TRUST** – Amendment to an Order of Conditions (SE41-975) to rebuild a deck and construct an addition at the rear of the dwelling at 59 East Avenue, Planting Island. The Amendment is to increase the scope of work to include a new septic system. Brian Grady of G.A.F. Engineering represented the Trust and said he did not know why the Board of Health wanted a new septic system. R. Merlino said he would like hay bales to be placed along Everest Road, in the area of the work, because the land is so steep there; B. Grady said that will be done. B. Grady said one cesspool and its contaminated soil will be removed, and the other cesspool will be crushed and filled in place. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. R. Merlino moved to issue the Amended Order of Conditions with the condition that a line of haybales will be placed along Everest Road; J. Oakes seconded; voted unanimously.

7:20 PM **TOWN OF MARION** – NOI (SE41-991) to replace the effluent pipe from the Benson Brook Wastewater Plant cross country to the former chlorination station on Mill Street (Route 6). J. Oakes left the room. William McConnell and Dwight Dunk of C.D.M. represented the Town and explained the project. W. McConnell said the purpose of this project is to increase the size of the pipe, using the pipe-bursting method: a gas-powered pneumatic ram is pulled from one manhole to another, pulling a larger pipe behind it. A 10' x 12' opening is needed at the manholes, which will be rebuilt, so as to have enough room for the machinery and pipe. He said the ram does two feet per minute, and there is 3,300 feet to be done, so the project should take a few months to

complete. D. Dunk said there are eight to ten manholes in wetlands, but replacing the pipe this way is less invasive environmentally than trenching would be. The work is to take place in the summer of 2004, when flow is at the minimum, because the flow will have to be shut off while each section of pipe is replaced. J. Hartley asked how the wetlands on the easement would be protected; D. Dunk said the wetlands will be dry during the summer. W. McConnell said turbid water will not be discharged into the wetlands; the water will be screened or put in a haybale settling pit. J. Hartley questioned the potential damage to wetlands by vehicles doing the installation; D. Dunk said that is a temporary alteration, and the contractor will be instructed to cut vegetation at ground level, without grubbing. R. Merlino explained that the Commission does not accept plans stamped "for permitting processes only." D. Dunk said the contractor will incorporate the Order of Conditions into the construction plan. J. Hartley said he would like to continue the hearing for further information on the impact of vehicle access and a set of plans without the "for permitting processes only" wording, among other things. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:00 PM August 6, 2003; J. Hartley seconded; voted unanimously.

7:55 PM J. Oakes returned to the room. S. Briggs joined the meeting.

7:56 PM **JOHN BECK** – Appointment for discussion regarding extending a driveway at 17 River Road (SE41-983). Mr. Beck was present and explained that he would like to relocate the hay bale barrier an additional 15' from the house, instead of 15' as specified in the Order of Conditions, and extend the driveway to behind the house for an under-house garage. He said the footprint of the house will not change. S. Briggs said there is no setback requirement for a driveway from the lot line on existing developed lots. Mr. Beck asked if this work would be allowed, and, if so, can it be approved by a letter or by another filing? R. Merlino said Mr. Beck's requests are reasonable, but an Amendment to his Order of Conditions will be required. M. Beck explained that his yard is lower than his neighbors' yards, and it will be no higher than the neighbors' yards after the fill is added. Mr. Beck asked if he could add fill up to the wetland line marked by stones on the site; R. Merlino said no, there is to be no activity within 15 feet of the wetland line.

J. Oakes drafted Zora Enterprises, Inc.'s Order of Conditions (SE41-992) to construct a house at Lot 126 Olde Sheepfield Road and moved to issue it as written; J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a Full Certificate of Compliance for Box #1 for Janice Mendes' pier project at 81 Water Street (SE41-629); S. Briggs seconded; voted by majority with J. Mendes abstaining.

R. Merlino moved to issue a Full Certificate of Compliance for Box #1 for Janice Mendes' house addition at 81 Water Street (SE41-801); J. Hartley seconded; voted by majority with J. Mendes abstaining.

R. Merlino moved to issue a Full Certificate of Compliance for Box #1 for Christian P. Bourg's swimming pool project at 85 Water Street (SE41-100); J. Hartley seconded; voted by majority with J. Mendes abstaining.

R. Merlino moved to issue a Full Certificate of Compliance for Box #1 for Christian P. Bourg's boat ramp project at 85 Water Street (SE41-102); J. Hartley seconded; voted by majority with J. Mendes abstaining.

R. Merlino moved to issue a Certificate of Compliance for Box #3 for Alan L. Minard and Nancy Johnson's new pier at 123 Allens Point Road (SE41-965); J. Hartley seconded; voted unanimously. The Commission's Order of Conditions for this project had been appealed, but the Order was accidentally recorded at the Plymouth Registry of Deeds. Work will be done according to D.E.P.'s Superseding Order of Conditions.

Regarding S. Briggs's stump dump off County Road, R. Merlino explained that Stephen Sloan of The Trustees of Reservations does not want to acquire the land until the culvert/excavating work has been corrected. R. Merlino said there is a lot of sand on the other side of the culvert, which should be removed by hand, and the flume needs to be shored up to stop further siltation. S. Briggs said he addressed the Hiller side of the culvert last Sunday, July 13, 2003, and he can fill it in if the Commission desires, or he can (preferably) submit an after-the-fact filing. R. Merlino said two filings are needed: one for verifying the wetland line and culvert work on S. Briggs's land, and another for the flume and siltation that is taking place on Hiller's land. S. Briggs said the stream dries up in the summer. S. Briggs said he has an 8" plank in place in the flume, and there is no flow going through that channel now. He said he can add another plank when it rains, or put three planks in place to prevent rain runoff. R. Merlino said he would like a Request for a Determination of Applicability to be filed for the Hiller side and wetland line, installation of culvert and cleanup activities as soon as possible. J. Hartley thought a Notice of Intent should be filed for that work. S. Briggs said he can fill in everything, rather than file a Notice of Intent for the work. S. Briggs said the sand pit is allowed under an agricultural exemption. J. Hartley asked where the agriculture was. S. Briggs said it is a bog road, and he uses the sand from the pit for his bogs. R. Merlino recommended issuing an Enforcement Order, which can be lifted by a letter when the work is remediated. R. Merlino drafted an Enforcement Order to S. Briggs for work that was done on his land; J. Mendes suggested a time frame be added. S. Briggs said in three months he can have it revegetated. R. Merlino continued with the Enforcement Order, requiring a Notice of Intent to be filed prior to doing any further work. R. Merlino moved to issue the E.O. as written; J. Hartley seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved February 18, 2004