

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JUNE 2, 2004

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

Members Absent: Joel D. Hartley, Member  
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Steven Cushing, Christine LeBlanc, John L. Churchill Jr., Brian D. Hupp, Carmelo Nicolosi, Linda & Jerry Spoolstra, Diana & Robert Worley, Susan Nilson, Phillip Jagoda, Ralph Cataldo & John Rockwell.

Meeting convened at 7:00 PM Wednesday, June 2, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 29, 2004 by R. Merlino, J. Oakes, J. Mendes & N. Hills.

7:00 PM **MARION SOCIAL CLUB** - RFD (41D-1159) to expand the parking lot at 44 Pumping Station Road (continued). Steven Cushing represented the Club. The soil logs have been received. J. Oakes said he visited the site on May 29, 2004 and did soil tests as well, and he believes the area between the berns in not upland, which will require replication if it were to be filled. S. Cushing said replication sounds costly, and the Club cannot afford that. Possible alternative parking areas were discussed. J. Mendes moved to close the hairing; J. Oakes seconded; voted unanimously.

7:15 PM **TOWN OF MARION** – NOI (SE41-1008) to cap the landfill at Benson Brook Road (continued). Christine LeBlanc of East Coast Engineering represented the Town. She discussed revised (5/19/04) plans showing an extended wetland line (ten additional flags) as required by Dorothy Blickens of D.E.P. J. Oakes asked whether the Commission is supposed to verify the new (extended) flagging; C. LeBlanc said she did not know. She said no fill is needed in the northern portion where the wetlands are. She agreed to continue the hearing for another two weeks and hopefully will have the D.E.P. file number by then. J. Mendes moved to continue the hearing, with the Applicant's consent, to 8:00 PM June 16, 2004; J. Oakes seconded; voted unanimously.

7:25 PM **LAURENCE E. REINHART** – NOI (SE41-1009) to upgrade a septic system at 13 East Avenue, Planting Island. Carmelo Nicolosi of Charon Associates represented Mr. Reinhart, described the project, and said the Board of Health's meeting for

the required variances is in two weeks. R. Merlino said the Commission could not find Pit C during the site inspection; C. Nicolosi said that pit was sited by the Owner and will be strictly for grey water. He said some fill and seeding is proposed over the system, even though it is not shown on the plan. J. Mendes moved to close the hearing; S. Briggs seconded; voted unanimously.

7:33 PM **CORNERSTONE PROPERTIES** – RFD (41D-1184) to verify the delineation of the Bordering Vegetated Wetland at Lot 13G Lady Slipper Lane. Brian Hupp of Cornerstone Properties was present with his representative, John L. Churchill Jr. of JC Engineering, Inc. J. Oakes said Flag BVW 13 should be eliminated; Flag BVW 71 should be moved 10' west (upland); and Flag BVW 72 should be connected to the relocated BVW 71, then to Flag BVW 70. The Commission agreed that there is no need to revise this plan, as long as the corrected line is used in the upcoming Notice of Intent filing for the house and septic system. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. J. Oakes moved to issue a Positive Determination for Box #2 with the above-described corrections; J. Mendes seconded; voted unanimously.

R. Merlino drafted Laurence E. Reinhart's Order of Conditions (SE41-1009) and moved to issue it as written; J. Mendes seconded; voted unanimously.

R. Merlino moved to submit a memorandum to the Selectmen asking them to appoint J. Hartley an Associate Member, and N. Hills a Member; J. Mendes seconded; voted unanimously.

7:45 PM **BURR BROTHERS BOATS, INC.** – RFD (41D-1185) to repair a cracked section of the south dock at 309 Front Street. J. Oakes said he would abstain from this hearing because CLE Engineering, Inc. does work for Burr Brothers. No one represented Burr Brothers. J. Mendes moved to close the hearing and issue a Negative Determination for Box #2; S. Briggs seconded; voted by majority with J. Oakes abstaining.

The Commission discussed the outstanding issues at Kevin McMahon's property at 94 Holly Road, which is for sale. R. Merlino moved to issue a full Certificate of Compliance for the pier and float (SE41-230) (a Partial Certificate of Compliance has already been issued for the boat house portion of that filing); N. Hills seconded; voted by majority with J. Oakes and S. Briggs abstaining. Although trees have been planted as required by the Enforcement Order issued due to clearing that was done in wetlands, the Commission agreed the E.O. cannot be lifted until the undergrowth has grown back and the trees are established, probably next summer (41D-1178). The Commission agreed that a Certificate of Compliance for the septic system project (SE41-910) cannot be approved tonight because the heavy rains last week washed away the groundcover over one drywell. A letter will be sent to Mr. McMahon explaining this and suggesting sod be laid down as a quick fix so that the Certificate of Compliance can be voted on at the June 16, 2004 meeting.

