

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
January 3, 2012**

MEMBERS PRESENT: Jonathan Henry, Chairman
Roger Blanchette
Stephen Cushing, Clerk

ALSO PRESENT: Paul Dawson, Town Administrator
Carol Sanz
Randy Parker (MOSAC)
W. Dale Jones
Joe Keogh (MOSAC)
John Rockwell (MOSAC)
Jeffrey Oakes (MOSAC)
Albin Johnson III
Elizabeth Dunn
Thomas Magauran
Ted North
Sherman Briggs
Mike DeCicco (Standard Times)
Anne Kakley (Wanderer)
Jennifer Heshion (Sippican Week)
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Henry announced that the meeting would be televised, video recorded by ORCTV, and audio recorded by Town of Marion staff. A list of the materials reviewed at the meeting shall be attached to these minutes.

Approval of Meeting Minutes

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the minutes of the December 20, 2011 meeting. VOTE: 3-0-0

APPOINTMENTS

Marion Open Space Acquisition Commission (MOSAC) – Discuss vacancy

MOSAC members John Rockwell, Joe Keogh, Randy Parker, and Jeff Oakes were present. Letters of interest have been received from Elizabeth Brainard and Ted North. Mr. Rockwell said he and the other members of MOSAC support the appointment of Mrs. Brainard. Mr. Blanchette noted that although Mr. North is qualified for the job, he already serves on the Planning Board and Capital Improvements Planning Committee; Mr. Cushing agreed with Mr. Blanchette.

Mr. Dawson said this is an elected position, the appointment will be until the next Town election, and a roll call vote of both Boards is required.

A roll call vote was taken (MOSAC – Mr. Rockwell, Mr. Parker, Mr. Keogh, Mr. Oakes, BOS – Mr. Henry, Mr. Blanchette, Mr. Cushing) and by unanimous vote Elizabeth

Brainard was appointed to fill the vacancy on the Marion Open Space Acquisition Commission.

Marion Open Space Acquisition Commission – Discuss Habitat house

Mr. Rockwell explained that MOSAC wanted to purchase the 4 acre site to provide walking access to its other properties; they worked with the Marion Affordable Housing Trust (MAHT) to purchase the parcel and split off a lot for the MAHT. It went through the Community Preservation Committee (CPC) and Town Meeting process with the idea that the lot would be approximately 5000 square feet and would be used for affordable housing, probably a dwelling built by Habitat for Humanity. The lot would not meet zoning requirements but would be a 40B project.

The property is owned by the town and there have been debates how to subdivide the property. Town Meeting approved 5000 square feet for the housing lot; making the lot bigger would require another Town Meeting vote. The revised flood plain maps will go into effect July 1 and the front of the lot will be in the velocity zone.

The following issues were discussed:

Mr. Blanchette said he felt bad that the Selectmen, as members of the MAHT, missed the 5000 square foot proposal at Town Meeting. He said the lot should have been 15,000 square feet. Mr. Henry said it was a conscious decision for him, it was for affordable housing, 36 affordable houses will be built on the same size lot, and that's how it's kept affordable. Mr. Blanchette said making the lot bigger will not make it more affordable because the land is owned by the Town.

Attorney Witten said the Town Meeting vote is clear, it was for a 5000 square foot lot, and changing the lot size would require another Town Meeting vote. He said Step 1 is to determine the size of the lot to be created and Step 2 is to determine where it will be.

It was Attorney Witten's opinion that in order to be an Approval Not Required (ANR) lot on Wareham Street the 200' frontage requirement must be met. A smaller lot without 200' of frontage could be carved out through the Comprehensive Permit process with the Board of Appeals.

Mr. Henry said George McTurk represented Habitat for Humanity before the MAHT and submitted a plan increasing the size of the lot. He questioned whether there would be time to go to Town Meeting in May and begin the construction process by July 1, when the revised flood map goes into effect.

Mr. Blanchette said he was sure Town Meeting would approve a 15,000 square foot lot; he said it was his feeling that the project should go back to Town Meeting.

Mr. Oakes asked if the real estate taxes would be greater for a larger lot and voiced concern that greater taxes might cause the unit to be less affordable when the occupants would have the right to use the land anyway.

Mr. Rockwell said MOSAC was ready to move forward with what the Town voted on but if the Selectmen wanted them to wait for another Town Meeting it was up to them. He named different areas in town where houses are constructed on 5000 square foot lots.

Mr. Blanchette noted that the parcel of land contained 170,000 square feet and Mr. Rockwell drew the 5000 square foot lot lines; he questioned why the lot was so small.

Planning member Tom Magauran said the ANR plan was for a nonconforming lot and it may or may not remain affordable. 15,000 square feet is required for the area and the structure would take up most of the lot. Mr. Henry emphasized that this was reviewed at Town Meeting, there was no scam perpetuated, and if there is a chance to do something different it should be done.

Planning member Sherman Briggs voiced concern for the following:
Town Meeting approved a 5000 square foot lot but the first ANR plan submitted to the Planning Board contained 7300 square feet; he asked who made the change.
The Town will face liability with the use of Town-owned land.
Sewer fees

Mr. Rockwell said MOSAC is looking for upland access to the back of the property; he said a stream is on one side and a wetland is on the other and they want to avoid them.

