

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 4, 2005

Members Present: Jeffrey W. Oakes, Chairman
Norman A. Hills, Vice Chairman
Sherman E. Briggs, Jr., Recording Secretary (absent from
7:00 PM to 7:25 PM)
Robert J. Merlino, Member

Members Absent: Janice M. Mendes, Treasurer
Horace S. Kenney, Jr., Associate Member
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Phillip Jagoda, Andrew Butler, Susan Nilson, Robert H. Lane,
John Corrigan, Cherie Frantz, Diana & Robert W. Worley.

Meeting convened at 7:00 PM Wednesday, May 4, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 30, 2005 by J. Oakes, N. Hills and R. Merlino.

The 7:00 PM hearing for Robert Schaefer could not be opened until Sherman E. Briggs, Jr. arrived to make a voting quorum, as J. Oakes could not participate in this hearing because he delineated the resource areas at the site.

R. Merlino moved to issue a three-year Extension Permit to Diana M. Worley for eradicating phragmites at 329 Front Street (SE41-967); N. Hills seconded; voted unanimously.

The request for a fifth three-year Extension Permit for the Town of Marion's launching ramp and boulder removal project at the end of Silvershell Beach was discussed (SE41-432). J. Oakes said the ramp is concrete, not rip rap as shown on the Plan of Record, and he would like the Order of Conditions to be amended to allow this change. He said the Chapter 91 license may need to be amended as well. J. Oakes drafted a letter to the Harbormaster explaining that the requested Extension Permit will not be issued until the Order of Conditions is amended to allow a concrete ramp. S. Briggs said he would prefer to extend the Order of Conditions now, for one last time, and then amend the Order. R. Merlino moved to send the letter as written; S. Briggs seconded; voted unanimously

7:12 PM **ZORA ENTERPRISES, INC.** – ANRAD (SE 041-1023) to verify the Bordering Vegetated Wetland lines at Olde Willow Road (continued). Due to the death of a family member of the Zoras' attorney, another continuation had been requested. R. Merlino

moved to continue the hearing, with the Applicant's consent, to 7:10 PM June 1, 2005; N. Hills seconded; voted unanimously.

April 6, 2005 minutes were reviewed and unanimously accepted as written on a motion by N. Hills, seconded by R. Merlino.

7:20 PM **ANTONIO LOPES** – NOI (SE 041-1026) to construct a 700'-long driveway, a single-family dwelling, install utilities, and associated filling and grading at Lots 17 and 27A off Rezendes Terrace (continued). Mr. Lopes' Engineer has not finished revising the plan and requested another continuation. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:00 PM May 18, 2005; N. Hills seconded; voted unanimously.

Possible new members for the Commission were discussed. N. Hills said he spoke with Lawrence Dorman, who had shown an interest in joining, but he declined the invitation at this time because his work requires him to travel to Chicago frequently. He did ask the Commission to keep him in mind for openings in the future. S. Briggs arrived at 7:25 PM.

7:25 PM **ROBERT SCHAEFER** – NOI (SE 041-1029) to remove the existing dwelling at 14 Point Road and construct a new dwelling with decks in its place, and a detached garage. J. Oakes left the room. Phillip Jagoda of CLE Engineering, Inc. represented Mr. Schaefer and described the proposed work. He said the septic system was upgraded a few years ago. S. Briggs moved to close the hearing; R. Merlino seconded; voted unanimously. R. Merlino moved to issue the Order of Conditions as drafted; S. Briggs seconded; voted unanimously.

7:30 PM **ROBERT LANE** – RFD (41D-1220) to construct a dwelling, a guest house, a septic system and a driveway at Lots 89 and 90A Holly Road, Piney Point. J. Oakes remained out of the room. The present owner of the lot, Andrew Butler, was present. Susan Nilson of CLE Engineering, Inc. represented the potential buyer of the lot, Robert Lane, who was also present. S. Nilson said this is a conceptual project to address mainly the wetland delineation and the possibility of the Commission waiving their 30'-no-build Policy Standard. S. Nilson said part of the site had been filled years ago; S. Briggs verified the filling was done in 1970. S. Nilson said the septic system is tentatively proposed between the guest house and the road. A. Butler said there was a grass tennis court there years ago, but it was too wet from runoff to be used and was abandoned. R. Merlino and N. Hills questioned the validity of the wetland line shown on the plan, and thought everything up to the cleared area should also be designated as wetlands. S. Nilson said J. Oakes flagged the line; R. Merlino said he would like more observation holes and soil logs for the area between the houses. R. Merlino explained that the Commission's 30' no-build policy is usually not flexible for new projects, is sometimes lessened for renovations, and the main house is too big. With the Applicant's consent, R. Merlino moved to continue the hearing to 7:30 PM May 18, 2005 so that more soil logs and test holes can be done; S. Briggs seconded; voted unanimously. J. Oakes returned to the table.

7:47 PM **WILLIAM C. & CHERIE FRANTZ** – RFD (41D-1221) to construct an inground swimming pool, a patio and pool house at 25 Pinewood Drive. Mrs. Frantz was present. J. Oakes said the wetland line is basically as shown on the plan. Mrs. Frantz said she thought the house was built in 1989. J. Oakes said the Rivers Protection Act does not pertain to existing single-family homes that were built prior to 1996. Mrs. Frantz said she may be able to move everything 4-5 feet closer to the house. J. Oakes said he would like the chain link fence to be the limit of work, and the contractor should install a siltation fence within a few feet of the proposed fence. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously. N. Hills moved to issue a Negative Determination for Box #3; R. Merlino seconded; voted unanimously.

8:00 PM **DIANA M. WORLEY** – RFD (41D-1222) for additional landscaping at 329 Front Street. Robert and Diana Worley were present and described the proposed work. J. Oakes explained that the area at the back left side of the house is still a wetland, even though the phragmites have been removed. J. Oakes asked Mr. and Mrs. Worley to limit the use of fertilizers. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously. N. Hills moved to issue a Negative Determination for Box #3; J. Oakes seconded; voted unanimously.

The Commission discussed the Town of Marion's request for a fifth three-year Extension Permit for constructing a launching ramp and removing boulders at the end of Silvershell Beach (SE41-432). J. Oakes said the ramp is poured concrete, not stone, and preferred not to issue the Extension Permit until that change has been addressed. A letter to the Harbormaster explaining this was drafted by J. Oakes and unanimously voted to be sent.

The Commission reviewed N. Hills' notes of the May 3, 2005 site visit with Edward Burke of D.E.P. at Arthur and Cheryl Walker's 587 Front Street property (41D-1162 and 41D-1208). N. Hills said Mr. and Mrs. Walker were present. N. Hills said the slash and pig have been removed from the wetlands, and the outcome was that Ed Burke is going to issue an Enforcement Order to the Walkers, which is to be complied with within 30 days. N. Hills said the Environmental Protection Agency took aerial photographs of the site last week, and will send the Walkers a letter telling them they have to comply with the laws of Massachusetts and also to let the Walkers know that they are being watched. S. Briggs said that the Town By Laws require five acres of land, not just upland, to be called a farm.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved May 18, 2005