

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON MAY 18, 2005

Members Present: Norman A. Hills, Vice Chairman  
Janice M. Mendes, Treasurer  
Sherman E. Briggs, Jr., Recording Secretary  
Robert J. Merlino, Member

Members Absent: Jeffrey W. Oakes, Chairman  
Horace S. Kenney, Jr., Associate Member  
Joel D. Hartley, Associate Member

Secretary: Diane R. Drake

Others Present: Kevin Walker, Stephen Clark, Gilbert McManus, Susan Nilson,  
Terry Garcia, Stuart Richardson, Mario DiBona.

Meeting convened at 7:00 PM Wednesday, May 18, 2005 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 14, 2005 by J. Oakes, N. Hills and J. Mendes.

7:03 PM **ANTONIO LOPES** - NOI (SE 041-1026) to construct a 700'-long driveway, a single-family dwelling, install utilities, and associated filling and grading at Lots 17 and 27A off Rezendes Terrace (continued). Mr. Lopes' engineer, by letter, requested another continuation so that they can include the Planning Board's comments on the plan. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:30 PM June 1, 2005; J. Mendes seconded; voted unanimously.

R. Merlino moved to accept the May 4, 2005 minutes as amended; J. Mendes seconded; voted unanimously.

J. Mendes moved to accept the April 20, 2005 minutes as written; R. Merlino seconded; voted unanimously.

7:10 PM **CAPE SHORES DEVELOPERS, INC.** – RFD (41D-1223) to construct a dwelling, a driveway, install utilities, fill, grade and landscape at 20 Old Knoll Road. The property owner, Mario DiBona, was present with his engineer, Kevin Walker. N. Hills said the orange stakes marking the property line appear to be in wetlands. K. Walker said he has not encroached on the abutting property, and soil samples show that area to be non-

hydric. N. Hills recommended continuing the hearing so that the plan can be revised to show the buffer zone to the stream that runs along the western property line, and to obtain copies of the soil logs. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:50 PM June 1, 2005; S. Briggs seconded; voted unanimously.

7:20 PM **STEPHEN CLARK** – RFD (41D-1201) to place a line of boulders and to level and reseed an existing lawn at 713 Mill Street (continued). Stephen Clark was present. Another site inspection had been done on May 14, 2005 to view the recently-completed remediation work. N. Hills gave Mr. Clark a letter written by Jeffrey Oakes identifying areas needing further revisions. Mr. Clark said the work should be done by the Commission's June 11, 2005 site visits and agreed to continue the hearing. R. Merlino moved to continue the hearing to June 15, 2005 at 7:00 PM; J. Mendes seconded; voted unanimously.

7:30 PM **ROBERT LANE** – RFD (41D-1220) to construct a dwelling, a guest house, a septic system and a driveway at Lots 89 and 90A Holly Road, Piney Point (continued). Mr. Lane's engineer, by letter, had requested the hearing to be continued, which is why no one was present on Mr. Lane's behalf. Gilbert McManus, the abutter to this site, was present and stated his objections to this project. S. Briggs explained that the Town's Bylaws require 80% of a lot to be uplands in order to be buildable, and this hearing is being continued so that more soil samples can be taken to verify the uplands shown on the plan. R. Merlino moved to continue the hearing, with the Applicant's consent, to 7:30 PM July 20, 2005; J. Mendes seconded; voted unanimously.

Christine Black's addition and rip rap wall project at 45 River Road was discussed (SE41-998). A Certificate of Compliance was previously denied because a portion of the site had not been stabilized. R. Merlino said the area in question is now grass and moved to issue a full Certificate of Compliance; S. Briggs seconded; voted unanimously.

7:40 PM **THE KITTANSETT CLUB** – RFD (41D-1224) to clear brush and vegetation at 11 Point Road (on Lots 8B and 32, at the southern tip of Butler's Point). Susan Nilson of CLE Engineering, Inc. represented The Kittansett Club. She explained that this is an after-the-fact filing because the Club had misinterpreted the Commission's Determination issued in February which verified the resource areas there, and thought they could do the clearing. She said the area has been cleared and mulched, but the roots have not been pulled and she will monitor it to be sure it is allowed to grow back. She said the area is flat and there should be no runoff. She said the Club's architect is studying the area for a use, and she expects to come before the Commission this summer for whatever activity is proposed on that site. R. Merlino moved to close the hearing; J. Mendes seconded; voted by majority with S. Briggs abstaining.

7:50 PM Appointment for discussion with Stuart Richardson of the Marion Housing Committee regarding Mario DiBona's proposed 40B housing project at River Road. He showed a plan of the 28 homes that are proposed and said 17 units would be more reasonable. N. Hills verified that if the site is more than 200 feet from the Weweantic River (it is), doesn't have any wetlands or resource areas (it doesn't), and is not in the flood plain

(it isn't), then the Conservation Commission has no jurisdiction over the project. S. Richardson distributed copies of a letter he received from the Buzzards Bay Project regarding potential nitrogen loading of the River due to this project, and asked the Commission for any comments they might have by June.

The Commission discussed the Town's launching ramp project at the end of Silvershell Beach (SE41-432). At the Commission's last meeting, J. Oakes was concerned that the ramp was made of poured concrete rather than trap rock and gravel, and questioned whether the Order might need to be amended before a Certificate of Compliance could be issued. A letter had been sent to Harbormaster Charles Bradley stating this. In response, the Harbormaster sent a letter to the Commission asking them to accept the ramp as constructed without the need for a formal amendment, because neither the scope of work nor the footprint had changed. N. Hills recommended acting on this at the Commission's next meeting, when J. Oakes would be present.

S. Briggs moved to issue a Full Certificate of Compliance to David Hirschberg for his addition, porch, garage, filling and grading project at 14 Cottage Lane (SE41-698); R. Merlino seconded; voted unanimously.

R. Merlino moved to issue a Negative Determination for Boxes 2 and 3 to The Kittansett Club for the clearing that had taken place, with a condition that no erosion shall be allowed to occur; J. Mendes seconded; voted by majority with S. Briggs abstaining (41D-1224).

The Town of Marion's stormwater remediation project at 1 Island Wharf was discussed (SE 041-1028). The plans have been revised to show the pipes running through the basins, rather than through the middle of the parking lot. S. Briggs said this is a time-sensitive project which must be completed by the end of June in order to receive a matching grant, and moved to send a letter accepting the revised plans as the new plans of record without the need for a formal amendment to the order; S. Briggs seconded; voted unanimously.

Meeting adjourned at 8:45 PM.

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Diane R. Drake, Secretary

Approved June 1, 2005