

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 27, 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: Todd M. Zell (210 Spring Street LLC), David Davignon
(N. Douglas Schneider & Associates), Richard Charon (Charon
Associates, Inc.), and Yelena Sheynin (Sippican Lands Trust)

Meeting convened at 7:00 PM Wednesday, February 27, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 23, 2013 by N. Hills and S. Gonsalves. This meeting was audio recorded by Town of Marion staff.

7:00 PM **COPPER MEDAL, LLC**, Converse Road – 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 February 13, 2013 in order to do another site inspection with the engineer. David Davignon of N. Douglas Schneider & Associates represented the Applicant. N. Hills said he spoke with Christine Odiaga at the Department of Environmental Protection (D.E.P.) regarding vista pruning on a site without a house, and was told they have no specific controls. Vista pruning regulations only pertain to the buffer zone, not a resource area. D. Davignon said the Applicant would like to do the vista pruning now in order to make the lot more marketable. N. Hills said the Commission has jurisdiction within 50 feet of a bordering vegetated wetland line. D. Davignon asked the Commission to allow maintaining what is there now with permission to expand the view when the house is being built. N. Hills asked whether the second pathway on the lot is necessary; D. Davignon said it is included in the sale of the two middle lots, and it is literally just a four-foot-wide footpath. S. Gonsalves said he sees no harm in allowing it. D. Davignon said the path to the south will be allowed to revegetate, as it was only cut to verify the property line in order to end encroachment by abutters on Reservation Way. N. Hills said the wetland line on Lot F will need to be re-established before developing it. J. Hartley moved to close the hearing; S. Gonsalves seconded; voted unanimously.

7:15 PM **PRISCILLA P. BILL**, 296 Delano Road – Notice of Intent (File No. SE 041-1191) to raze the existing dwelling and construct a new dwelling with a porch, deck and attached garage; install a new septic tank and dosing tank; add loam, and seed the disturbed areas. Richard Charon of Charon Associates, Inc. represented Ms. Bill and described the project which is in the flood plain, the Riverfront Protection District, and the buffer zone to a coastal bank. R. Charon said the new flood maps place the existing house in the Velocity Zone, and the new house will be built further away from the River, in Flood Zone AE 16'. The cement foundation of the existing house will be completely removed and the area loamed and seeded. The new driveway is out of the buffer zone and may be paved to the garage. The existing driveway will remain gravel. R. Charon said the house plans are almost done. J. Hartley moved to close the hearing; S. Gonsalves seconded; voted unanimously.

7:30 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. This hearing was continued from February 13, 2013 in order to do an inspection (the February 9, 2013 inspections were cancelled due to a blizzard). Todd Zell, the Owner of the property, was present. N. Hills said nothing has changed since last year. N. Hills said the original plan called for a drainage area in the back part of the site. The question is, "where does the gravel parking lot end?" N. Hills guessed that the shells are approximately 20 to 25 feet from the back of the lot. T. Zell said there is a row of stones. N. Hills said the old plan's scale is 1" = 40'. T. Zell said he wants to grade the area, tamp it down and add shells. It was tentatively left that the lot would end 40' from the rear property line until another filing was submitted to expand it. T. Zell said the only debris in the woods that he knows about is an old safe and half a boat. J. Hartley moved to close the hearing; S. Gonsalves seconded; voted unanimously.

7:47 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. This hearing was continued from February 13, 2013 because the site inspections were cancelled due to a blizzard. Another inspection was done on February 23, 2013. The Applicant has asked to continue the hearing again so that another inspection can be held without the snow cover. N. Hills moved to continue the hearing, at the Applicant's request, to 7:00 PM on March 13, 2013, with another inspection to be held on March 9, 2013; J. Hartley seconded; voted unanimously.

