

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 15, 2005

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: Margaret A. Ishihara, Patricia J. Cassady, Mario DiBona

Meeting convened at 7:00 PM Wednesday, June 15, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 11, 2005 by J. Oakes and N. Hills, and on Wednesday, June 15, 2005 by R. Merlino.

7:00 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). Mr. Clark was not present. Additional site inspections were done on July 11 and 15, 2005. The fill is in the process of being removed from the wetlands. Another site inspection will be held on August 13, 2005. J. Mendes moved to continue the hearing to 7:10 PM August 17, 2005; R. Merlino seconded; voted unanimously.

J. Mendes was concerned that there may be a conflict of interest due to her being on both the Conservation Commission and the Housing Committee. R. Merlino did not think there was any conflict and advised her to wait until the Board of Selectmen send her a letter asking her to resign. J. Mendes said she will speak with Town Administrator Jack Dolan about it.

7:12 PM **SIPPICAN LANDS ASSOCIATION, INC.** – RFD (41D-1229) to add up to ten cubic yards of beach sand in the sitting area above the mean high water line at Lot 49A Kabeyun Road. No one was present on behalf of the Association. The former Determination allowing this work has expired. N. Hills said the area was not clearly defined, and he may have viewed the wrong site. J. Oakes said he would like a more detailed plan and would like to visit the site again with a representative of the Association

also being present. J. Oakes moved to continue the hearing to 7:00 PM July 20, 2005, with another site inspection to be held on July 16, 2005; R. Merlino seconded; voted unanimously. A letter will be sent to the Association relaying the above information.

The June 1, 2005 minutes were reviewed and accepted as corrected on a motion by N. Hills, seconded by J. Mendes, voted unanimously.

R. Merlino moved to issue a three-year Extension Permit for Barden's Boat Yard, Inc.'s Order of Conditions (SE41-552) to construct a launching ramp, repair a seawall and do dredging at 2 Island Wharf Road; J. Mendes seconded; voted by majority with J. Oakes abstaining.

R. Merlino moved to issue a full Certificate of Compliance to Lars Olson for removing the existing structures at 64 Converse Road and constructing a new house, garage, septic system, retaining wall and paving the driveway at 1 Shore Drive (SE41-904); J. Mendes seconded; voted unanimously.

Discussion followed regarding reorganizing the Commission. J. Oakes suggested postponing the reorganization until the Selectmen reappoint J. Oakes and J. Mendes. R. Merlino suggested that J. Mendes send a letter to the Selectmen explaining that she does not wish to be reappointed, but will continue to serve on the Commission until she is replaced. J. Oakes said he would like to be reappointed and will send a letter to the Selectmen to that effect. Reorganization will be discussed again at the Commission's July 20, 2005 meeting.

7:30 PM **ANTONIO LOPES** – ANRAD (SE 041-1026) to construct a 700'-long driveway, a single-family dwelling, install utilities, and associated filling/grading/replication off Rezendes Terrace (continued). Mr. Lopes' engineer, Kevin Walker, by letter requested another continuation because he is working out the upland ratio with Town Counsel. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:20 PM July 20, 2005; N. Hills seconded; voted unanimously.

7:32 PM **ZORA ENTERPRISES, INC.** – Request to extend the lawn area behind the house at 24 Olde Sheepfield Road an additional 10 feet (SE41-986). Margaret Ishihara represented Zora Enterprises. J. Oakes said the site inspection showed the silt fence is in the correct location, although the wetland flags are missing. J. Oakes said Natural Heritage suggested the 25' wide buffer zone to the wetlands in order to protect the Eastern Box Turtle, and he sees no reason to extend the lawn into what he feels are already wetlands; R. Merlino agreed. J. Oakes explained to M. Ishihara that she could request an Amended Order of Conditions and if that was denied, she could appeal it to the D.E.P.

7:40 PM **ZORA ENTERPRISES, INC.** – ANRAD (SE 041-1023) to verify the Bordering Vegetated Wetland lines at Olde Willow Road (continued). Margaret Ishihara represented Zora Enterprises and said her client is going to meet with a wetlands

consultant on June 22, 2005 regarding this project. She asked for a two-month continuation. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:20 PM August 17, 2005; N. Hills seconded; voted unanimously.

7:50 PM **CAPE SHORES DEVELOPERS, INC.** – RFD (41D-1223) to construct a dwelling, a driveway, install utilities, filling/grading and landscaping at 20 Old Knoll Road (continued). Mario DiBona was present with his wetland biologist, Patricia Cassady. Another site inspection was done to verify the adjusted Bordering Vegetated Wetland line. P. Cassady said she had submitted the results of the soil tests for the flagging. J. Oakes said he checked the southeast corner of the lot where fill has been added, but he found it to be uplands. J. Oakes said he feels the wetland line beginning at Flag 18 should run easterly directly to a point that is 36 feet north of the southeast property corner, on the property line (eliminating Flags 19 and 20), and Flags 15, 16 and 17 are actually in the Bordering Vegetated Wetlands. P. Cassady asked the Commission whether they prefer replication or just allowing that area to grow back. J. Oakes said the 15' no-disturb zone has been lost, and he would like a Notice of Intent to be filed, showing the boulders removed from the no-disturb area. M. DiBona's request to plant wildflowers in the no-disturb area was granted. J. Oakes said the lot was subdivided prior to 1996, so the Rivers Protection Act regulations do not apply. M. DiBona said the buyers of this property expect to move in by July 24, 2005. J. Oakes said the project will require a Notice of Intent filing, or an Abbreviated Notice of Intent if it meets D.E.P.'s requirements, but the work can continue on the house. J. Oakes moved to close the hearing and issue a Positive Determination for Boxes 3 and 4 with the following conditions: (1) the wetland line beginning at Flag 18 shall run easterly directly to a point that is 36 feet north of the southeast property corner, on the property line; (2) the boulders and fill along wetland line Flags 1 through 5 shall be removed and placed no closer than 15 feet from the wetland line on the upland side; (3) the silt fence shall be relocated to be no closer than 15 feet to the wetland line on the upland side of the entire lot; (4) the disturbed wetland in the area south of Flags 15, 16 and 17 shall be regraded by hand and allowed to revegetate (a wetland seed mix and/or wetland plantings may be planted in that area; (5) a plan of record reflecting these changes shall accompany the NOI/Abbreviated NOI; and (6) this work may commence upon receipt of this Determination. R. Merlino seconded the motions; voted by majority with J. Mendes abstaining.

Mario DiBona said the closing date for his house at 32 Olde Sheepfield Road (SE41-992) is scheduled for July 7, 2005. He said he did not realize that the Commission had canceled their July 6, 2005 meeting and asked if there was any way he could get a Certificate of Compliance before the closing. J. Oakes said the engineer's request for a Certificate of Compliance was received just today. J. Oakes told Mr. DiBona that the site is supposed to have an open grass swale along the side of this property, as required by the Superseding Order of Conditions SE41-400 for constructing the subdivision roads, and the new owner should be aware that the underground pipe now in place may need to be replaced with the specified swale. R. Merlino suggested that the Commission vote to approve the Certificate of Compliance and sign it tonight, but not issue it until after he and

J. Oakes inspect the site (at 8:30 AM Saturday morning, June 18, 2005). R. Merlino moved to sign the Certificate of Compliance, to be issued pending the site inspection results; N. Hills seconded; voted by majority with J. Mendes abstaining.

Meeting adjourned at 8:35 PM.

Diane R. Drake, Secretary

Approved July 20, 2005