

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 19, 2005

Members Present: Jeffrey W. Oakes, Chairman  
Norman A. Hills, Vice Chairman  
Janice M. Mendes, Treasurer (left at 7:40 PM)  
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: Bronwen Cunningham, Donald DeVoe, Annette & Paul Hodess, Robert Lane, Annita Donovan, Rich Charon, Margaret Anderson, William St. Cyr, David Davignon, Robert & Christine Marcolini.

Meeting convened at 7:00 PM Wednesday, October 19, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 15, 2005 by J. Oakes, N. Hills, J. Mendes and R. Merlino.

7:00 PM **BRONWEN CUNNINGHAM** - RFD (41D-1240) to construct a front entry, a dining alcove, a garage and a second story over the house at 23 Cross Street (a.k.a. 23 Arrowhead Lane) (continued). This hearing had been continued so that the first floor elevation could be verified. Ms. Cunningham was present. She had submitted a copy of a stamped plan showing the first floor elevation to be at 17.8', therefore the 50% Rule regulations do not apply. J. Mendes moved to close the hearing; R. Merlino seconded; voted unanimously.

The Commission's October 5, 2005 minutes were reviewed. J. Mendes moved to accept them as amended; R. Merlino seconded; voted unanimously.

7:10 PM **DONALD DeVOE** – RFD (41D-1242) to construct a 12' x 30' second-story great room addition, with a master bedroom above it, over a concrete slab enclosed with sliding glass doors, and an 8' x 10' deck on the rear of the dwelling at 6 Cove's End Road. Mr. DeVoe was present. J. Oakes said a small line of haybales or silt fence (approximately 40') should be placed and maintained 15' upland of the wetland line (the retention pond) during construction and not removed until the site is revegetated. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

7:20 PM **COLE DAUGHTERS REALTY TRUST** – NOI (SE 041-1037) to construct a new dwelling at Lot 11 Delano Road. Richard Charon of Charon Associates, Inc. represented the Trust and described the project. Also present were abutters Annette and Paul Hodess, who own the property across the street from this lot, and the Trust's real estate agent, Annita Donovan. R. Charon said Robert Gray of Sabatia flagged the wetland line but does not have his field work sheets ready to submit. R. Charon said R. Gray will do the work sheets on Saturday, October 22, 2005. J. Oakes said Dorothy Blickens' comments regarding the hydraulic connection to the pond across the street are unfounded. J. Oakes said the hay bale barrier should be placed 15' upland of the wetland line, rather than as shown on the present plan. Mr. Hodess said he owns the gravel pit across the street and would like to fill it in because he cannot stop the neighborhood children from playing in it. J. Oakes said it does not appear to be in the Conservation Commission's jurisdiction and a filing will not be required for Mr. Hodess to fill it in. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM November 2, 2005; R. Merlino seconded; voted unanimously.

7:30 PM **MARGARET E. ANDERSON** – RFD (41D-1244) to upgrade a septic system at 11 Sassamon Trail, Indian Cove. Richard Charon represented Ms. Anderson and described the project. He said there appears to be an isolated wetland area on the site; J. Oakes agreed that it is not a bordering vegetated wetland. William St. Cyr said the Indian Cove Association is in favor of this project. J. Mendes moved to close the hearing; N. Hills seconded; voted unanimously.

J. Mendes left at 7:40 PM to attend a Housing Authority meeting.

7:40 PM **RUGGLES POINT REALTY TRUST** – RFD (41D-1243) to upgrade the septic system at 50 Point Road. David Davignon of N. Douglas Schneider & Associates represented the Trust and described the project. He said Steven Gibbs of Gibbs Plumbing viewed the existing piping and recommended the locations of the new components. R. Merlino moved to close the hearing; N. Hills seconded; voted unanimously.

7:45 PM **JAMES DAVIDIAN** – Appointment for discussion with David Davignon regarding the pier project at 21 East Avenue, Planting Island (SE041-1005). D. Davignon said the proposed pier has been issued a 30-year Chapter 91 license, but he would like to change the bottom-anchored float on legs to a float supported by chains to four piles. D. Davignon said that before he can go to the Planning Board for this change, he needs to discuss it with the Marine Resources Commission and the Conservation Commission. He said he just met with the M.R.C. He said the piles will be driven in from a barge at high tide. He said the landing pad will be completed this fall, and the gangway is being constructed. D. Davignon said Mitch Zienciena of Waterways told him this would be considered a minor change because the four pilings are equal to the five helical screws. R. Merlino said he is not opposed to the change. J. Oakes agreed that the piles would be better environmentally. D. Davignon requested a letter from the Commission endorsing the proposed change.

