

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS**

May 4, 2010

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Stephen M. Cushing, Board members Jonathan F. Henry and Roger F. Blanchette and Town Administrator Paul F. Dawson. Also present were Lee Craver, Catherine and Janice Brodeur, Benjamin and Christopher Bryant, Harbormaster Michael Cormier, Shellfish Officer Isaac Perry, members of the Marine Resources Commission Eivind Strand and Vincent Malkoski, Carol Sanz, Anne O'Brien-Kakley of *The Wanderer*, Christine Reagle of *The Sentinel*, Norman Hills, Eunice Manduca, Sharon Matzek and abutters to Job's Cove Mae Barrett, Jane and Robert Puffer, Frank Will, Kay Hudock, Jeanne and Charles Lake, Ellen and William Johnston, Jose Delgado, Jr., Walter Hartley, Kathleen Burke, Helene Craver, secretary, and others who did not sign in.

Mr. Blanchette moved the minutes of April 20, 2010; the motion was seconded and carried unanimously.

Mr. Dawson announced that there was a topic not on the agenda concerning a parcel of Town-owned land that Mr. Rockwell of the Open Space Acquisition Commission had requested for parking for another parcel of open space to be used for hiking trails. Mr. Rockwell had requested a portion of the Town-owned land on County Road to provide parking space. Mr. Cushing asked how the property would be maintained. Mr. Dawson explained that the maintenance and conversion of the site would be provided by the Trustees of Reservation at no cost to the Town.

Mr. Blanchette moved to approve the use of a portion of the parcel for parking; the motion was seconded and carried unanimously.

At 7:05 p.m., the public hearing on Greenport Consulting was continued. Mr. Dawson noted that this was an updated application, as there had been a shift in location of the grant area. Mr. Dawson also noted that the Harbormaster had presented his report for consideration. Christopher Bryant said that they had marked the site of the first half-acre site. Mr. Cormier said that he, Mr. Perry and Mr. Moffat, a resident, had gone out and checked the location of the grant and channel in Job's Cove and it measured between 110' and 160' away from the grant. Mr. Cormier noted that the main channel in Sippican Harbor is 80' wide. Mr. Cormier said that the grant would mark the rocks and, in his opinion, would pose no impediment to navigation. Mr. Cormier said that the marking of the parameter of the grant would have the benefit of marking safe passage in the cove. Mr. Blanchette asked Mr. Cormier's opinion of the proposed grant. Mr. Cormier said that it would benefit the Town by helping improve water quality and add to the local shellfish population. Mr. Blanchette asked if there would be any damage to the quahog population in the area. Mr. Perry said that one of the requirements of the State is that the grant must be placed in an area of low shellfish population. Mr. Perry said that the State would send down divers and survey the area. Mr. Cormier said that, even at high tide, the water was very shallow.

Mr. Dawson reminded the Board of the process for the aquaculture grant; tonight, if the Board makes a determination in the affirmative, the application then goes to the State, which then makes its own determination. Mr. Dawson said that the application would then return to the Board for issuance of the license – tonight is not the final approval. Mr. Malkoski of the Marine Resources Commission said that their comments concur with the Harbormaster and Shellfish Officer. Mr. Malkoski pointed out that the grant also has to be approved by the Army Corps of Engineers, who have strict requirements regarding marking the grant.

Mrs. Burke objected that this was a matter of liability – what if a boat gets loose and gets into the aquaculture project? Mr. Cushing said that a boat could go into another boat – it is a civil matter between the parties. Mrs. Burke asked, what if someone gets injured – if the Harbormaster sailed in that area, he would have a better understanding. Mr. Cormier said that he had to go into the area to retrieve a boat, and it is a very rocky area, where he avoids. Mrs. Burke said that you can't control the weather and not all the stakes were out. Mr. Cormier and Mr. Blanchette agreed that they were told that all the stakes were now out and now they find that there are more. Mrs. Burke said that the residents put more out. Mr. Cormier said that, when he was there with Mr. Moffat, he was told that all of the stakes were out; he would have been more than willing to put all of them in. Mr. Malkoski said that he didn't see any greater risk with the permitted marker buoys than with other unpermitted markers; it is a civil matter. More objections followed from the residents regarding the piers, hurricanes, diamondback turtles and the osprey nest. Mr. Puffer asked for a moratorium until more comprehensive regulations are put in place. Mr. Henry said that the regulations referred to were from Duxbury, which contains a very large commercial operation over hundreds of acres. More objections followed.

