

FINAL

**MARION CONSERVATION COMMISSION**

**MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 20, 2004**

Members Present: Jeffrey W. Oakes, Chairman  
Norman A. Hills, Vice Chairman  
Janice M. Mendes, Treasurer  
Robert J. Merlino, Member

Members Absent: Sherman E. Briggs, Jr., Recording Secretary  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Robert H. Nakashian, Kathleen Giles, James & Kathy Tripp,  
Steven Clark, Michael Thompson, Laura DeCosta.

Meeting convened at 7:00 PM Wednesday, October 20, 2004 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 16, 2004 by J. Oakes, N. Hills, J. Mendes and R. Merlino.

7:00 PM **KATHLEEN GILES** - RFD (41D-1204) to construct a 24' x 28' detached garage at 42 Tucker Lane. Kathleen Giles and her husband, Robert H. Nakashian, were present. She said the garage will be at least 31' from the wetland line, which was reflagged by Thompson Surveying as shown on the plan for constructing the house. J. Oakes explained that wetland lines are only good for three years, and if her wetland line were reflagged today, the 31' setback from wetlands could change. J. Oakes said he would like to have 300' of the wetland line nearest the proposed garage rechecked, probably by using soil samples. Ms. Giles said she will contact a wetlands specialist. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:00 PM November 17, 2004; J. Mendes seconded, voted unanimously.

7:17 PM **STEPHEN CLARK** - RFD (41D-1201) to place a line of boulders and to level and reseed an existing lawn at 713 Mill Street (continued). Stephen Clark was present. J. Oakes said another site inspection was done on October 16, 2004 and the Department of Public Works' repair work on the site seems adequate. S. Clark said he has not yet had a chance to set the line of boulders along the grass/wetland line. J. Oakes said there is a 10' or so wide area that extends 20'-30' to where the utility poles are stored that appears to have been altered, and asked Mr. Clark to establish the wetland line there so that the Commission can determine the amount of restoration that is necessary. S. Clark said the boulders should be in place by the Commission's November 13, 2004 site inspection. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:10 PM November 17, 2004; J. Mendes seconded; voted unanimously.

7:20 PM **MARGARET DeCOSTA** - NOI (SE41-1019) to extend the driveway at 2 Washburn Park Road an additional 650 feet (approximately). Michael Thompson of Thompson Surveying represented Ms. DeCosta and explained that this driveway will lead to a two-lot residential compound, which he will file for later if necessary. James and Kathy Tripp and Laura DeCosta, the proposed owners of the two lots, were also present. M. Thompson said the site will be minimally developed, three acres minimum per lot. M. Thompson said Ms. DeCosta, due to costs, does not want to file a site plan review with the Planning Board until she knows for sure that the driveway extension will be approved. M. Thompson said John Boyd owns the railroad grade, but will not give Ms. DeCosta a right-of-way over it to these two lots, which is why this filing is necessary. N. Hills asked M. Thompson why the utilities are not shown under the new driveway; M. Thompson said they will be shown in the next phase. J. Oakes and M. Thompson discussed the calculations for the isolated land subject to flooding (ILSF); M. Thompson said N. Douglas Schneider did the professional calculations certifying it as an ILSF. J. Oakes said the Rare and Endangered Species Program's response has not been received, and the spotted turtle is the species of concern near this project; M. Thompson said a portion of the lot near the railroad grade is in Natural Heritage's area, but the driveway is not. J. Oakes said this hearing cannot be closed without Natural Heritage's comments, and recommended M. Thompson keep after the Natural Heritage people for their response. J. Oakes said the lack of Natural Heritage's response is the only issue remaining on this project. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:15 PM November 17, 2004; N. Hills seconded; voted unanimously.

The Commission's October 6, 2004 minutes were reviewed and unanimously accepted as written on a motion by J. Oakes, seconded by R. Merlino.

John Sweeney's friendly 40B housing project at Maggie's Ice Cream on Spring Street was discussed. Based on an earlier, informal site inspection, the Commission sent a memo to the Marion Housing Committee on August 22, 2003 stating: "The Marion Conservation Commission has no jurisdictional authority over the subject parcel of land...." J. Mendes, a Member of the Marion Housing Committee, had asked the Commission to do another site inspection just to be sure there were no resource areas there, which they did on October 16, 2004. Unknown to Mr. Sweeney, and without his permission, someone had placed a few wetland flags on his property. J. Oakes suggested asking Mr. Sweeney to file a Request for a Determination of Applicability to determine whether there are any wetlands there.

R. Merlino moved to cancel the Commission's January 5, 2005 and July 6, 2005 meetings; N. Hills seconded; voted unanimously.

Meeting adjourned at 8:15 PM.

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Diane R. Drake, Secretary

Approved December 1, 2004