8:02 PM **THE KITTANSETT CLUB** – NOI (SE041-1035) to relocate and expand a portion of an existing parking area at 11 Point Road, and construct a practice putting area in its place (continued). By letter, the Club's engineer has requested a continuation so that they can discuss this project with other Town boards. R. Merlino moved to continue the hearing to 7:00 PM December 7, 2005; N. Hills seconded; voted unanimously with J. Oakes voting due to the Rule of Necessity.

8:05 PM **ROBERT MARCOLINI** – Appointment for discussion regarding a wetland replication area at 912 Point Road that was recently filled (SE41-365). Mr. and Mrs. Marcolini were present at the Commission's request. Mr. Marcolini said they have lived there for a year and he was cutting brush. He said he noticed a large hole/depression which he wanted to fill in. He said he wanted to cut several trees, and Sherman Briggs met him at the site to discuss the proposed work. He said S. Briggs approved cutting the trees, suggested placing a line of boulders along the creek to hold back fill, and described how to grade the area. Mr. Marcolini said he has a small child and was concerned with mosquitos breeding in the standing water in the depression, which is why he wanted to fill it. J. Oakes said S. Briggs overstepped his bounds and does not have the authority to speak for all the members of the Commission. J. Oakes said the fill must be removed and the wetland replicated. Mrs. Marcolini said she never saw a Plan of Record for the property; the realtor only told her there were wetlands in the rear of the property, not in the front and side. J. Oakes suggested slight grading toward the creek to prevent ponding, and remove just the fill that was added, not the underlying wetland soil. Mr. Marcolini asked if the fill could be removed a little at a time, with the Commission approving each step; J. Oakes said no, it must all be removed at one time before spring. Mrs. Marcolini asked if it would be inappropriate for her to ask S. Briggs to remove the fill; R. Merlino said that would not be at all inappropriate. The Commission Members all agreed that the replication area does not need to hold water, and can be pitched to prevent ponding. Mrs. Marcolini asked if they could fence in the yard along the creek, and Mr. Marcolini said he would like to pave the driveway. J. Oakes suggested they submit a filing describing everything they would like to do on their property, and Conservation's permit will be valid for three years.

**SARDINHA FAMILY TRUST** (SE41-909) to construct a Dunkin Donuts and a bank building at 450 Wareham Street. The plan has been revised, changing the bank to an office building, and eliminating the drive up window. The Planning Board has requested comments on the change. J. Oakes said the improvements do not meet the Commission's 15' no-touch/30' no-build policy; the drainage system is different from what was previously reviewed; and the Applicant will need to request an Amended Order of Conditions. J. Oakes moved to send a memo as discussed above; N. Hills seconded; voted unanimously.

R. Merlino moved to issue a Negative Determination for Boxes 2 and 3 to Ruggles Point Realty Trust for their septic system upgrade project at 50 Point Road (41D-1243); J. Oakes seconded; voted unanimously.

R. Merlino moved to issue a Negative Determination for Box #3 to Margaret Anderson for her septic system upgrade project at 11 Sassamon Trail (41D-1244), with a

notation that the siltation barrier north of Flag A5 is not required; N. Hills seconded; voted unanimously.

J. Oakes moved to issue a Conditional Negative Determination for Boxes 2 and 3 to Bronwen Cunningham for her garage/second floor project at 23 Arrowhead Lane (41D-1240), with the Condition that the addition shall be at a minimum 15' M.S.L.; N. Hills seconded; voted unanimously.

N. Hills moved to issue a Conditional Negative Determination for Boxes 2 and 3 for Donald DeVoe's proposed addition at 6 Cove's End Road (41D-1242), with a Condition requiring 40' of haybales/silt fence to be staked between the house and the retention pond; J. Oakes seconded; voted unanimously.

R. Merlino drafted and moved to issue a letter to David Davignon supporting changing James Davidian's float at 21 East Avenue from being held by helical anchors to being supported by piles (SE041-1005); J. Oakes seconded; voted unanimously.

Meeting adjourned at 9:15 PM.

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Diane R. Drake, Secretary

Approved November 16, 2005