

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 5, 2003

Members Present: Robert J. Merlino, Chairman
Jeffrey W. Oakes, Vice Chairman
Janice M. Mendes, Treasurer (left at 7:45 PM)
Joel D. Hartley, Member
Norman A. Hills, Associate Member

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

Secretary: Diane R. Drake

Others Present: William G. Saltonstall Jr., Sharon Wilson, Margaret A. Ishihara,
Susan Nilson, Carmelo Nicolosi, Neal Balboni, Michael Walker.

Meeting convened at 7:00 PM Wednesday, November 5, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, November 1, 2003 by J. Oakes, J. Hartley and N. Hills.

The Commission welcomed Norman A. Hills as their new Associate Member. He was appointed to the position by the Selectmen on October 21, 2003 to fill the vacancy of Associate Member Frank J. Germano, Jr. who decline reappointment.

7:00 PM **WILLIAM G. SALTONSTALL, JR.** - RFD (41D-1153) to verify the B.V.W. lines, maintain a woods road, maintenance landscaping and percolation tests northeast of 105-111 Allens Point Road (continued). William G. Saltonstall, Jr. was present and said he has not revised the plan to show the altered wetland flags as the marked-up plan was sufficient. W. Saltonstall said the proposed dwelling with be no closer than 30' to a wetland, and he realizes that a Notice of Intent will need to be filed to develop the site. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes moved to issue a Positive Determination for Box 32, and a Negative Determination for Box #3; J. Hartley seconded; voted unanimously.

7:15 PM **MARION SOCIAL CLUB** – RFD (41D-1159) to expand the parking lot at 44 Pumping Station Road (continued). The wetland flags have been placed, but not yet shown on a plan. At the Applicant's request, J. Mendes moved to continue the hearing to 7:00 PM December 3, 2003; J. Hartley seconded; voted unanimously.

7:16 PM **JANIE COOLIDGE** – Appointment for discussion regarding additional changes to the landscaping project at 604E Point Road (41D-1143). Landscape Architect Sharon Wilson said Mr. Coolidge would like to place the screened porch on the other side

of the house, and would this change require an additional filing? The B.V.W. will be at least 54' from the porch's new location. The Commission approved the change without requiring additional paperwork, and thanked Ms. Wilson for keeping the Commission updated on the project.

7:30 PM **CARMINE MARTIGNETTI** – RFD (41D-1165) to clear underbrush and small trees at Lot 2A Moorings Road. J. Oakes left the room. Susan Nilson of CLE Engineering, Inc. represented Mr. Martignetti and described the project. She said a Notice of Intent will be filed later for constructing the house. She said the top of bank was based on the slope, and there is no AE flood zone because it changes from VE 20 directly to Zone X. R. Merlino said the 15' no-disturb policy has never been applied to coastal banks. R. Merlino suggested no clearing to be done beyond Zone X as shown on the plan; S. Nilson said that would not be a problem at this time, and will be addressed under the Notice of Intent. R. Merlino suggested clearing be allowed up to the Zone X/VE boundary. J. Hartley moved to close the hearing; J. Mendes seconded; voted unanimously. J. Hartley moved to issue a Negative Determination for Box #3; N. Hills seconded; voted by majority. J. Oakes returned to the table.

J. Mendes left at 7:45 PM to attend a 40B Housing Task Force meeting.

7:45 PM **DAVID I. AND FRANCES M. RUSSELL** – Not (SE41-994) to install a new septic system at 80 Piney Point Road. Carmelo Nicolosi of Charon Associates represented the Russells and described the project. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously. R. Merlino drafted an Order of Conditions for this project and moved to issue it as written; J. Hartley seconded; voted unanimously.

J. Oakes moved to issue a Full Certificate of Compliance for Eden Landscapes' construction of a parking lot, placing of a building and erecting jersey barriers for stockpiling landscaping materials at 337 Wareham Street (SE41-583); J. Hartley seconded; voted unanimously.

8:00 PM **JAMES MILCH** – NOI (SE41-995) to construct a new house and septic system at Lot 15C Parlowtown Toad. No one represented Mr. Milch. J. Oakes said a lot of fill will be needed for this project. A split-rail fence is shown on the plan. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes drafted the Order of Conditions and moved to issue it as written; R. Merlino seconded; voted unanimously.

8:15 PM **ZORA ENTERPRISES, INC.** – Amendment to an Order of Conditions (SE41-992) to construct a house & driveway at Lot 126 Olde Sheepfield Road. The Amendment is to change the Applicant's name, the building footprint and driveway location, the permanent fence location, and add a deck. Kevin Walker of G.A.F. Engineering represented Zora Enterprises. Also present was Margaret Ishihara, Zora Enterprises' legal counsel. Mr. Walker said a walk-out basement is proposed to minimize fill in the back yard. J. Hartley said Natural Heritage's requirement for 25' of untouched vegetation along the stream is met, but the road runoff drainage swale on the left side of the property appears to have been filled in. K. Walker said he noticed that also, and a pipe has been installed to

direct the water to a basin at the end of the lot. K. Walker said the drainage swale is probably addressed under the Order of Conditions (SE41-400) for the subdivision roads. M. Ishihara explained that the drainage easement is held by Zora and is addressed in the Superseding Order of Conditions for the subdivision roads. J. Hartley said a silt fence is shown on the plan, but not a permanent post and rail fence. K. Walker said the silt fence line is also the post and rail fence line, but he will revise the plan to clearly show both. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Hartley drafted the Order of Conditions and moved to issue it as written; J. Oakes seconded; voted unanimously.

8:25 PM A complaint had been received of cutting in wetlands at the Harcovitz property at the end of Seaside Lane. A site inspection showed that a 20' x 50' swath of march grass had been cut/pulled out. A letter will be sent to the Harcovitz's asking them to stop altering the site.

8:30 PM **HOLLY & CHRISTOPHER FORD** – RFD (41D-1156) to determine what resource areas, if any, exist at Lot 85 Card Drive (continued). The Ford's realtor, George McTurk, has asked for an indefinite continuation of this hear. J. Hartley moved to continue the hearing indefinitely, at the Applicant's request; J. Oakes seconded; voted unanimously.

A hearing to adopt a policy to charge applicants for necessary consulting fees will be held at 7:30 PM December 3, 2003.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved February 18, 2004