

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 19, 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
Norman A. Hills, Associate Member

Secretary: Diane R. Drake

Others Present: Richard & Mary Corliss, Karl E. Smith, William St. Cyr, Ben Bryant,
Will Saltonstall, James & Kathy Feeney, A. Lee Hayes.

Meeting convened at 7:00 PM Wednesday, November 19, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, November 15, 2003 by R. Merlino, J. Mendes and N. Hills.

7:00 PM **RICHARD CORLISS** - NOI (SE41-996) to replicate a failed wetlands replication at 51 Dexter Road, Dexter Beach. Mr. and Mrs. Corliss were present. Their representative, Brian Levesque of Sitec, Inc. left a telephone message that he cannot attend the hearing tonight due to a family emergency, and requested a two-week continuation. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:50 PM December 3, 2003; J. Oakes seconded; voted unanimously.

The Zoning Board of Appeals has requested comments regarding the Bay Watch Realty Trust's 40B housing project off Front Street and their intention to hook up to town sewer (41D-1044). S. Briggs said they are allowed one stub for one building, and once a system exceeds a certain size, D.E.P. steps in.

J. Mendes moved to issue a Full Certificate of Compliance for G. Ronald Winters' installation of a culvert at 338 Converse Road (SE41-468); S. Briggs seconded; voted unanimously.

7:20 PM **TOWN OF MARION** – NOI (SE41-999) to install 38,000 linear feet of low-pressure sewer pipe in the "Berry" area, the "Dexter Beach" area, and the "South Converse" area. Karl Smith of Earth Tech represented the Town. He said he flagged the wetlands and prepared the notice of intent, and said the sewer will be installed in the footprint of the existing roadways. R. Merlino said the Environmental Notification Form

indicates 6200 square feet of wetland resource areas will be impacted; K. Smith said those impacts are for the effluent line project, not this project. K. Smith said the Berry area project will start by tying into a manhole at the Wave Restaurant, and will require a maximum area 5' wide by 5' deep for the work, in case shoring is needed. K. Smith said the line will cross I-195 by being hooked to the bottom of the Front Street overpass. J. Oakes said he viewed the project from a view as to where siltation barriers will be necessary. K. Smith described the route of the sewer in the Dexter Beach and South Converse areas. He said the installation method will be open trench, and a resident engineer will be on site at all times. He said sedimentation basins will be used if dewatering becomes necessary. R. Merlino asked K. Smith to revise and submit just the three plans used tonight to be the Commission's Plans of Record. J. Mendes moved to continue the hearing, with the Applicant's consent, to 8:00 PM December 3, 2003; S. Briggs seconded; voted unanimously.

8:05 PM **CHRISTINE BLACK** – NOI (SE41-998) to construct an addition to the house at 45 River Road, and to relocate a rip rap wall. Will Saltonstall represented Ms. Black, described the project, and said the house is presently serviced by a septic system but there is a possibility of connecting to the Rivers Edge sewer line. R. Merlino said the work is out of the Rivers Protection Act zone. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

8:10 PM **JAMES & KATHLEEN FEENEY** – NOI (SE41-997) to remove the building at 166 Front Street and construct a new building in its place. Mr. and Mrs. Feeney were present with their representative, Will Saltonstall. The existing structure is in the AE flood zone, and the new structure will be above the flood elevation at the top of the first floor, with a crawl space. S. Briggs explained that the crawlspace must be unusable space, and utilities must be above the flood elevation. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

8:20 PM **BARBARA SHINGLETON** – RFD (41D-1166) to remove and reconstruct a 10' x 30' porch on a new foundation at 418 Point Road. No one was present on behalf of Ms. Shingleton, but she had described the project at the site inspection. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. R. Merlino moved to issue a Negative Determination for Boxes 3 and 5 (flood plain and buffer zone to wetlands); J. Oakes seconded; voted unanimously.

J. Oakes moved to purchase the latest version of the Wetlands Protection Act (\$47.10); J. Hartley seconded; voted unanimously.

J. Hartley drafted Christine Black's Order of Conditions (SE41-998) and moved to issue it as written; J. Oakes seconded; voted unanimously.

S. Briggs drafted James and Kathleen Feeney's Order of Conditions (SE41-997) and moved to issue it as written; J. Oakes seconded; voted unanimously.

Discussion followed regarding S. Briggs' stump dump and culvert work off County Road (41D-1150). S. Briggs said the flume work has been done correctly, and he intends to fill the excavation in up to the top of the bank so that the bank will not need stabilization. R. Merlino asked S. Briggs when the work will be done; S. Briggs said hopefully this winter. R. Merlino suggested removing the silt fence from the Hiller property.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved April 7, 2004