

FINAL

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 17, 2003

Members Present: Jeffrey W. Oakes, Vice Chairman
Janice M. Mendes, Treasurer
Joel D. Hartley, Member

Members Absent: Robert J. Merlino, Chairman
Sherman E. Briggs, Jr., Recording Secretary
Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: David W. Booth, George McTurk, Christopher Ford, Ernest Yeaw,
Dr. David W. Briggs, Gertrude Heineken, Braham E. Muther, Kevin Walker.

Meeting convened at 7:10 PM Wednesday, September 17, 2003 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 13, 2003 by J. Oakes, J. Mendes & J. Hartley.

7:10 PM **HOLLY & CHRISTOPHER FORD** - RFD (41D-1156) to determine what resource areas, if any, exist at Lot 85 Card Drive. Christopher Ford was present with his realtor, George McTurk. J. Oakes explained that the site does not appear to be in the 100-year flood plain, but he does not know whether there are enough wetland plants present to determine whether it is a wetland without soil auger samples. J. Hartley explained that the site might be in the 100' buffer zone to wetlands on abutting lots. J. Oakes said he does not think the lot is subject to the Wetlands Protection Act, but explained that only a wetlands specialist could verify that. G. McTurk said he will consult with a wetlands specialist and come back to the Commission. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:40 PM October 1, 2003; J. Hartley seconded; voted unanimously.

7:30 PM **ARTHUR WETMORE** – RFD (41D-1154) to construct a 20' x 20' sunroom addition at 10 Puckerbrush Way. Mr. Wetmore's Contractor, David Booth, was present. The addition is to be built where the existing deck is. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:34 PM **ERNEST R. YEAW** – RFD (41D-1155) to replace a 12' x 12' covered deck at 110 Dexter Road with a 16' x 16' open deck. Mr. Yeaw was present and said a large rock is holding up the existing deck.. J. Oakes said there are no wetland concerns. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:37 PM **DR. DAVID BRIGGS AND GERTRAUDE HEINEKEN** – RFD (41D-1157) to determine what resource areas, if any, exist at Lot 101 Bass Point Road. Dr. Briggs was present with co-owners of the lot Gertraude Heineken and Brahm E. Muther. J. Oakes said there were flags on the lot, but he wasn't sure what the flags were for; G. Heineken said a neighbor told her the flags were put there by the sewer extension people. J. Hartley said the entire lot is in the Velocity Zone, according to the Flood Insurance Rate Map (F.I.R.M.). J. Oakes said there was 6"-7" of standing water on the lot, but the area of the water may be too small to be considered an Isolated Land Subject to Flooding. J. Oakes said the Commission did not see an inlet or outlet for water during the site inspection. J. Oakes explained that Dr. Briggs needs to hire a wetland specialist to view the lot, flag the wetlands and flood plain delineations, prepare a plan showing those delineations, and then ask the Commission to verify the delineations as being correct. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

8:06 PM **ZORA ENTERPRISES, INC.** – Amendment to change the applicant's name, the house footprint, the driveway location, and the fence location at Lot 125 Olde Sheepfield Road (SE41-985). Kevin Walker of G.A.F. Engineering represented Zora Enterprises and explained that the new plan shows a bigger house set further back, a deck in back, the driveway moved from one side of the house to the other side, more grading in front, and an adjustment to the permanent fence location which will result in a larger buffer zone. J. Oakes said his only concern was that Natural Heritage requested a 25' vegetated buffer zone along the brook to help protect the Eastern Box Turtles there, and this 25' buffer zone was written into the Commission's Order of Conditions. J. Hartley moved to close the hearing; J. Mendes seconded; voted unanimously. J. Oakes moved to issue an Amended Order of Conditions accepting the plan marked as revision #2 as the new Plan of Record; J. Mendes seconded; voted unanimously.

J. Mendes moved to issue a three-year Extension Permit to Sardinha Family Trust for their bank/Dunkin Donuts project at the former L'Auberge Restaurant at 450 Wareham Street (SE41-909); J. Hartley seconded; voted unanimously.

J. Oakes moved to issue a Partial Certificate of Compliance to John M. Shanahan for reconstructing a seawall at 282 Delano Road (SE41-957); J. Hartley seconded; voted unanimously. Mr. Shanahan's request for a three-year Extension Permit for the beach nourishment portion of the project was denied at this time because the Order does not expire until May 3, 2005. The Commission will send him a letter suggesting he request an Extension Permit in March of 2005.

J. Oakes moved to issue a three-year Extension Permit to Steven Hurley for constructing a new house at 21 Bayview Road (SE41-921); J. Mendes seconded; voted unanimously. A letter will be enclosed with the Extension Permit, asking Mr. Hurley to replace all the haybales.

J. Oakes moved to issue a Negative Determination for Box #3 to Arthur Wetmore for his sunroom addition project (41D-1154); J. Mendes seconded; voted unanimously. Fill from constructing the inground swimming pool (File 41D-1144) has spilled over into the

wetlands. A letter will be sent to Mr. Wetmore asking him to remove that fill and advise the Commission when it has been done so that another site inspection can be scheduled.

J. Oakes moved to issue a Positive Determination for Box #1 to Dr. David Briggs concerning his lot on Delano/Bass Point Roads (41D-1157); J. Mendes seconded; voted unanimously.

J. Hartley moved to issue a Negative Determination for Boxes #2 and #3 to Ernest R. Yeaw for his deck project at 110 Dexter Road (41D-1155); J. Mendes seconded; voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved February 18, 2004