

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 13, 2013

Members Present: Joel D. Hartley, Treasurer  
Norman A. Hills, Clerk  
Stephen C. Gonsalves

Members Absent: Sherman E. Briggs, Jr., Chairman  
Lawrence B. Dorman, Vice Chairman  
Jeffrey W. Oakes, Associate  
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Diane Y. Bondi-Pickles, Ray Pickles, Yelena Sheynin and Todd Zell

Meeting convened at 7:00 PM Wednesday, February 13, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were not held on Saturday, February 9, 2013 due to a blizzard. This meeting was audio recorded by Town of Marion staff.

7:00 PM **COPPER MEDAL, LLC** – Notice of Intent (File No. SE 041-1190) to cut a footpath to the shore (after-the-fact filing), and perform vista pruning. This hearing was continued from January 23, 2012 in order to do another site inspection with the Owner or his Engineer. The inspection was cancelled due to a blizzard. The Engineer has requested another continuation. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:00 PM on February 27, 2013 with another inspection at 8:35 AM on February 23, 2013; J. Hartley seconded; voted unanimously.

**TO DISCUSS**

A. **Michael Popitz**, 64 Indian Cove Road. He would like to tidy up his property by removing dead/dying trees and logs in a wetland which he believes are causing ponding. J. Hartley and N. Hills had visited the site and most of that area is wetlands and should not be altered. N. Hills will write a letter to that effect. J. Hartley thought the Commission should adopt a policy standard for this, because this happens so frequently.

B. **BAY WATCH REALTY TRUST**, 40B housing development off Front Street (File No. SE 041-1145). J. Hartley reported that Kenneth Steen notified him that test borings on each end of the proposed bridge over wetlands would be done shortly. N. Hills would like to know what size equipment would be used. J. Hartley will call K. Steen for more information.

7:10 PM **210 SPRING STREET LLC**, 208 Spring Street (The Wave Restaurant) – Request for Determination of Applicability (File No. 41D-1497) to remove a brush pile, a woodchip pile, downed trees and debris in the woods; grade the gravel parking lot; and seal the existing paved parking lot. The property owner, Todd Zell, was present. N. Hills said no inspections could be held due to the blizzard and asked for permission to continue the hearing and do another inspection. T. Zell said that would be fine. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:20 PM on February 27, 2013; J. Hartley seconded; voted unanimously.

7:15 PM **DIANE Y. BONDI-PICKLES**, 29 Cove Street – Request for Determination of Applicability (File No. 41D-1498) to add and grade approximately 155 cubic yards of fill in a low area of the site. Diane Bondi-Pickles and Ray Pickles were present. N. Hills said an inspection is needed and asked for permission to continue the hearing to the next meeting. N. Hills explained that the resource areas and flood plain delineations are not shown on the plan that was submitted; R. Pickles said the area to be filled is in the flood plain but other resource areas are at least 250' away. R. Pickles said S. Briggs graded the adjoining lot and the ponding is getting bigger. N. Hills asked R. Pickles to include the flood plain delineations on the plan; R. Pickles said it is in VE 17. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM on February 27, 2013; J. Hartley seconded; voted unanimously. Another inspection will be held on February 23, 2013.

7:20 PM **SIPPICAN LANDS TRUST**, Delano Road (Brainard Marsh property) – Request for Determination of Applicability (File No. 41D-1499) to move the stone wall 6' further from the road to allow for safer parking, add gravel for drainage, and remove invasive species 10' into the southern part of the property. Yelena Sheynin, the Head Land Steward of the SLT, was present. N. Hills said another inspection is needed due to the blizzard. Y. Sheynin explained the proposed work. She said everything will be done by hand and the phragmites problem will be addressed later. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:40 PM on February 27, 2013; J. Hartley seconded; voted unanimously. Another inspection will be held on February 23, 2013.

Meeting adjourned at 7:30 PM.

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Diane R. Drake, Secretary

Approved February 27, 2013