

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 15, 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: Norman A. Hills, John & Odessa Farnham, Gary & Victoria O'Toole, Elizabeth L. Boyd, Jennifer Hartley, N. Douglas Schneider, George Haley, Debbie Mitchell, Gabriel Houdelette, William F. Madden, Cheryl Walker, Steve Nojeim, Olga Kolcyski, Judith Fasciana, Jay Crowley, Joel Maloney, Will Saltonstall, Kathy Feeney.

Meeting convened at 7:03 PM Wednesday, October 15, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Friday, October 10, 2003 by R. Merlino and J. Oakes, and on Saturday, October 11, 2003 by R. Merlino, J. Hartley, J. Mendes and N. Hills.

7:03 PM **GEORGE A. CHAMBERLAIN III** - RFD (41D-1165) to rebuild a stone concrete apron on the seawall side of the existing seawall at 4 West Drive. N. Douglas Schneider represented Mr. Chamberlain and described the project. He submitted photos of the wall as it exists now. D. Schneider said the area of work is north of the pier, will be the same footprint, and all grouting will be done by hand. J. Mendes moved to close the hearing; J. Hartley seconded; voted by majority with S. Briggs abstaining and not participating. R. Merlino moved to issue a Conditional Negative Determination for Box #2, with the Condition that power grouting is prohibited; J. Mendes seconded; voted by majority with S. Briggs not participating in the discussion or vote.

7:15 PM **GABRIEL HOUDELETTE** – RFD (41D-1161) to construct a 16' x 36' deck on the north side of the house at 8 Olde Meadow Road. William Madden of G.A.F. Engineering, Inc. represented Mr. Houdelette, and explained that the house is being built in compliance with a Superseding Order of Conditions (SE41-938), but Dorothy Blickens of D.E.P. in Lakeville wants the local Conservation Commission to address this deck under this Request for a Determination of Applicability. R. Merlino said the silt fence required in the Order of Conditions is partially down, some erosion has occurred, and after the heavy rain yesterday, there may be much more erosion. W. Madden said he will check the erosion control again and stabilize the site as soon as possible. R. Merlino said there is no problem with the proposed deck. J. Oakes said he would like a letter regarding the lack of

stabilization at the site to be sent to Dorothy Blickens. J. Mendes moved to close the hearing; J. Oakes seconded; voted by majority with S. Briggs not participating in the discussion or vote. R. Merlino moved to issue a Negative Determination for Box #3; J. Mendes seconded; voted by majority with S. Briggs abstaining.

7:25 PM **CHERYL A. WALKER** – RFD (41D-1162) to install a chain link fence at 587 Front Street. J. Hartley left the table. Cheryl Walker was present. Also present were many of her neighbors and abutters. C. Walker said Rick Charon will be at her site on October 28, 2003 regarding her septic system plan, and she will ask him to include the wetland line on the plan. R. Merlino told Mrs. Walker that no further work is to be done within 100' of where she thinks the wetland line is, except for the surveying work; Mrs. Walker agreed that no further work will occur in the wetlands or buffer zone. R. Merlino explained that Richard Charon will need to file a Notice of Intent for the septic system repair, and should include the installation of the fence and clearing brush and trees. An abutter said that further work has been done since Friday. R. Merlino explained to the audience that a Notice of Intent will be filed, and all abutters within 100' of the property line will be notified personally of the hearing date. J. Hartley said the Rivers Protection Act applies to land up to 200 feet from the River, and the River Overlay District may also apply to this site. J. Mendes moved to close the hearing; J. Oakes seconded; voted by majority with S. Briggs not participating in the discussion or vote. J. Oakes moved to issue a Positive Determination for Boxes 1, 3, 4 and 7; J. Mendes seconded; voted by majority with S. Briggs abstaining. J. Hartley returned to the table.

7:50 PM **HOLLY & CHRISTOPHER FORD** – RFD (41D-1156) to determine what resource areas, if any, exist at Lot 85 Card Drive. This hearing was continued from October 1, 2003 at the realtor's request because the flood plain line had not yet been determined and shown on the plan. J. Oakes moved to continue the hearing, with the Applicant's consent, to 8:30 PM November 5, 2003; J. Hartley seconded; voted unanimously.

7:52 PM **KATHLEEN & JAMES FEENEY** – RFD (41D-1164) to remove the building at 166 Front street and construct a new building in its place. Kathleen Feeney was present with her Architect, Will Saltonstall, who described the project and submitted photos of the existing site. W. Saltonstall said the Velocity Zone extends 30' into the property. W. Saltonstall said the new building will be built in accordance with AE 16 flood zone requirements. W. Saltonstall said all roof runoff will be directed to the two leaching areas/swales, one in front of the building and one behind the building. R. Merlino said this is a significant project to be handled under just a Request for a Determination of Applicability. J. Hartley moved to close the hearing; S. Briggs seconded; voted unanimously. R. Merlino moved to issue a Positive Determination for Boxes 1 and 3; J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a Full Certificate of Compliance for Box #1 to Michael and Maria (Frieberger) Higgins for their septic system upgrade at 15 Abel's Way (SE41-951); J. Hartley seconded; voted unanimously.

R. Merlino said he is in favor of M.A.C.C.'s suggestion that Conservation Commissions require the Applicant to submit money to pay for consulting fees, if necessary.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved February 18, 2004