Mr. Moore said that he would like to relay his experience with the existing shellfish grant at Ram Island, which has had zero impact; he believes people should recognize the right of working people to use the resource. Mr. Will said that moving the grant and downsizing the project were a good start; he still had concerns about powerwashing, generators and being able to swim and shellfish, the grant stirring up the sediment on the bottom. Benjamin Bryant said that they won't be planting quahogs and using netting, the way it is done on the Cape – they will be using hard plastic bags, which would float on the surface. The concern of powerwashing of the nets was addressed; Benjamin Bryant said that there may be runoff issues, if they were taken to land. Benjamin Bryant said that the powerwashing may only be necessary a couple of days during the summer. Benjamin Bryant said that they will modify their operation so that it wouldn't be a nuisance to anyone. Mr. Henry said that he presume shellfishing would continue to be permitted in the area. Mr. Perry said that it would; nothing would change because of the grant. Mr. Moffat yet again raised concerns about shellfishing, sailing in the area, storms and liability. A discussion followed regarding removing or sinking the baskets during storms.

Mr. Blanchette moved to close the hearing; the motion was seconded and carried unanimously.

Mr. Blanchette asked for more time to consider the application. Mr. Dawson noted that the Board was under a time constraint to act on the application.

Mr. Henry moved to proceed with the license application; the motion was seconded and carried, Mr. Blanchette voting no.

At 8:18 p.m., the public hearing for the aquaculture application of Catherine Brodeur was continued. The application was for one-half acre off Ram Island and another half-acre off Planting Island. Mr. Moore said that he was the only abutter and the requested grant will not affect him at all; there is room enough for everyone to share the resource.

Mr. Henry moved to close the hearing; the motion was seconded and carried unanimously.

Mr. Blanchette moved to forward the application for the aquaculture grant; the motion was seconded and carried unanimously.

The Board then met with Sharon Matzek, candidate for the Marion Affordable Housing Trust. Mr. Henry asked how Chapter 40B impacts the Town of Marion. Ms. Matzek said that she had attended one of the Marion Affordable Housing Trust meetings and can understand the concern to maintain the character of the Town; how to make the development of the housing fit into the character of the Town. Ms. Matzek outlined her background and experience and said that she was interested in volunteering to make the Town grow in a way we would like to see. Ms. Matzek said that she has lived in Marion for five years and knows that families would like to be able to see their children live here, but the price of housing is prohibitive. Ms. Matzek said that affordable housing would allow for a variety of people to live here.

The Board assigned the Annual Town Meeting and Special Town Meeting Articles in preparation for the May 17 Meetings.

Mr. Dawson reported on the recommendations of the Fire Chief Study Committee, which were to keep the part-time current Chief, while investigating future operations on a long-term basis and adding a full-time assistant/paramedic or EMT. Mr. Henry said that, in keeping the Fire Chief part time, substantial monies had been saved, which would allow for a full-time person to assist the Chief. Mr. Henry urged the Board to accept the recommendations of the committee and retain the current Chief, eliminating the "interim" in his title. Mr. Henry said that, at some point in the reorganization of the department, they may hire another full-time Chief. Mr. Dawson said that the Town is in a unique position, with a Chief who has retired from another Town, who is limited by the hours worked and monies earned through his retirement in the County system. Mr. Dawson said that this gives the Town an opportunity to draw on the Chief's experience, while preparing for the future. Mr. Henry said that the goal is to make sure there is an appropriate response to emergencies.

Mr. Blanchette moved to approve the recommendations of the committee; the motion was seconded and carried unanimously.

Mr. Blanchette moved a water commitment for \$150.00; the motion was seconded and carried unanimously.

Mr. Henry moved a one-day, wine/ malt license for Eastern Bank at the Music Hall on May 19; the motion was seconded and carried unanimously.

Mr. Blanchette moved a one-day, wine/ malt license for Sippican Lands Trust at Silvershell Beach on August 5; the motion was seconded and carried unanimously.

Mr. Henry moved a one-day, wine/ malt license for Matt Beaulieu at the Music Hall on May 15; the motion was seconded and carried unanimously.

Mr. Dawson reported on the progress at the new police station. Mr. Dawson said that the project is 75% complete and that construction is still expected for the end of May, though the committee believes the middle of June may be more realistic.

Mr. Blanchette was pleased by the contractor's appearance and equipment at the Converse Road/Pleasant Street road project.

Mr. Blanchette moved to adjourn and enter into executive session at 9:02 p.m. to consider the purchase of real property and not to return to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Cushing, Blanchette and Henry voting aye.

Respectfully submitted,


Roger F. Blanchette, Clerk

Date approved: 6/1/10