

FINAL

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

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

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

Secretary: Diane R. Drake

Others Present: Emelio & Christina Rotondi, Michael Thompson, James & Kathy Tripp, Barbara & Laura DeCosta, Terry Enos, Andrew Old, Brian C. Hupp, Brad Bertolo, N. Douglas Schneider.

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

7:00 PM **EMELIO & CHRISTINA ROTONDI** - RFD (41D-1191) to rebuild and enclose an existing 10' x 16' open deck at 64 Dexter Road, Dexter Beach (continued). Mr. and Mrs. Rotondi were present and submitted an Assessors' field card showing the house is assessed at \$102,000.00, and a cost breakdown for this project of \$17,000.00, therefore the 50% Rule does not apply. R. Merlino moved to close the hearing and issue a Negative Determination for Box #2; N. Hills seconded; voted unanimously.

7:05 PM **ROBERT & DIANA WORLEY** – Amendment (SE41-967) to allow the phragmites to be mowed, as well as cut and treated with Rodeo (continued). Mr. and Mrs. Worley were unable to attend this hearing, but told the Commissioners at the July 17, 2004 site visit that although they own property beyond the stone wall in the back yard, the stone wall would be the limit of work for this project. R. Merlino moved to close the hearing and issue the Amended Order allowing the mowing; N. Hills seconded; voted unanimously. J. Oakes said he will speak with David Hill of D.E.P. to see if they have a policy regarding controlling phragmites.

7:15 PM **BARBARA DeCOSTA** – RFD (41D-1194) to verify the Bordering Vegetated Wetland lines as flagged at 2 Washburn Park Road. Barbara DeCosta was

present with her granddaughter, Laura DeCosta, and her granddaughter's boyfriend, Terry Enos, who will own one of the lots, and James and Kathy Tripp, who will own the second lot. Michael Thompson represented Mrs. DeCosta and said Rene Drouin flagged this site in 2001, Richard Russell flagged it in 2003, and Thompson Surveying flagged it in 2004. J. Oakes said he disagreed with a few of the flags and described the changes. J. Oakes explained that an Isolated Land Subject to Flooding is determined by how much water the depression holds, not by wetland flagging. J. Mendes moved to continue the hearing, with the Applicant's consent, to 8:00 PM August 4, 2004, so that the plan can be revised to show the changes in the flag locations, and to calculate whether the depression is an I.L.S.F.; R. Merlino seconded; voted unanimously.

7:30 PM **WILLIAM B. HOLMES** – NOI (SE41-1010) to construct a new house foundation and construct an in-ground swimming pool at 75 Water Street (continued). By letter Susan Nilson said she has not finalized the cost for the new foundation and asked for another continuation. R. Merlino moved to continue the hearing again to 7:00 PM August 4, 2004; N. Hills seconded; voted unanimously.

7:32 PM **ROBERT J. & WINIFRED E. SYLVIA** – NOI (D.E.P. file number not received yet) to pipe and fill an existing drainage ditch at 165 Spring Street (continued). Glenn Amaral of G.A.F. Engineering had requested another continuation so that the Commission could verify any resource areas at the site. The Commission Members agreed that it is up to the Engineer, not the Commission, to do whatever is necessary to satisfy D.E.P.'s requirements so that a file number will be issued. J. Oakes thought it would be best to have G.A.F. Engineering submit a Request for a Determination of Applicability to have the Commission verify the resource areas on site, if any. A letter will be sent to Glenn Amaral asking him to either get the file number from D.E.P., or file an R.F.D. to resolve the resource areas issue. R. Merlino moved to continue the hearing, with the Applicant's consent, to August 4, 2004 at 7:50 PM; N. Hills seconded; voted unanimously.

7:45 PM **CORNERSTONE PROPERTIES** – NOI (SE41-1011) to construct a single-family dwelling and septic system at Lot 13G Lady Slipper Lane (continued). Brad Bertolo of JC Engineering was present with the purchaser of the property, Andrew Old, and his Contractor, Brian C. Hupp. A revised plan was submitted showing the leaching field moved further northerly and changes to the grading, as requested by the abutter, David Janik. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously. R. Merlino drafted the Order of Conditions and moved to issue it as written; J. Mendes seconded; voted unanimously.

R. Merlino said he inspected Linda Schuessler's retaining wall at 21 Moorings Road. He said the berm against the wall has been built as required by the Order of Conditions (SE41-941) and moved to issue a Full Certificate of Compliance for the project; J. Mendes seconded; voted unanimously.

7:55 PM **PUTNAM BLODGETT** – RFD (41D-1193) to upgrade the septic system at 38 Point Road. N. Douglas Schneider represented Mr. Putnam and described the proposed work, which includes extending the lawn in the back yard. D. Schneider said there is an existing buffer between the proposed lawn and the shore, and no fill is required, just a little loam. D. Schneider said the new lawn will not extend any further to the water than the lawn of the adjoining property to the north does. J. Oakes said wildlife habitat will be affected by turning the brush into a lawn. D. Schneider said the proposed lawn is in the Buffer Zone to the Coastal Bank, which is an allowed activity under the Wetlands Protection Act. S. Briggs said he would like the plan to show that the proposed lawn will extend no further toward the shore than the abutting neighbors. J. Oakes said he would prefer to address the lawn extension part of this filing under a Notice of Intent filing. J. Mendes moved to close the hearing; N. Hills seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Box #2 for the septic system part of this project, and a Positive Determination for Boxes 1 and 3 for the lawn expansion; R. Merlino seconded; voted unanimously.

8:15 PM **KENNETH GEE** – RFD (41D-1192) to upgrade the septic system at 166 Allens Point Road. N. Douglas Schneider represented Mr. Gee and described the project. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously. J. Mendes moved to issue a Negative Determination for Box #2; S. Briggs seconded; voted unanimously.

8:20 PM **DEXTER BEACH IMPROVEMENT ASSOCIATION** – Amendment (SE41-811) to add sand to the areas from which phragmites are being eliminated at Beach (Dinghy) Road. J. Oakes left the room. No one was present on behalf of the Association. R. Merlino said the phragmites elimination has been very successful, and this work is just to add sand where the phragmites were, in addition to the sand allowed for the beach. J. Mendes moved to close the hearing; N. Hills seconded; voted unanimously. R. Merlino moved to issue the Amendment as written; N. Hills seconded; voted unanimously. J. Oakes returned to the table.

R. Merlino said he inspected Michael Lyons' new dwelling and septic system project at 293 County Road, and the rail fence has been installed along the no-touch zone as required by the Order of Conditions (SE41-968). R. Merlino moved to issue a Full Certificate of Compliance for Box #1; N. Hills seconded; voted unanimously.

The Selectmen have finally appointed N. Hills as a full Member. R. Merlino moved to elect N. Hills as Vice Chairman; J. Oakes seconded; voted unanimously.

R. Merlino moved to accept the May 5, 2004 minutes as written, and June 2, 2004 minutes as amended; N. Hills seconded; voted unanimously.

R. Merlino moved to issue a full Certificate of Compliance to Point Road Nominee Trust for work that Frederick N. Blodgett had done to his seawall and groin at 38 Point Road in 1990 (SE41-429); N. Hills seconded; voted unanimously.

The Commission discussed the proposed Island Wharf Paving project. No filing has been received yet, but fundraising has begun to do this project. A letter will be sent to the Marion Village Parking Committee Members asking them to come to the Commission's next meeting to update the Commission on the progress of this project.

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved September 1, 2004