

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JULY 20, 2005

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

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

Secretary: Diane R. Drake

Others Present: Susanne Weber, Patricia Cassady, Colleen Carreiro, Kyle Riseley, Donovan T. Dunn, Antonio Lopes Sr., Antonio Lopes Jr., Leonard Lopes, Richard Charon, Peter Rezendes Jr., David Davignon, Susan Nilson, Richard Garnett, John Farnham, Scott Robertson, Paula & Scott Riggi, Julie Early, Geoffrey Neal, Matthew Silva, Mario DiBona.

Meeting convened at 7:00 PM Wednesday, July 20, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 16, 2005 by J. Oakes, N. Hills and R. Merlino.

7:00 PM **SIPPICAN LANDS ASSOCIATION** - RFD (41D-1119) to add up to 10 cubic yards of beach sand above the mean high water line at Lot 49A Kabeyun Road (continued). Susanne Weber was present on behalf of the Association. A more detailed plan showing the proposed work has been received, and another site inspection was held to further identify the area. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

R. Merlino moved to accept the June 15, 2005 minutes as written; N. Hills seconded; voted unanimously.

R. Merlino moved to ratify the payment of \$215.00 for MACC's fiscal year 2006 (July 1, 2005 through June 30, 2006) annual dues; N. Hills seconded; voted unanimously.

7:10 PM **MATTHEW S. SILVA** – NOI (SE 041-1030) to construct a single-family dwelling with a garage and porches, a driveway, filling/grading and replication at 27 Parlowtown Road. Matthew Silva was present with his Engineer, Richard Charon of Charon Associates, Inc. R. Charon explained that the "A" series flags were placed by Richard S. Russell, and the other flags on the site were more recently hung by Lelito Environmental Consultants (L.E.C.). R. Charon said that by using the L.E.C. line he found enough room for the house and septic system without filling wetlands and then replicating

them, and submitted a revised plan. R. Charon asked that the Commission's 15' setback from the fence to be halved at L.E.C. Flags 6, 4 and 3. N. Hills said there were several flags on the site, but none of them were numbered. J. Oakes said he found L.E.C. Flag 6, but he would like to visit the site again to verify the flags shown on the revised plan. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:40 PM August 3, 2005; N. Hills seconded; voted unanimously.

7:25 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). Antonio Lopes, Antonio Lopes Jr. and Leonard Lopes were present. Abutter Peter Rezendes Jr. was also present. This hearing has been continued several times due to Planning Board issues regarding contiguous uplands. A revised plan was submitted, but was not stamped because the engineer is on vacation until August 1, 2005. J. Oakes said he would like to view the site again to check the proposed replication and restoration areas, etc. N. Hills questioned how the foundation of the house can be excavated without the fill getting into the wetlands. Peter Rezendes Jr. questioned the contiguous upland, and said several waivers are needed by the Planning Board. R. Merlino said he would like an inspector to be present when the water/sewer/utilities lines are installed. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:50 PM August 3, 2005; N. Hills seconded; voted unanimously.

8:00 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 (continued). R. Merlino moved to continue the hearing, at the engineer's request, to 7:00 PM August 17, 2005; N. Hills seconded; voted by majority with J. Oakes abstaining.

8:01 PM **THE KITTANSETT CLUB** – Appointment for discussion regarding the Butler's Point parking area at the end of Point Road(41D-1224). J. Oakes left the room. Susan Nilson of CLE Engineering, Inc. was present with John Farnham and Richard Garnett of the Kittansett Club. She showed a plan with a practice green, the stone area paved, and a lawn. She said the drainage trench will be extended along the edge of the pavement. R. Merlino and N. Hills said for a paved area that large right near the water, stormwater runoff control seems appropriate. S. Nilson said the proposed lawn area would be used for a tent, not for parking. J. Oakes returned to the room.

8:15 PM **ANNE & SCOTT V. ROBERTSON, JR.** – NOI (SE 041-1032) to construct a dwelling, a garage, retaining walls, and filling/grading/landscaping at Lot 35 (Subdivision Lot 6) Deer Run. Mr. Robertson was present with his engineer, David Davignon of N. Douglas Schneider & Associates, Inc. D. Davignon said the wetland line was approved under a previous Determination. J. Oakes asked how the roadway would handle stormwater runoff; D. Davignon said the road is out of the Buffer Zone, but was approved by the Planning Board. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

