

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 15, 2004

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

Members Absent: Jeffrey W. Oakes, Chairman
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Stephen Clark, Richard Johnson, Susan Nilson, Phillip Jagoda and Susan Granger.

Meeting convened at 7:00 PM Wednesday, September 15, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Friday, September 10, 2004 by Robert Merlino.

7:00 PM **STEPHEN CLARK** - RFD (41D-1201) to place a line of boulders along the wetland line, and to level and reseed an existing lawn at 713 Mill Street. Stephen Clark was present. R. Merlino explained that he inspected the site with S. Clark, and noted on the site plan the location of the disturbed area. R. Merlino showed photographs (which he obtained from the Town's files) of S. Clark's site before, during and after the pipe bursting was done. R. Merlino said the Town disturbed the wetlands and covered it over with wood chips. R. Merlino said that S. Clark, as the property owner, is responsible for the alteration and wetland vegetation must be replanted in that area. N. Hills said wetlands were filled alongside the garage, which probably was the result of that project as well. R. Merlino suggested continuing the hearing so that he can check with the engineer that oversaw that project, and hopefully get them to fix their mistake. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:10 PM October 20, 2004; R. Merlino seconded; voted unanimously.

7:10 PM **ROBERT J. & WINIFRED E. SYLVIA** – NOI (D.E.P. file number not issued yet) to pipe and fill an existing drainage ditch at 165 Spring Street (continued). The Sylvias' Engineer, by letter, said the appeal period for the Determination approving this project has elapsed, and the work is taking place at this time under that Determination. G. Amaral said he is withdrawing this Notice of Intent filing.

N. Hills and J. Oakes attended the Marion 2015 meeting on September 14, 2004. N. Hills said Carl Rebeiro, Chairman of the 2015 Board, chaired the meeting. Also present

were Marion Selectman David Pierce and Marion Town Administrator Jack Dolan. N. Hills said the meeting was informational, and reviewed the presentation used. It was noted that D. Pierce said the ConCom is doing a great job.

7:17 PM **FRANCIS A. WILL** – NOI (SE41-1014) to construct a single-family dwelling, an inground swimming pool, a deck and a cabana at Lot 46A Converse Road. Philip Jagoda of CLE Engineering represented Mr. Will and said the revised plans show the correctly-placed flag locations. P. Jagoda said access to the home will be from Converse Road. R. Merlino asked how many trees will be removed; P. Jagoda said he is not sure, but they are out of the Buffer Zone and will probably be selectively cut. P. Jagoda said F. Will wanted to start with the project as close to the water as possible, but may actually build further upland. R. Merlino said he would like the rocks and boulders that are dug up during this project to be placed along the 15' no-touch zone, and if enough rocks and boulders aren't excavated on site to do this, then to bring in more. P. Jagoda said the State mandated a sewerage disposal system be shown on the plan, even though the property will be serviced by Town sewer next year. S. Briggs explained that F. Will must have all his permits in place so that he can get a building permit by October, otherwise this lot may be deemed unbuildable because it does not have sufficient frontage as specified by Marion's Zoning Bylaw. N. Hills asked why the project is proposed in the Buffer Zone rather than further upland?; S. Briggs said because it is allowable under the Wetlands Protection Act and is the Applicant's preference. R. Merlino said that if the limit of work is the 6'-high chain link fence shown on the plan, then the line of boulders will not be necessary as long as no clearing or lawns are proposed beyond the fence. Sue Granger of 102 Converse Road said Mr. Will's driveway directly across from her will result in headlights shining right into her home, and requested P. Jagoda to ask Mr. Will to consider relocating his driveway to prevent this. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously.

7:35 PM **CARMINE MARTIGNETTI** – Second Amendment (SE41-1004) to slightly change the location of the pool and associated grading at 71 Moorings Road, construct an additional footpath over the coastal bank, and selective cutting of trees and planting of shrubs on the coastal bank. Susan Nilson and Phillip Jagoda of CLE Engineering represented Mr. Martignetti. Also present was Richard Johnson, Mr. Martignetti's landscape architect. S. Nilson said the silt fence has been repaired. Mr. Johnson said Mr. Martignetti would like permission to cut all the trees (35 to 40 of them), but only a few at a time so that he can evaluate the water view each time. Mr. Johnson said the tree stumps will not be pulled, and shoots will grow from each of the stumps, making the area thickly vegetated. R. Johnson said 118 plantings are proposed for the 35-40 trees to be removed. R. Merlino asked what wildlife would be affected by removing the trees?; Mr. Johnson said squirrels and song birds, but many of the new plantings will have berries for the birds to eat. S. Nilson said the pool is relocated 10' further downhill, but the size remains the same. The Commission Members all agreed that allowing the "selective" cutting of trees will result in clearcutting. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously.

8:05 PM **WILLIAM B. HOLMES** – NOI (SE41-1010) to rebuild the foundation of the house and construct an in-ground swimming pool at 75 Water Street (continued).

J. Mendes said she is an abutter and former owner of that property, and will not participate in the hearing and vote. Susan Nilson represented Mr. Holmes. The cost breakdown for the foundation is well below the 50% Rule requirements. R. Merlino moved to close; S. Briggs seconded; voted by majority with J. Mendes not participating.

8:08 PM **BARBARA T. DeCOSTA** – RFD (41D-1194) to verify the delineation of the Bordering Vegetated Wetlands at 2 Washburn Park Road (continued). N. Douglas Schneider & Associates sent the Commission a letter certifying calculations that confirm the designation of the Isolated Land Subject to Flooding shown on the plan. R. Merlino moved to close the hearing; S. Briggs seconded; voted unanimously.

N. Hills drafted Carmine Martignetti's second Amended Order of Conditions (SE41-1004) and moved to issue it as written; S. Briggs seconded; voted unanimously.

J. Mendes moved to issue a Positive Box 2 Determination of Applicability for Barbara T. DeCosta's wetlands delineation (41D-1194); S. Briggs seconded; voted unanimously.

R. Merlino drafted Francis A. Will's Order of Conditions (SE41-1014) and moved to issue it as written; S. Briggs seconded; voted unanimously.

Saltonstall Architects' request for a Certificate of Compliance for Christine Black's addition and relocated rip rap wall at 45 River Road was discussed (SE41-998). R. Merlino said the addition and wall are fine, but there are dirt areas that need to be stabilized before a Certificate can be issued. A letter will be sent to Ms. Black and her Architect explaining that the dirt areas must be stabilized, and they should notify the Commission when they are ready for another site inspection.

R. Merlino drafted William B. Holmes' Order of Conditions (SE41-1010) for the new house foundation and swimming pool at 75 Water Street, and moved to issue it as written; S. Briggs seconded; voted by majority with J. Mendes abstaining.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved October 6, 2004