

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 12, 2012

Members Present: Sherman E. Briggs, Jr., Chairman
Lawrence B. Dorman, Vice Chairman
Joel D. Hartley, Treasurer
Norman A. Hills, Clerk
Stephen C. Gonsalves

Members Absent: Jeffrey W. Oakes, Associate
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Ray Pickles, Richard Charon (Charon Engineers), Frank Cerkovitz
and Eric Tripoli (The Wanderer)

Meeting convened at 7:00 PM on Wednesday, December 12, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 8, 2012 by N. Hills and J. Hartley. This meeting was audio taped by Town of Marion staff and by The Wanderer.

MINUTES – L. Dorman moved to accept the November 28, 2012 minutes as amended; S. Gonsalves seconded; voted unanimously.

A. NEIL PAPPALARDO, 90 Moorings Road (File No. SE 041-1127). The Order of Conditions was to raze and rebuild the dwelling, and construct a garden shed. A Partial Certificate of Compliance has already been issued for the new dwelling. The garden shed is now complete. N. Hills moved to issue a Full Certificate of Compliance for the entire project; J. Hartley seconded; voted unanimously.

7:10 PM **FRANK CERKOVITZ**, Cross Neck Road. The Commission had asked Mr. Cerkovitz to meet with them to discuss his proposed conversion of Chapter 61A land (cranberry bogs) to conservation land. Mr. Cerkovitz said he is waiting for a plan to be prepared, but the easement or restriction is forever in perpetuity, and he will be responsible for removing the dikes. N. Hills asked whether a Notice of Intent will be filed for that work; F. Cerkovitz said he will submit a copy of the plan to the Commission, but he doesn't know what will come next. He said the site won't become state land, it will remain his, and will remain as conservation land forever. He said the water will be changed so that it comes into the bog from different ways, meandering rather than straight. N. Hills asked whether the Federal Government will pay for this work. S. Briggs asked

F. Cerkovitz to keep the Commission advised of his progress in this matter; F. Cerkovitz said he would, and will submit a copy of his plan when he receives it.

7:20 PM **SHAY D. and CHRISTINE M. ASSAD**, 32 Beach Street – Notice of Intent (File No. SE 041-1188) to eradicate phragmites. Richard Charon of Charon Associates represented the Applicants and described the proposed work. He said the wetland line does include the extra replication from several years ago. Previous files for work at this site (Orders of Conditions SE 041-676 and SE 041-987) were reviewed. Abutter Ray Pickles of Cove Street was present and by letter requested the proposed plantings be limited to low-growing species. S. Gonsalves said bayberry can grow as tall as 12' and suggested planting rosa rugosa instead. N. Hills said he would be O.K. with requiring native species, but would not limit the heights of the plants. L. Dorman said it is not the Commission's responsibility to limit the heights of the plants for water views. S. Briggs asked whether the wetland line will be re-established in three years when the phragmites are eradicated, and if so, how will the Applicants know where the line is? N. Hills said he would like the existing wetland line to be permanently marked prior to the start of work. R. Charon said he is satisfied to work with the 1995 wetland line. N. Hills would like the wetland line markers to be placed 15' upland of the wetlands; J. Hartley said that is a condition for undisturbed areas and would defeat the purpose of this project – to prevent the phragmites from infiltrating the Town's storm water settling basins. S. Briggs suggested placing the markers one foot upland of the wetland line. R. Charon said he will set permanent markers at the beginning of the work. N. Hills wanted the bump-out of lawn from Flag W8 to Flag W6 to be allowed to grow back; R. Charon said he has a problem with turning that upland into a wetland. L. Dorman summarized the discussion. R. Charon said the phragmites will be cut with a sickle bar. He thought the replanting would take place as soon as the phragmites are removed. The Commission will visit the site to view the markers before any other work begins. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

Town Clerk Ray Pickles reminded everyone that they need to take the State's Conflict of Interest test by the end of this year.

7:55 PM **SANFORD RUSSELL, JR.**, 5 Main Street – Notice of Intent (File No. SE 041-1179) to replace a carport with a garage; remove a retaining wall; relocate and expand a boulder retaining wall; reconstruct a driveway apron; and install a trench drain (continued from November 28, 2012). His engineer has requested another continuation. S. Briggs moved to continue the hearing, with the Applicant's consent, to 7:20 PM on January 9, 2013; J. Hartley seconded; voted unanimously.

The 2012 Annual Report is due in February. N. Hills offered to draft it.

N. Hills drafted **SHAY D. and CHRISTINE M. ASSAD**'s Order of Conditions to remove phragmites at 32 Beach Street (File No. SE 041-1188), and moved to issue it as written; L. Dorman seconded; voted unanimously.

In **OTHER BUSINESS**, S. Briggs suggested everyone take a look at the Sprague's Cove Storm Water Remediation site, as the willows have been dug out recently (File No. SE 041-556).

Meeting adjourned at 8:15 PM.

Diane R. Drake, Secretary

Approved January 9, 2013