

**MARION CONSERVATION COMMISSION**

MINUTES OF THE REGULAR MEETING HELD ON MARCH 22, 2017

Members Present: Cynthia Callow, Chairman  
Jeffrey J. Doubrava, Vice Chairman  
Norman A. Hills, Clerk  
Joel D. Hartley, Member  
Kristen Saint Don, Member  
Shaun P. Walsh, Associate

Members Absent: Lawrence B. Dorman, Associate

Admin. Assistant: Donna Hemphill

Others Present: Stevie Carvalho, Farland Corp.; Michael Poptiz, M.D.

Meeting convened at 7:00 PM on Wednesday, March 22, 2017 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site visits were held on Saturday, March 18, 2017. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00pm **Michael Poptiz, M.D.**, Notice of Intent, (File No. SE 041-1264), for the construction of a new driveway with associated grading at Indian Cove Road (Map 18, Lot 123) (Continued from February 22, 2017). Stevie Carvalho of Farland Corp. was present as was the applicant. S. Carvalho submitted the revised Notice of Intent as was requested at the last public hearing. He mentioned the wetland line from a previous filing had expired (on June 19, 2017) since the last public hearing. S, Carvalho said that the Plymouth County Mosquito Control had done extensive work in past years on this property which led to a smaller wetland delineation which he felt is accurate on the proposed plan they have submitted. S. Carvalho said that the Commission had asked the applicant to consider an alternative to the driveway crossing the wetlands as proposed. He said he had discussed other alternatives with the applicant (including altering the existing entrance) but this proposal is the only one that meets Dr. Poptiz's needs. S. Carvalho reviewed the proposed plan and how the access of the proposed driveway would work. C. Callow asked that if they were to approve this new driveway would the boat trailer be able to make the turn from Indian Cove Road. Dr. Poptiz addressed the question and said that it would depend on the radius cut of the new entrance. It is already wider than the existing driveway. He noted that he liked the Commission's suggestion of widening the existing driveway entrance. Dr. Poptiz asked several engineers about it but the widening of the existing driveway entrance would not solve the problem for him. He described the drainage ditch area that is parallel to the driveway. There was a discussion

42 about when the wetland lines had been flagged. The most recent one had been done in  
43 September 2016. S. Walsh said that the regulations allow the Commission at their  
44 discretion to allow alterations of up to 5,000 sq. ft. if necessary in exchange for  
45 replication. He said that this would be an additional means of access to the rear of the lot  
46 and he felt that this is not the only alternative. There was a discussion about the access.  
47 Dr. Popitz stated again that this access would make his property more usable than it is  
48 now. He said he understood the importance of protecting the wetlands and would love to  
49 recreate the wetlands where it should be and maintain and monitor it. S. Walsh said that  
50 the Commission would look closely at the proposed replication area. This area was  
51 previously designated as wetlands. S. Walsh mentioned that it is one thing to permit a  
52 wetlands crossing when it is the only means of access and another thing to ask to fill a  
53 wetland for convenience. He felt that Dr. Popitz would need to prove that the crossing was  
54 necessary. Dr. Popitz said that he has been considering building a house on this property  
55 for himself or to sell, but does not have definitive plans as of yet. N. Hills mentioned that  
56 perhaps the Commission should have its own wetlands specialist go out to survey the  
57 property. There was a discussion about the conditions of the wetlands on the property.  
58 There was a discussion about the soil reports. The Commission reviewed them. It was  
59 noted that two spots were tested. There was a discussion about the differences in the  
60 previous wetland line and the current one. They also discussed about whether or not the  
61 Commission should hire an independent wetland scientist to review the wetland line. The  
62 Commission debated the hiring of an independent wetland scientist. It was noted that an  
63 independent study would be irrelevant if the Commission ends up denying the  
64 application. The Commission also discussed whether or not the driveway is necessary.  
65 The general consensus of the members was that the driveway was not necessary. S.  
66 Walsh read aloud the regulations. There were no further questions or comments from  
67 members or the audience. J. Doubrava motioned to close the hearing; J. Hartley  
68 seconded.

69  
70 J. Doubrava starting a discussion about potential quarantine area for invasive  
71 species at the Benson Brook mulching facility. He will draft a letter that will be signed by  
72 the Conservation Commission, the Tree Committee and the Sippican Lands Trust.

73  
74 Follow up on **Chad Santos**, 17 Giffords Corner Road, File No. 41D-1637. C. Callow  
75 said that the Commission visited the property on the previous Saturday and all of the  
76 stakes have been installed.

77

78 C. Callow said the Commission visited 119 Converse Road, File No. SE 041-1014.  
79 There is a lot of fill and a hole that has been dug close to the road. At this time there is no  
80 building permit. There was a discussion about whether or not the property is within the  
81 Commission's jurisdiction. The also discussed the location of the wetlands line. There had  
82 been an Enforcement Order on this property and the adjacent properties regarding the  
83 wetland line and the permanent stakes that are required. The homeowner had contacted  
84 the office stating that they will comply with the Enforcement Order as the neighboring  
85 properties have. They have not done so as of yet. It was decided that the Commission will  
86 send a letter to the homeowner asking that a Request for Determination of Applicability  
87 be filed.

88  
89 The dike at Washburn Park will be added to the next site visit. N. Hills will follow  
90 up with Paul Dawson about the Enforcement Order at Washburn Park.

91  
92 The removal of the steps behind Hiller Street will be addressed at the next meeting.  
93 A Request for Determination of Applicability has been filed.

94  
95 C. Callow met with Danielle of CDM Smith on the previous Friday. CDM Smith will  
96 be filing a Notice of Intent for road work. On the previous Monday, She met Brandon  
97 Faneuf on site at Seaside Lane regarding the vista pruning. Work has begun and B.  
98 Faneuf has submitted pictures for the file. Early today, C. Callow visited 35 Holly Road to  
99 check the erosion control, very well done.

100  
101 N. Hills mentioned that the Bird Island restoration project is nearing completion.  
102 He would like the Commission to have an inspection. One will be scheduled in the near  
103 future.

104  
105 Minutes from February 8, 2017 were approved. Minutes from March 8, 2017 were  
106 approved.

107  
108 C. Callow read aloud a letter regarding potential grants for open space information.

109  
110 C. Callow read aloud a copy of a letter to the DEP regarding the appeal of 120  
111 Front Street, LLC. She also read aloud a letter regarding the utility right of way project.

112

113 Discussion returned to **Popitz**, Notice of Intent, File No. SE 041-1264. The  
114 Commission decided that wording will be drafted and voted on at a later date. The  
115 Commission has 21 days to issue an Order of Conditions.

116 Meeting adjourned at 8:10pm.

117

118 Submitted by: Donna Hemphill, Administrative Assistant

119 Approved on: 8/23/17