8:05 PM **GERALD & LINDA SPOOLSTRA** – RFD (41D-1186) to landscape at 6 Blackhall Court. Mr. and Mrs. Spoolstra were present and submitted revised plans that

meet the parameters of the patio. The Spoolstras said none of the plantings will need to be mowed. R. Merlino reminded them that fertilizers are prohibited there. J. Mendes moved to close the hearing; S. Briggs seconded; voted unanimously.

8:15 PM **ROBERT WORLEY** – Appointment for discussion regarding the phragmites eradication project at 329 Front Street (SE41-967). Mr. Worley said poisoning the phragmites isn't working, and he would like to mow them down as well. R. Merlino said either method is acceptable. Mr. Worley said he will submit a letter requesting an Amended Order of Conditions allowing the mowing.

8:25 PM **CARMINE MARTIGNETTI** – Appointment for discussion regarding the need for a subsurface perimeter cellar drain leading to a trough in the coastal bank at 71 Moorings Road (SE41-1004). J. Oakes left the room. Phillip Jagoda and Susan Nilson of CLE Engineering, Inc. represented Mr. Martignetti and said the groundwater is exceptionally high at the house, which is why they need this drain. Ralph Cataldo, Mr. Martignetti's contractor, was also present. N. Hills said the trench will have to be 11' deep at the house. S. Nilson said she did not think seawater will be able to enter the house through this drain. She said there may be a steady flow at certain times of the year, but she is confident there will not be any erosion caused by it. S. Nilson said she does not want sump pump water near the septic system near the road. S. Nilson said she will be coming back on June 16, 2004 with an official request for an Amended Order of Conditions for this drain. J. Oakes returned to the table.

8:40 PM Appointment for discussion with John Rockwell regarding Planning Board matters. J. Rockwell said he is the new Chairman of the Planning Board. He said there is the usual lack of communication between Town Boards, and he would like closer communication. J. Rockwell said that on limited project subdivision roads, the Planning Board's hearing is usually held first, and the Conservation Commission usually accepts what the Planning Board approves; R. Merlino said not necessarily, the Marion Conservation Commission does not subscribe to that. R. Merlino asked J. Rockwell, a knowledgeable wetlands specialist, to keep in mind any wetland matters coming before the Planning Board. J. Rockwell also said the Commission's responses to the Planning Board's Requests for Comment have been fine, but HE would prefer the comments to be signed by a Commission Member rather than the Commission's Secretary.

J. Oakes moved to issue a Positive Determination for the Marion Social Club's expansion lot project (41D-1159); J. Mendes seconded; voted unanimously.

Reorganization of the Commission was discussed. S. Briggs moved to have Jeffrey Oakes be Chairman; J. Mendes seconded; voted unanimously. J. Oakes moved to have N. Hills be Vice Chairman; R. Merlino seconded and agreed to be Acting Vice Chairman until the Selectmen appoint N. Hills a full Member; voted unanimously. On motions duly made and seconded, it was unanimously voted that J. Mendes will remain as Treasurer and S. Briggs will remain as Recording Secretary.

On a motion duly made and seconded, it was unanimously voted to issue a three-year Extension Permit to John M. Braitmayer for adding beach sand at 520 Point Road (SE41-942).

On a motion duly made and seconded, it was unanimously voted to issue a three-year Extension Permit to John Whittemore for adding beach sand at 51 East Avenue, Planting Island (SE41-939). A letter will accompany the Extension Permit asking Mr. Whittemore to remove the sand that has migrated into the salt marsh, and not add any sand this year, as there is already 6" of sand in place.

J. Oakes moved to issue a Negative Determination for Box #2 to Gerald and Linda Spoolstra's landscaping project at 6 Blackhall Court, with the stipulation that work shall be done as shown on the June 2, 2004 plan, which shall be attached to the Determination (41D-1186); R. Merlino seconded; voted unanimously.

Meeting adjourned at 9:45 PM.

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Diane R. Drake, Secretary

Approved July 21, 2004