

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 5, 2004

Members Present: Robert J. Merlino, Chairman
Jeffrey W. Oakes, Vice Chairman
Janice M. Mendes, Treasurer (left at 7:40 PM)
Joel D. Hartley, Member
Norman A. Hills, Associate Member

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

Secretary: Diane R. Drake

Others Present: David Davignon & Gregory Houdelette

Meeting convened at 7:05 PM Wednesday, May 5, 2004 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 1, 2004 by R. Merlino, J. Oakes, J. Mendes, J. Hartley and N. Hills, and on Monday, May 3, 2004 by R. Merlino.

7:05 PM **TOWN OF MARION** - NOI (D.E.P. file number not received yet) to cap the landfill at Benson Brook Road (continued). East Coast Engineering, by telephone, had asked to continue the hearing once more, because they were still working out issues with Dorothy Blickens of D.E.P. J. Mendes moved to continue the hearing, with the Applicant's consent, to 7:10 PM June 2, 2004; J. Oakes seconded; voted unanimously.

Discussion followed regarding possible wetlands violations being done by Hilary Alton Gunschel at 471 Point Road, property owned by Lee Gunschel (41D-411). R. Merlino said he visited with Mrs. Gunschel on Monday, May 3, 2004, and it appears she moved one corner of the paddock fencing closer to, but not in, the wetlands. The property owner had reported filling and cutting taking place in wetlands there, but R. Merlino said he did not observe any of that. J. Hartley moved to send Mrs. Gunschel a letter asking her to move the paddock fencing back to its previous location; J. Oakes seconded; voted unanimously.

7:15 PM **INTER VIVOS TRUST** – NOI (SE41-1007) to repair a septic system at 96 Moorings Road. David Davignon of N. Douglas Schneider & Associates represented

the Trust and explained the project, part of which is in the buffer zone to a Coastal Bank, and at the threshold of the flood zone. R. Merlino asked if the Board of Health witnesses the pumping and filling of the old system; D. Davignon said he believes so, but that is between the Board of Health and the installer, not the engineer. J. Mendes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:20 PM **TOWN OF MARION** – Appointment for discussion with Harbormaster Charles Bradley concerning extensive, unauthorized work being done at the Harbormaster's pavilion, 1 Island Wharf Road (SE41-993). J. Oakes left the room. Gregory Houdelette said he was there on behalf of the Marine Resources Commission, and submitted a sketch by CLE Engineering, Inc. He said Susan Nilson had recommended pulling back the footing "fingers" that have been poured. R. Merlino said no work was proposed on the second set of steps, which have been completely repoured, and the proposed "same footprint" for the wall is now at least 4" wider. R. Merlino suggested the M.R.C. request an Amended Order of Conditions, accurately showing the work that has been done and is proposed. J. Hartley said changing the footprint of the wall and steps may require amending its Chapter 91 License. R. Merlino said that he feels an engineer's drawing of the work is not required, even though the memorandum to C. Bradley did require an engineer's drawing; J. Hartley said he would prefer drawings by an engineer, because they may be needed to amend the Chapter 91 license. R. Merlino recommended something be proposed to prevent erosion at the base of both steps. G. Houdelette said the M.R.C. will discuss this project. J. Oakes returned to the table.

J. Mendes left the meeting at 7:40 PM to attend a Task Force meeting being held elsewhere in the Town House.

J. Mendes moved to approve the Trustees of Reservations' Hiller property conservation restriction off County Road; J. Hartley seconded; voted unanimously.

J. Oakes moved to issue a Full Certificate of Compliance to Steven D. Nye for the new house and swimming pool at 485 Delano Road (SE41-934); J. Hartley seconded; voted unanimously.

J. Hartley moved to cancel the May 19, 2004 meeting, as there are no hearings scheduled for that date; J. Oakes seconded; voted unanimously.

J. Oakes drafted the Inter Vivos Trust's Order of Conditions (SE41-1007) and moved to issue it as written; J. Hartley seconded; voted unanimously.

The Commission discussed the problems caused by its stand regarding the special condition requiring downspouts and drywells. R. Merlino moved to remove that special condition from the Order of Conditions boilerplate; J. Oakes seconded; voted unanimously.

J. Hartley moved to accept the April 7, 2004 minutes as written; N. Hills seconded; voted unanimously.

N. Hills moved to accept the April 21, 2004 minutes as written; J. Hartley seconded; voted unanimously.

Meeting adjourned at 8:15 PM.

Diane R. Drake, Secretary

Approved July 21, 2004