Moved by Mr. Blanchette and seconded by Mr. Cushing to go back to Town Meeting for a lot that can be carved out of the property not less than 15,000 square feet and not more than 22,000 square feet. VOTE: 3-0-0

ACTION ITEMS

One day all alcohol license – Marion Social Club – Birthday Party, 6:00 p.m. – midnight (1/14/12)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

One day all alcohol license – Marion Social Club – Clamboil, 12:00 noon - 4:00 p.m. (1/15/12)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

One day all alcohol license – Marion Social Club – Birthday Party, 6:00 p.m. – 11:00 p.m. (1/28/12)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

Discussion – Marion Town House Advisory Committee

Mr. Blanchette said there were several applicants, all of them excellent. He noted that the Finance Committee has proposed an alternate member, and at the last meeting Mr. Blanchette and Mr. Cushing requested that a full member be proposed. Mr. Dawson said he was on vacation last week and was not aware of another name being submitted. It was agreed to leave the place open for a Finance Committee member. The applications and letters of interest were reviewed and discussed.

Moved by Mr. Cushing and seconded by Mr. Blanchette to appoint Margo Steinberg, Neal Balboni, William Johnston, and Robert Raymond to the Marion Town House Advisory Committee. VOTE: 3-0-0

Moved by Mr. Blanchette and seconded by Mr. Cushing to appoint Rico Ferrari (CIPC), Jay Ryder (Planning Board), a yet to be named member of the Finance Committee, and Mr. Dawson as ex officio to the Marion Town House Advisory Committee. VOTE: 3-0-0

Water Abatement Request – 1 Converse Road, Donald & Margaret Cook

The abatement is requested due to a large increase in water consumption. DPW has been able to determine that large spikes in consumption occurred on days allowed for watering, and a meter accuracy test proved there were no problems with the meter. It is the recommendation of Mr. Zora and Mr. Dawson that this request be denied. Mr. Blanchette commented on the level of detail provided by the new meters and also on the incredible amount of water used by irrigation systems.

Mr. Dawson said if the property owner's irrigation contractor was consulted the Town was not given the information. Mr. Henry voiced concern that a sprinkler line might be open, causing the large increase. He recommended that the owners be contacted and advised to consult their irrigation contractor to do a pressure test and see if there is an open line in the system.

Moved by Mr. Cushing and seconded by Mr. Blanchette to deny the request for abatement. VOTE: 3-0-0

Water Abatement Request – 956 Point Road, Paul & Robyn Anesti

The abatement is requested due to a large increase in water consumption. The high use was noted by the Water Department and a consumption history report was run for the period in question. An overnight check for leaks showed no leaks in the house and a meter accuracy test showed no problems with the meter. The homeowner went away for two days and tests revealed no water consumption during those days. There is no irrigation system at the property but the lawn is watered with a hose approximately three times a week. As a result, it is the recommendation of Mr. Zora and Mr. Dawson that this request be denied.

Moved by Mr. Cushing and seconded by Mr. Blanchette to deny the request for abatement. VOTE: 3-0-0

TOWN ADMINISTRATOR REPORT

Mr. Dawson had no major issues to report.

CORRESPONDENCE:

Request for comments – ZBA – Bay Watch Realty Trust

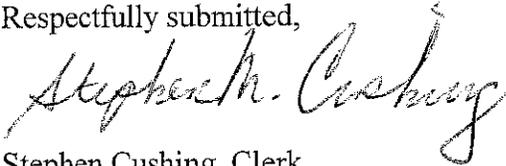
Mr. Blanchette suggested that the ZBA be sent a comment indicating that the Selectmen would like to see 25% of the 36 single family home units be designated affordable, as required by law.

The reading of the correspondence into the record was waived.

EXECUTIVE SESSION

Moved by Mr. Blanchette and seconded by Mr. Cushing at 8:25 p.m. to enter into Executive Session for discussion of ongoing litigation after which the Board will not be returning to regular session. A roll call vote was taken with all members voting aye.

Respectfully submitted,



Stephen Cushing, Clerk

Date approved: 1/17/12

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TOWN CLERK OF MARION, MA
2012 JAN 18 A 9 02

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
January 3, 2012**

DOCUMENTS REVIEWED AT MEETING

Meeting minutes – December 20, 2011
Letters of interest regarding MOSAC vacancy
One day all alcohol license – Marion Social Club – birthday party (1/14/12)
One day all alcohol license – Marion Social Club – clam boil (1/15/12)
One day all alcohol license – Marion Social Club – birthday party (1/28/12)
Letters of interest, applications regarding Town House Advisory Committee
Water abatement request – 1 Converse Road, Donald & Margaret Cook
Water abatement request – 965 Point Road, Paul & Robyn Anesti
Request for comments – ZBA – Bay Watch Realty Trust (12/19/11)
Letter from xfinity regarding price adjustments (12/20/11)
Email from MMA regarding Annual Meeting update (12/21/11)
Notice from N. Douglas Schneider regarding Copper Medal LLC Waterways License
Application for 125 & 129 Converse Road (12/21/11)
Mattapoisett River Valley Water District FY13 tentative budget (12/14/11)
Email from SRPEDD announcing District Local Technical Assistance Program
(12/28/11)
Notice of ZBA decision – 635 Mill Street (12/28/11)
Conservation Commission meeting agenda (12/28/11)
Planning Board meeting agenda (1/3/12)