

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 7, 2004

Members Present: Robert J. Merlino, Chairman  
Jeffrey W. Oakes, Vice Chairman  
Sherman E. Briggs, Jr., Recording Secretary  
Janice M. Mendes, Treasurer  
Joel D. Hartley, Member  
Norman A. Hills, Associate Member

Members Absent: Horace S. Kenney, Jr., Associate Member

Secretary: Diane R. Drake

Others Present: Margaret A. Ishihara, Chris Ford, Jennifer Zora, William F. Madden, Sam & Hilary Vineyard, Scott Parker.

Meeting convened at 7:00 PM Wednesday, January 7, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 3, 2004 by R. Merlino, J. Oakes, J. Mendes, J. Hartley & N. Hills.

7:00 PM **MARION SOCIAL CLUB** - RFD (41D-1159) to expand the parking lot at 44 Pumping Station Road (continued). Club President John Collins, by telephone, said he has not received the soil logs and to please continue the hearing again for two weeks. J. Oakes moved to continue the hearing, at the Applicant's request, to 7:00 PM January 21, 2004; J. Hartley seconded; voted unanimously.

As there are no hearings scheduled for February 4, 2004, R. Merlino moved to cancel that meeting; J. Hartley seconded; voted unanimously.

Thomas Cooper's request for a Certificate of Compliance for his new house at 10 Cove's End Road was discussed (SE41-978). Another site inspection was held, and the downspouts exit in the drip strips. J. Hartley moved to issue a Full Certificate of Compliance; J. Mendes seconded; voted unanimously.

The following minutes were approved on motions by R. Merlino; seconded by J. Mendes: August 6, 2003 as written; August 20, 2003 as corrected; and October 1, 2003 as written.

7:10 PM **HOLLY & CHRISTOPHER FORD** – RFD (41D-1156) to determine what resource areas, if any, exist at Lot 85 Card Drive (continued from November 5, 2003). Mr. Ford was present. G.A.F. Engineering's map shows the site is not in a flood plain. J. Oakes moved to issue a Conditional Negative Determination for Box #1, with the

condition that a copy of the foundation elevation certificate shall be submitted to the Conservation Commission; J. Hartley seconded; voted unanimously.

7:20 PM **ZORA ENTERPRISES, INC.** – RFD (41D-1172) to construct a dwelling at Lot 135 Olde Sheepfield Road. William Madden of G.A.F. Engineering represented Zora Enterprises. Also present was attorney Margaret Ishihara, Zora Enterprises' legal counsel. W. Madden explained that Zora Enterprises is listed as the owner of this lot on the RFD, but in fact the present owner is John Nolan, Jr. He said Zora Enterprises is in the process of purchasing the lot from Mr. Nolan. W. Madden submitted a plan showing the site elevations, and said this filing is necessary because a portion of this lot is in the 100' buffer zone to wetlands across the road. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes moved to issue a Negative Determination for Box #3; J. Hartley seconded; voted unanimously.

Gilda Pietragalla's Enforcement Order for filling in wetlands/buffer zone to wetlands at The Stone Rooster, 27 Wareham Road, was discussed (41D-1146). D. Drake said Brad Silva had offered to file an RFD for the fill in time for the February 18th, 2004 meeting, and would the Commission accept an RFD rather than an NOI? The Commission said a plan from her engineer is needed, showing where and how much fill has been added. William Madden of G.A.F. Engineering (the engineering firm that prepared the NOI for the septic system project) was present, waiting for his clients' (Sam and Hilary Vineyard) hearing. The Commission reviewed Gilda's septic system plan with W. Madden and asked if GAF was preparing the required plan for the fill. W. Madden said he would follow up on the Commission's Enforcement Order to Gilda. The Commission said they would view the site on February 14, 2004 if they had G.A.F.'s plan for the fill.

7:35 PM **HILARY & SAM VINEYARD** – RFD (41D-1173) to determine whether there are any resource areas at 73 Holmes Street, and to construct a 20' x 24' garage there. William Madden of G.A.F. Engineering represented Mr. and Mrs. Vineyard, who were present with their Contractor, Scott Parker. R. Merlino explained that, according to the Commission's records, there are wetlands on the abutting lot to the rear of the property (owned by Ronald Labbe of Bell Guzzle Lane), but the Vineyard property is not in the buffer zone to those wetlands. J. Mendes moved to close the hearing; J. Oakes seconded; voted unanimously. J. Hartley moved to issue a Negative Determination for Box #1; S. Briggs seconded; voted unanimously.

The Fiscal Year 2005 budget was approved as drafted.

Meeting adjourned at 8:10 PM.

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Diane R. Drake, Secretary

Approved April 7, 2004