

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 9, 2012

Members Present: Sherman E. Briggs, Jr., Chairman
Norman A. Hills, Vice Chairman and Clerk
Lawrence B. Dorman, Treasurer
Joel D. Hartley
Wendy L. Carreau

Members Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Rich Riccio (Field Engineering), Jay Hiller Jr., Todd Zell and George McTurk

Meeting convened at 7:00 PM Wednesday, May 9, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 5, 2012 by N. Hills, J. Hartley and W. Carreau.

7:00 PM **MINUTES** were reviewed. J. Hartley moved to accept the April 11, 2012 minutes as amended; N. Hills seconded; voted by majority with L. Dorman abstaining. J. Hartley moved to accept the April 25, 2012 minutes as written; W. Carreau seconded; voted by majority with L. Dorman and S. Briggs abstaining.

7:10 PM **THE WAVE RESTAURANT**, 208 Spring Street (previous File #SE 041-472). A draft letter was written by N. Hills in response to the continuing unauthorized site work taking place in the buffer zone to wetlands at the rear of the parking lot. S. Briggs said he spoke with Todd Zell, the owner of The Wave, by telephone today to see if he would be able to attend this meeting to discuss the site work. S. Briggs said he told T. Zell that the debris should be cleaned up because it's unsightly and is in the buffer zone to wetlands. T. Zell said he will try to attend the meeting tonight and the refuse will be cleaned up tomorrow.

7:17 PM **PNH REALTY TRUST**, 635 Mill Street - Notice of Intent (File #SE 041-1170) to construct a paved parking area and the past installation of a chain link fence (continued from April 25, 2012). Jay Hiller, Jr. was present with his engineer, Rich Riccio of Field Engineering, Inc. R. Riccio said Robert Gray of Sabatia updated and reflagged the wetland line. Another site inspection had been held on May 5, 2012. The existing pavement will be torn up and removed, and the area will be regraded before paving. N. Hills would like the knotweed to be removed and disposed of where it won't grow again, and treat the area for three years to prevent the knotweed from recurring. S. Briggs moved to close the hearing; L. Dorman seconded; voted unanimously.

7:25 PM **TOWN OF MARION**, 185 Wareham Street - Request for Determination of Applicability (File #41D-1480) to verify the delineations of the bordering vegetated wetland lines. George McTurk was present on behalf of the Habitat for Humanity who will be razing the existing house and constructing a new house on the front subdivision part of the lot. The wetland lines were flagged by Brandon Faneuf of Ecosystem Solutions. N. Hills said that during the inspection he observed a brown wood frog in a possible vernal pool behind the house lot, on abutting property owned by the Town. He would like the area between wetland flags B13 and B18 to be rechecked. S. Briggs said that B. Faneuf is a professional wetlands botanist and the Conservation Commission members are not qualified to adjust his lines. J. Hartley said that if the Town can't afford further field work, then they can just connect flag B13 directly to B18; S. Briggs said that will not affect the project. N. Hills said the U.S.G.S. map shows the intermittent stream described in the report is a perennial stream. N. Hills said he would like at least four additional soil samples to be taken on either side of Flags 15 and 17, and have the Applicant provide justification for classifying the stream as intermittent. N. Hills moved to continue the hearing, with the applicant's consent, to 7:00 PM on May 23, 2012; W. Carreau seconded; voted unanimously.

7:40 PM **THE WAVE RESTAURANT**, 208 Spring Street (previous File #SE 041-472). The owner of The Wave Restaurant, Todd Zell, was now present to address the Commission's concerns. He said he is not doing anything in wetlands. N. Hills highlighted on a 1991 plan where the limit of work was supposed to be. N. Hills said that highlighted line should be located at the site and a split rail fence or line of boulders installed to permanently mark it. He would like the debris on the wetland side of the limit of work line pulled out, and the knotweed removed. S. Briggs explained to T. Zell that work is being done in the buffer zone to wetlands, which is allowable, but he needs to obtain a wetlands permit first. N. Hills said an enforcement order can be issued specifying what work must be done now, then a request for determination or notice of intent filing won't be necessary. T. Zell said he is not doing the work shown on the outdated plan and does not agree with the limit of work line. He said that area is being used as a parking lot, and will file new paperwork if necessary to permit the work that has been done. J. Hartley and S. Briggs both thought a request for determination filing would suffice for the site work; everyone agreed to allow the debris to be removed now rather than holding off until a determination of applicability was issued. T. Zell said he would also like to install a fence along the property line before the 40B housing project on the abutting lot begins.

N. Hills drafted the order of conditions for **PNH REALTY TRUST**'s paved parking area at 635 Mill Street and moved to issue it as written; L. Dorman seconded; voted unanimously (File #SE 041-1170).

Meeting adjourned at 8:25 PM.

Diane R. Drake, Secretary

Approved May 23, 2012