7:48 PM **SIPPICAN LANDS TRUST**, Delano Road (Brainard Marsh property) – Request for Determination of Applicability (File No. 41D-1499) to move the existing 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. This hearing was continued from February 13, 2013 in order to do another site inspection on February 23, 2013 (the February 9, 2013 inspection was cancelled due to a blizzard). Yelena Sheynin, the Sippican Lands Trust Head Land Steward, was present and described the work. S. Gonsalves asked whether the Applicant would be allowed to till the open/mowed area if it is in the buffer zone to wetlands; N. Hills said that would need to be discussed. Y. Sheynin said the SLT doesn't want to move the whole wall back -- only enough wall for two cars to park, approximately 40'. S. Gonsalves would prefer to allow enough parking for four cars rather than two, in case the SLT decides they need more spaces in the future. N. Hills recommended up to 60' be

specified for parking, starting at the current access entrance and going northwesterly. The second part of the work is to clear invasives and dead/dying trees from a 20'-wide swath inside the stone wall. N. Hills said he would agree to only hand removal of invasive plants in the area 15' easterly from the stone wall from the current access entrance southeasterly to the lot boundary. Y. Sheynin said the phragmites control will be addressed in a future Notice of Intent filing. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

OTHER BUSINESS

A. **TABOR ACADEMY**, 235-255 Front Street (the new Marine Biology building site) (File No. 41D-1028). The Commission received a complaint of wetlands violations at this site. Specifically, clearing is being done along Front Street in the buffer zone to wetlands, and leaves and grass clippings are being dumped in the salt marsh there. The property is owned by Tabor Academy but has a conservation restriction prohibiting clearing. The restriction is overseen by the Sippican Lands Trust. Yelena Sheynin gave a copy of the conservation restriction to N. Hills. He will review the restriction and send a letter to Tabor regarding the unauthorized work that has been/is being done.

B. **ANNE HATTON**, 183 Front Street (File No. SE 041-1185) to replace a garage with a two-story garage. An inquiry was received about what was built in the ground south of the new building. N. Hills said he spoke with the builder, Lars Olson, who said there was very high groundwater there when they were pouring the foundation, and water was pumped into that container at that time. Now the Owner would like to keep the container for groundwater to be used to water the lawn. It does not discharge into wetlands. It is a change in the plans. L. Olson will submit a request for an Amended Order of Conditions for the container.

C. **TOWN OF MARION, SPRAGUE'S COVE**, Front Street (File No. SE 041-556). Jeffrey Oakes had submitted a progress report of the work that had been done and needs to be done. N. Hills said Susannah Davis is working up a planting guide.

MINUTES were reviewed. N. Hills moved to accept the January 9, 2013 minutes as written; J. Hartley seconded; voted unanimously. N. Hills moved to accept the January 23, 2013 minutes as amended; J. Hartley seconded; voted unanimously. N. Hills moved to accept the February 13 minutes as amended; J. Hartley seconded; voted unanimously.

PRISCILLA P. BILL – N. Hills and S. Gonsalves drafted the Order of Conditions (File No. SE 041-1191) for razing the existing dwelling at 296 Delano Road and constructing a new dwelling. N. Hills moved to issue the Order as written; J. Hartley seconded; voted unanimously.

210 SPRING STREET LLC (The Wave Restaurant) – (File No. 41D-1497). J. Hartley moved to issue a Negative Determination for Box #3 with a condition that no gravel grading is allowed in the back 40' of the parking lot AT THIS TIME; N. Hills seconded; voted unanimously. Another filing can be submitted to expand the parking lot in that area.

SIPPICAN LANDS TRUST, Delano Road (Brainard Marsh property) – (File No. 41D-1499). N. Hills and S. Gonsalves drafted the Determination of Applicability. N. Hills moved to

issue a Negative conditional Determination for Boxes 2 and 3, limiting the new parking area to 60' and the invasives species removal area to 15' wide; S. Gonsalves seconded; voted unanimously.

COPPER MEDAL, LLC, Converse Road – (File No. SE 041-1190) to cut footpaths and do vista pruning. J. Hartley drafted the Order of Conditions and moved to issue it as written; S. Gonsalves seconded; voted unanimously.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved March 27, 2013