

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 21, 2004

Members Present: Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary
Janice M. Mendes, Treasurer
Joel D. Hartley, Member
Norman A. Hills, Associate Member

Members Absent: Robert J. Merlino, Chairman
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Lynn & Joseph Goldovitz, Patricia Kaasinen, N. Douglas Schneider.

Meeting convened at 7:00 PM Wednesday, January 21, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 17, 2004 by J. Oakes, J. Mendes, J. Hartley & N. Hills.

7:00 PM **MARION SOCIAL CLUB** - RFD (41D-1159) to expand the parking lot at 44 Pumping Station Road. Club President John Collins, by telephone, said the person that did the flagging cannot obtain the soil samples because the ground is too frozen, and to please continue the hearing again. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:00 PM March 3, 2004; J. Hartley seconded; voted unanimously.

Discussion followed regarding Gilda Pietragalla's Enforcement Order for filling in wetlands/buffer zone to wetlands at The Stone Rooster, 27 Wareham Road (41D-1146). William Madden of G.A.F. Engineering asked Kevin Forgue (also of G.A.F. and the project engineer for the septic system project) to follow up on Gilda's Enforcement Order. When Kevin Forgue contacted the Conservation office, he said he would do whatever is necessary to lift the E.O. D. Drake explained that the Commission needs a plan showing where and how much fill had been added behind the building. He said he would prepare that plan. Another site inspection was done on January 17, 2004. No plan has been received. It was determined that fill has been placed in the buffer zone and possibly in the wetlands. D. Drake will speak with K. Forgue to again ask for a plan showing where and how much fill has been added.

William O'Neil of 1 Blackhall Court would like to blacktop his driveway and under his house, and would like approval from the MCC first. A site inspection was done on January 17, 2004. The Order of Conditions for constructing the house (SE41-340) specifically prohibited any nonpervious surfaces. A letter will be sent to Mr. O'Neil denying

his request for paving, and encouraging him to look into pervious paver blocks in place of paving.

7:10 PM **MICHAEL SMEAD** – RFD (41D-1174) to construct an 8' x 32' (overall) deck at 17 Olde Logging Road. No one was present for Mr. Smead. During the site inspection it was noted that the back yard, including where the deck is proposed, has been filled, and the fill appears to have extended onto the neighbor's property. The Plan of Record for constructing the house showed no fill was to be added in that area. J. Hartley thought that by issuing a Determination approving the deck, that the Owner might get the impression that the unauthorized fill was also being approved. To prevent that, the Commission decided to include a letter with the Determination explaining that the unauthorized fill may cause a problem when a Certificate of Compliance is requested for constructing the house. N. Hills drafted the letter. J. Mendes moved to close the hearing and issue a Negative Determination for Box #3; J. Hartley seconded; voted unanimously.

7:20 PM **JOSEPH M. & LYNN S. GOLDOVITZ** – NOI (SE41-1001) to upgrade a septic system at 697 Mill Street. Mr. and Mrs. Goldovitz were present with their Engineer, N. Douglas Schneider of N. Douglas Schneider & Associates, who explained the project. The Commission had no special concerns with this project, however the Notice of Intent scope of work (from which the legal advertisement was composed) mentioned nothing about turning the garage into a mother-in-law apartment, therefore the Commission only verified the BVW lines pertinent to the septic system work. The proposed mother-in-law apartment will require a new filing with the Commission, at which time the BVW lines pertinent to that work will be verified. Those BVW lines will not be accepted as being correct under this Order of Conditions. J. Hartley moved to close the hearing; J. Mendes seconded; voted unanimously. J. Mendes drafted Mr. and Mrs. Goldovitz's Order of Conditions and moved to issue it as written; J. Hartley seconded; voted unanimously.

J. Hartley left the table.

The Commission discussed Arthur and Cheryl Walker's fencing project at 587 Front Street (41D-1162), and lack of response to the Commission's Positive Determination requiring a Notice of Intent filing. It has been rumored that the Walkers have fired their Engineer, Richard Charon, and do not appear to be trying to solve these issues. J. Oakes, as the Acting Chairman, drafted a letter to D.E.P. asking for their assistance in this matter. J. Mendes moved to issue the letter as written; S. Briggs seconded; voted by majority with J. Hartley not participating in the discussion or vote. J. Hartley returned to the table.

Meeting adjourned at 8:40 PM.

Approved April 7, 2004

Diane R. Drake, Secretary