

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 3, 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: Matthew Silva, Christian Leland, Kevin Walker, Kyle Riseley,
Donovan Dunn, Will Saltonstall, Tony Lopes Jr., Tony Lopes Sr., Scott Riggi

Meeting convened at 7:00 PM Wednesday, August 3, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, July 30, 2005 by J. Oakes, N. Hills and R. Merlino.

Cape Shores Developers, Inc.'s request for a Certificate of Compliance for the new dwelling at 20 Old Knoll Road was discussed (SE 041-1031). J. Oakes preferred to issue a Partial Certificate of Compliance for the house portion of the project but not the landscaping because the grass has been hydroseeded but has not yet grown. After further discussion N. Hills moved to issue a full Certificate of Compliance; J. Mendes seconded; voted unanimously.

7:10 PM **CHRISTIAN B. LELAND** - RFD (41D-1232) to upgrade a septic system at 471 Point Road. Christian Leland was present. J. Oakes said he does not think the wetland line shown on the plan is accurate. J. Oakes said the project is far enough from the wetlands to be approved by Conservation, but may not be far enough away to satisfy the Board of Health's setback requirements. The Commission agreed that the wetland line should be reflagged and rechecked to determine the distance to the leaching field. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:40 PM August 17, 2005; N. Hills seconded; voted unanimously.

7:20 PM **GEOFFREY NEAL** – NOI (SE 041-1033) to construct a single-family dwelling, a driveway, install utilities, grading and landscaping at Lot 120 Old Meadow Road (continued). Kevin Walker represented Mr. Neal and said he would really like to do the work under the Commission's Order of Conditions, rather than a Superseding Order of Conditions from D.E.P., and offered to replicate the unflagged wetlands. K. Walker said the catchbasin at the beginning of the driveway is malfunctioning, probably causing the road

runoff onto the lot due to the roadway grading. R. Merlino suggested the plan be revised to show the actual wetland line, and then the Commission would visit the site again to see if there would be enough room for the dwelling and replication. K. Walker agreed to reflag the wetlands on site. Scott Riggi, the abutter behind the lot, was present and showed pictures of the drainage easement which he does not want disturbed. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:50 PM August 17, 2005, and view the site again on August 13, 2005; N. Hills seconded; voted unanimously.

7:40 PM **WILLIAM W. SALTONSTALL** – RFD (41D-1233) to construct a single-family dwelling at 11 Ryder Lane. William W. Saltonstall was present and said the lot is in Flood Zone AE elevation 16;. He said the home will be of the “green design” and will have a gray water system with the holding tank under the house. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

7:48 PM **MATTHEW S. SILVA** – NOI (SE 041-1030) to construct a house, a garage, porches, a septic system, a driveway, filling/grading and landscaping at 27 Parlowtown Road (continued). Matthew Silva was present. Another site visit was held and test pits were dug. J. Oakes said the Commission accepts the Lelito-flagged line as being correct. M. Silva agreed to remove the fill that is presently in the 15’ no-disturb zone. J. Oakes explained to Mr. Silva that the hay bale line or silt fence must be placed at least 15’ upland of the wetland line, and shall be the limit of work delineation. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

7:55 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 Jr. and Antonio Lopes Sr. were present and submitted a revised plan. Another site visit was done on July 30, 2005. J. Oakes said the wetland line has been adjusted in accordance with the Conservation Commission's flags. J. Oakes said he and Kenneth Conte discussed details of traffic on the driveway during construction. Mr. Lopes Sr. said the Planning Board hearing is on August 8, 2005 and the main issue is the amount of contiguous upland; he said there is not enough upland pre-construction, but post-construction there will be more than required due to the square footage of the driveway. R. Merlino suggested including Special Conditions in the Order of Conditions requiring: (1) an inspector [approved by the Conservation Commission] to be on site at all times of activity, and (2) a detailed construction plan shall be submitted prior to the start of the project. J. Oakes said the wetlands replication plan in the Notice of Intent shall become a part of the Order of Conditions. J. Oakes said that the replication plus restoration will add up to more than enough for the one-to-one requirement. J. Oakes said the grading at Flag A53 will need to be changed to ensure the 15’ no-disturb zone is protected. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously.

R. Merlino moved to issue a three-year Extension Permit to The Kittansett Club for their Order of Conditions (SE41-961) to regrade the first hole, construct a cart path, create a saltmarsh, etc. at 11 Point Road; J. Mendes seconded; voted by majority with J. Oakes not participating in the discussion or vote.

R. Merlino moved to issue a Negative Determination for Box #2 for William W. Saltonstall's new dwelling project at 11 Ryder Lane (41D-1233); J. Mendes seconded; voted unanimously.

N. Hills drafted Matthew S. Silva's Order of Conditions (SE 041-1030) to construct a house and septic system at 27 Parlowtown Road, and moved to issue it as written; R. Merlino seconded; voted unanimously.

J. Oakes drafted Antonio Lopes' Order of Conditions (SE 041-1026) for a house and driveway off Rezendes Terrace and moved to issue it as written; N. Hills seconded; voted unanimously.

Outstanding Enforcement Orders were reviewed. R. Merlino moved to reissue the Enforcement Order to Gilda Pietragalla, to remove the additional parking space(s) behind The Stone Rooster on Mill Street which were "temporarily" created during her septic system upgrade (41D-1146), and to record the Order at the Plymouth County Registry of Deeds; N. Hills seconded; voted unanimously. The business is for sale.

J. Oakes said he would like to reinstate the Commission's Policy Standard #2 requiring D.E.P. field sheets for verifying wetland lines. J. Oakes moved to reinstate it effective August 3, 2005; R. Merlino seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved September 7, 2005