8:25 PM **RICHARD N. YOUNG** – RFD (41D-1230) to alter a driveway at 22 Point Road and construct an in-ground swimming pool. David Davignon represented Mr. Young

and described the project. He said a septic system repair was recently done at the site. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

8:27 PM **THE ISLAND FOUNDATION** – RFD (41D-1231) to repave the driveway at 589 Mill Street. Julie Early represented The Island Foundation and said this work was approved under a prior Determination which expired before they could do the work. She said the culverts will not be replaced, and she would like to remove the existing paving due to its instability. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

8:32 PM **CAPE SHORES DEVELOPERS, INC.** – NOI (SE 041-1031) to construct a single-family dwelling, a driveway, install utilities, and grade and landscape at 20 Old Knoll Road. The property Owner, Mario DiBona was present with his botanist, Patricia Cassady. Another site visit had been held. Mr. DiBona said the hydroseeding has been done. N. Hills and R. Merlino said they noticed several trees with loam quite high up on their trunks, which could kill them; Mr. DiBona said he will make wells around the tree trunks. The Commissioners said they would prefer to hold off issuing a full Certificate of Compliance until another site visit is done on July 30, 2005. They said an as-built foundation plan should accompany the letter from the engineer requesting a Certificate of Compliance, but the Order must be recorded at the Plymouth Registry of Deeds first. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

8:43 PM **GEOFFREY NEAL** – NOI (D.E.P. file number not assigned yet) to construct a single-family dwelling, a driveway, install utilities, grade and landscape Lot 120 Olde Meadow Road. Mr. Neal was present with his botanist, Patricia Cassady, and builder, Mario DiBona. J. Oakes said there is a 30'-wide band of wetlands near the road which is not shown on the plan, but the wetland line shown on the plan was approved by D.E.P. under Superseding Order of Conditions SE41-400 which will expire in December 2006. J. Oakes said he, as one Member of the Commission, will not issue an Order of Conditions approving this project due to the inaccuracy of the wetland line shown on the plan; R. Merlino and N. Hills agreed with J. Oakes. R. Merlino said he would like to send a letter to D.E.P. asking them to view the site and reconsider their approval of the wetland line on this lot based on the vegetation there. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:20 PM August 3, 2005; N. Hills seconded; voted unanimously.

R. Merlino moved to issue a Box 2 Conditional Negative Determination of Applicability to Sippican Lands Association, Inc. for adding up to 10- cubic yards of beach sand at Lot 49A Kabeyun Road (41D-1229), with conditions that the sand shall be placed above the mean high water line and be compatible with the sand that is presently on the site; N. Hills seconded; voted unanimously.

N. Hills drafted Anne and Scott V. Robertson, Jr.'s Order of Conditions (SE 041-1032) and moved to issue it as written; R. Merlino seconded; voted unanimously.

R. Merlino moved to issue a Box 2 Negative Determination of Applicability to Richard N. Young to construct an inground swimming pool at 22 Point Road (41D-1230); N. Hills seconded; voted unanimously.

N. Hills moved to issue a Box 2 Conditional Negative Determination of Applicability to the Island Foundation, Inc. for repaving the driveway at 589 Mill Street (41D-1231), with the condition that a hay bale line or siltation fence shall be installed ten feet from the center line of each culvert crossing; R. Merlino seconded; voted unanimously.

R. Merlino moved to issue a full Certificate of Compliance for Box #1 to Joseph Webster for the new dwelling at 167 Cross Neck Road (SE41-861); N. Hills seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit to Coolmar Limited Partnership's Order of Resource Area Delineation at 604 Point Road (SE41-963); N. Hills seconded; voted unanimously.

J. Oakes drafted the Order of Conditions (SE 041-1031) for Cape Shores Developers, Inc.'s new dwelling and landscaping at 20 Old Knoll Road and moved to issue it as written; N. Hills seconded; voted unanimously.

The Commission Members discussed Arthur and Cheryl Walker's Enforcement Order for wetlands violations at 587 Front Street (41D-1162 and 41D-1208). N. Hills submitted a detailed table of correspondence, meetings, site visits and phone calls that had taken place for this site, beginning in August 2003. N. Hills submitted a draft letter to Gary Moran, Regional Director of D.E.P.'s Southeast Regional Office, asking him to reconsider their decision to ignore Arthur Walker's non-compliance with their Enforcement Order issued May 9, 2005. R. Merlino moved to send the letter as amended, with the table as an attachment; J. Oakes seconded; voted unanimously.

Meeting adjourned at 10:15 PM.

Diane R. Drake, Secretary

Approved September 7, 2005