

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 2, 2005

Members Present: Jeffrey W. Oakes, Chairman  
Norman A. Hills, Vice Chairman  
Janice M. Mendes, Treasurer  
Sherman E. Briggs, Jr., Recording Secretary

Members Absent: Robert J. Merlino, Member  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Jeffrey & Suzanne Woodworth and their daughter, Frederick  
Coulson, Scott Cowell, Joseph Zora Sr., Joseph Zora Jr.,  
Francis Griffin

Meeting convened at 7:00 PM Wednesday, November 2, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 29, 2005 by N. Hills and J. Mendes.

7:00 PM **JEFFREY C. WOODWORTH** - RFD (41D-1246) to lower and extend an existing deck at 11 Spinnaker Lane. Mr. and Mrs. Woodworth and their daughter were present. The house is in the flood plain but the first floor elevation is at approximately 16'9". Mr. Woodworth said the deck will be built at the first floor level. J. Mendes moved to close the hearing; N. Hills seconded; voted unanimously.

7:10 PM **STEPHEN CLARK** – RFD (41D-1201) to place a line of boulders and to level and reseed an existing lawn at 711/713 Mill Street (continued). Mr. Clark was not present. N. Hills moved to table the hearing until later tonight; J. Mendes seconded; voted unanimously.

7:15 PM **STEPHEN CLARK** – RFD (41D-1245) for paving the driveway at 711/713 Mill Street. This is an after-the-fact filing. J. Mendes moved to close the hearing; S. Briggs seconded; voted unanimously.

7:20 PM **COLE DAUGHTERS REALTY TRUST** – NOI (SE041-1037) to construct a new dwelling at Lot 11 Delano Road (continued). J. Oakes said he feels the wetland line is at least 15' closer to the proposed house. The engineer had requested a continuation of the hearing so that another site inspection can be done with the wetlands delineator present. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:30 PM November 16, 2005; N. Hills seconded; voted unanimously.

7:25 PM **SCOTT COWELL** – Appointment for discussion regarding amending his Order of Conditions (SE041-1006) to do the second and final portion of his aquaculture project at Ram Island. Scott Cowell was present and asked what he needed to do, if anything, to go forward with the second one-half acre of his aquaculture grant. J. Oakes said he would be agreeable to amend the existing Order of Conditions, rather than file a new Order of Conditions, as long as the Moore family, who owns Ram Island, is in favor of it. S. Cowell submitted a letter from Shellfish Officer Isaac Perry approving the second part of this project. S. Cowell said he would ask Michael Moore to write a letter stating he has no objections to the additional work. S. Cowell said he will formally request an Amendment to his Order of Conditions.

7:35 PM **JOSEPH P. ZORA, SR.** – Appointment for discussion regarding the dredge spoils being dumped on the railroad grade, possibly on his property (a portion of Lot 24), without his permission. Joseph Zora Sr. and Joseph Zora Jr. were present and said Karen Walega of the Board of Health told them that if they were never notified of a “taking” of their land (which they state they weren’t), then if the project (the railroad) was abandoned the railroad grade would revert back to the original owners. J. Oakes did not think the dredge spoils were being placed anywhere near wetlands, and nowhere near the Zora property. J. Oakes said the Commissioners will include the railroad grade on their next site inspections on November 12, 2005. Frederick Coulson was present during the discussion to answer any questions regarding the quality or placement of the dredge spoils.

7:40 PM **FRANCIS M. GRIFFIN** – Appointment for discussion regarding filling a small area to store his boat at 170 Olde Meadow Road. Mr. Griffin was present and explained that he wanted to fill a corner of his yard so that he can store his boat there, but Conservation’s records show that area is a wetland. The Commission explained that he cannot fill a wetland, and offered to view the site on Saturday, December 3, 2005. Mr. Griffin will stake the area he wishes to fill prior to the inspection.

**STEPHEN CLARK** – RFD (41D-1201) to place a line of boulders and to level and reseed an existing lawn at 711/713 Mill Street (continued from earlier this evening). There was a fire in Mr. Clark’s garage recently; the Commission agreed that another filing would not be necessary for him to rebuild it. N. Hills moved to close the hearing; J. Mendes seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Boxes 2 and 3; N. Hills seconded; voted unanimously.

**TIMOTHY LYNCH** – Wetlands violations at 8 West Avenue, Planting Island, have been reported. Photographs show a portion of the property has been cleared and graded right up to the coastal bank. The Members agreed that the work that was done is permissible, but an after-the-fact filing is necessary. An Enforcement Order was prepared. J. Oakes moved to issue the Order as written, along with a Request for a Determination of Applicability ; N. Hills seconded; voted by majority with J. Mendes abstaining.

N. Hills moved to issue a Negative Determination for Box #2 for Jeffrey C. Woodworth's deck at 11 Spinnaker Lane (41D-1246); S. Briggs seconded; voted unanimously.

J. Oakes moved to issue a Negative Determination for Boxes 2 and 3 for Stephen Clark's lawn project at 711/713 Mill Street (41D-1201); N. Hills seconded; voted unanimously.

Meeting adjourned at 8:45 PM.

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Diane R. Drake, Secretary

Approved November 16, 2005