

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JUNE 1, 2005

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

Members Absent: Norman A. Hills, Vice Chairman  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Blaine P. Butterfield, Steve Glantz, Hanna Milhench, Alex Marsden, Terry Walsh, Patricia Cassady, Catherine Johansen, Steve Lynch.

Meeting convened at 7:00 PM Wednesday, June 1, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 28, 2005 by J. Oakes, N. Hills and R. Merlino.

7:00 PM The Commission's May 18, 2005 draft minutes were reviewed and accepted as amended on a motion by R. Merlino, seconded by S. Briggs, voted by majority with J. Oakes abstaining.

7:02 PM **STEVEN GLANTZ** – RFD (41D-1225) for maintenance repairs to an existing seawall at 446 Point Road. Mr. Glantz was present with his mason, Blaine Butterfield, who said the whole wall will be stuccoed. He described the work and said the wall will be cleaned with only water prior to the stucco. He said the work should take three weeks to a month to complete, and he would like to start as soon as possible. J. Oakes asked him to notify the Commission when the work begins, so that periodic inspections can be made. R. Merlino said a portion of the wall appears to have settled, and there is ponding behind it, and asked if anything was proposed to drain the area; B. Butterfield said nothing is proposed for the ponding. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously.

7:05 PM **TOWN OF MARION** – Amendment (SE41-432) to allow the launch ramp at the end of Silvershell Beach to be constructed of poured concrete, rather than trap rock and gravel (SE41-432). R. Merlino moved to issue an Amended Order of Conditions accepting the ramp as concrete, and to issue a three-year Extension Permit; J. Mendes seconded; voted unanimously.

7:18 PM **ZORA ENTERPRISES, INC.** – ANRAD (SE 041-1023) to verify the Bordering Vegetated Wetland lines at Olde Willow Road (continued). No one was present on Zora Enterprises' behalf. R. Merlino moved to continue the hearing to 7:40 PM June 15, 2005; J. Mendes seconded; voted unanimously.

7:20 PM **HANNA MILHENCH** – RFD (41D-1226) to add stone to eroded areas along the seawall and low areas at 42 Point Road. Ms. Milhench was present and said her seawall will match the height of the abutting wall. She said she will try one last time to get beach grass to grow. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously.

7:25 PM **ALEX N. MARSDEN** – Amendment (SE 041-1013) to revise the wetland line and expand the lawn area behind the house at 15 Deer Run. Mr. Marsden was present. J. Oakes asked Mr. Marsden if he intended to install the chain link fence in the wetlands, as indicated in Mr. Marsden's letter; Mr. Marsden said the fence is required because of the swimming pool, and it would blend in better if it were put in the wetlands, but he will put it where the Commission prefers. J. Oakes said he agrees with the revised wetland line with the following exceptions: Flag WL 4 should connect directly to Flag WL 8 (eliminating Flags WL 5, WL 6 and WL 7), and Flag WL 10 should connect directly to Flag WL 14 (eliminating Flags WL 11, WL 12 and WL 13). . J. Oakes said the Commission requires a minimum 15'-wide no-disturb area away from wetlands, which means the hay bales may need to be moved. J. Mendes moved to close the hearing; R. Merlino seconded; voted by majority with S. Briggs abstaining.

7:40 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 requested another continuation so that he can include the Planning Board's comments on the revised plan. R. Merlino moved to continue the hearing, at the Applicant's consent, to 7:30 PM June 15, 2005; J. Mendes seconded; voted unanimously.

7:45 PM **PINEY POINT BEACH CLUB** – RFD (41D-1227) to repave the existing paved parking lot, and grade and add stone to the existing dirt parking lot at 96 Piney Point Road. R. Merlino left the table. Steve Lynch and Terry Walsh represented the Applicant and described the work, a portion of which has already been completed. J. Mendes moved to close the hearing; S. Briggs seconded; voted unanimously. R. Merlino returned to the table.

J. Mendes moved to approve \$300.00 to purchase a new HP Officejet 7210 fax/copier/scanner/ printer; R. Merlino seconded; voted unanimously.

The Commission discussed Dr. Michael Popitz's proposed 6' x 4' "squaring off" addition at 64 Indian Cove Road (41D-1128). The work will take place a considerable distance from the wetlands, in an area that is presently wood chips. The Commission

agreed that a Request for a Determination of Applicability filing will not be required for this miniscule project. A letter will be sent to Dr. Popitz advising him of the Commission's decision.

7:50 PM **CAPE SHORES DEVELOPERS, INC.** – RFD (41D-1223) to construct a dwelling, a driveway, install utilities, fill/grade and landscape at 20 Old Knoll Road (continued). Patricia Cassady represented Mario DiBona and Cape Shores Developers, Inc., and submitted a revised plan showing a revised wetland line. J. Oakes said he would like to visit the site again before closing the hearing, and asked Ms. Cassady to submit soil logs for the wetland flag locations prior to the next site visits on June 11, 2005. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:50 PM June 15, 2005; J. Mendes seconded; voted unanimously.

8:00 PM **REGINALD MURPHY** – RFD (41D-1228) to construct a 20' x 30' (approximate) addition at 10 Maple Avenue. Catherine Johansen was present on behalf of her Father, Reginald Murphy. J. Oakes said the wetland appears to be more than 100' from the proposed addition. Ms. Johansen said the addition will have a full cellar, and all the excavated dirt will immediately be removed from the site. J. Oakes asked her to install approximately 50' of siltation fence between the brook and the excavation, to prevent runoff. R. Merlino moved to close the hearing; J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit to the Dexter Beach Improvement Association for their phragmites eradication project at Beach (Dinghy) Road (SE41-962); J. Mendes seconded; voted by majority with J. Oakes abstaining.

J. Oakes moved to issue a Negative Determination for Box #2 to the Piney Point Beach Club for their parking lot project at 96 Piney Point Road (41D-1227); J. Mendes seconded; voted by majority with R. Merlino abstaining.

S. Briggs moved to issue a Negative Determination for Box #2 to Hanna Milhench for adding stone to the eroded area along her seawall at 42 Point Road (41D-1226); J. Mendes seconded; voted unanimously.

R. Merlino moved to issue a Conditional Negative Determination for Box #2 to Steven Glantz for maintenance repairs to an existing seawall at 446 Point Road (41D-1225), with the Condition that the Contractor shall notify the Conservation Commission when work begins so that further site inspections can be done as the work progresses; J. Oakes seconded; voted unanimously.

S. Briggs moved to issue a Conditional Negative Determination for Box #3 to Reginald Murphy for his house addition project at 10 Maple Avenue (41D-1228), with the Condition that a silt fence shall be installed between the house and the brook; R. Merlino seconded; voted unanimously.

J. Oakes moved to issue an Amended Order of Conditions to Alex N. Marsden for revising the wetland line and expanding the lawn area behind the house at 15 Deer Run (SE 041-1023); R. Merlino seconded; voted unanimously.

J. Mendes said she told Selectman John Henry that she would like to retire from the Conservation Commission as soon as she can be replaced, because she is also on the Housing Committee and people may think she has a conflict of interest. She said she will write a letter to the Selectmen stating the above.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved June 15, 2005