

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON MARCH 16, 2005

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

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

Secretary: Diane R. Drake

Others Present: Paul Rizzo, James Muse, Antonio Lopes, Antonio Lopes Jr., Ken Conte, Stacy Barron, and Peter G. Rezendes Jr.

Meeting convened at 7:00 PM Wednesday, March 16, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 12, 2005 by J. Oakes and N. Hills.

7:00 PM **MARY B. MUSE** - RFD (41D-1215) to pour a 3" to 6" thick concrete cap on an existing licensed pier at 272 Delano Road. James Muse was present on behalf of his Mother. He said the pier holds water in low spots and is very rough, which is why they would like to pour an even cap over it, rather than grouting. J. Oakes said he was concerned with the lack of the methodology and techniques to be used, and preferred to address this project under a Notice of Intent. J. Muse explained that the cap will be framed, and the concrete will be pumped to the pier from the driveway. J. Oakes said the Commission has no control over the project under a Determination. J. Muse said this project is simply pouring a concrete slab on an existing licensed pier, and asked to include on the R.F.D. that the slab will be reinforced with rebars 12" on center, and the cement will be pumped from the driveway. The Commission approved his request and suggested he include capping the seawall as well. N. Hills moved to close the hearing; J. Mendes seconded; voted unanimously.

7:12 PM **ANTONIO LOPES** – NOI (SE41-1026) to construct a single-family dwelling, a 700'-long (approximate) by 10' wide driveway, install utilities, replicate wetlands that are affected by the project, and associated filling and grading. The project is located off Rezendes Terrace and is shown as Lots 17 and 27A on Marion Assessors' Map 7A. Antonio Lopes, Jr. and Antonio Lopes, Sr. were present with their Engineer, Kenneth

Conte of Beals & Thomas, and Stacy Barron, the Botanist that did the wetlands flagging. K. Conte said the proposed driveway is 10'-wide, paved, with a 1' shoulder on each side. He said the proposed 7' x 3' culvert is in accordance with the new Army Corps of Engineers regulations. He said two replication areas are proposed, for a total of 1,800 square feet of replication. Peter Rezendes, Jr., the immediate abutter to this lot who is also the owner of the right-of-way from Rezendes Terrace, said he was concerned that the replication area nearest him would cause ponding near his lot, and he did not think the proposed 2' of fill over the culvert is nearly enough. Mr. Rezendes asked K. Conte to change the location of the proposed replication area nearest to him. Mr. Rezendes said he is disappointed that there are no high plantings in the proposed buffer to him. J. Oakes explained that placing the replication area near the entrance was because the lawn that encroaches on Lot 17 would be disturbed, rather than altering an upland forest. Mr. Rezendes said he is very concerned that the pipe under the road will plug up and not be maintained. K. Conte said the high point of the driveway will be 3-1/2' above ground level, and 4' of fill is proposed where the house is sited. Mr. Rezendes said he is also concerned that heavy equipment for this project will be going over (and parking on) Rezendes Terrace, which is a private road, and he would like a bond to be posted to repair any damage done to the road. S. Briggs explained to Mr. Rezendes that the Planning Board may require a bond. K. Conte offered to sketch out alternate replication areas prior to the next hearing. Due to the inclement weather, it was not possible to view all the wetland flags on March 12, 2005; J. Oakes said another site inspection will be done on April 2, 2005, and asked K. Conte to submit his sketches of alternate replication areas prior to then. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:20 PM April 6, 2005; N. Hills seconded; voted unanimously.

7:35 PM **JEREMY & WENDY STERN** – NOI (SE41-1025) to construct a ramp, pier, boat lift, gangway and float at 93B Piney Point Road (continued). This hearing had been continued due to the lack of the Harbormaster's comments on the revised plans. Harbormaster Charles Bradley, by memo, said he is basically in favor of the project, but is concerned with the possibility of placing large rocks around any piles that meet refusal before 12', and bolting the piles to those rocks to hold the piles in place. C. Bradley would like a condition to the Commission's Order, requiring the Applicant's Engineer to consult with the Commission and the Harbormaster before placing any boulders to anchor any of the piles. S. Briggs said his personal experience is that there is good hard bottom there, not muck, and boulders may not be needed at all. N. Hills moved to close the hearing; J. Mendes seconded; voted unanimously. J. Oakes drafted the Order. N. Hills moved to issue the Order as written; J. Mendes seconded; voted unanimously.

J. Oakes moved to issue a Negative Determination for Box #2 for Mary Muse's pier capping project at 272 Delano Road (41D-1215); S. Briggs seconded; voted unanimously.

The Commission discussed Lawrence and Jan Dorman's pier project at 166 Allens Point Road (SE41-1024). The Dormans' engineer has revised the plans by re-orienting the float and shortening the gangway in order to increase the buffer to the eelgrass, and would like the Commission to accept the revised plans as the new plans of record without

requiring a formal Amendment to the Order. J. Oakes moved to accept the changed plans by letter; N. Hills seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved April 6, 2005