

Report of the
CONSERVATION COMMISSION

"It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours."

John Fitzgerald Kennedy

To the Honorable Board of Selectmen:

During the year ending December 31, 2010, the Marion Conservation Commission issued:

- 29 Orders of Conditions
- 37 Determinations of Applicability
- 13 Extensions to existing Orders
- 4 Amendments to previously approved Orders
- 19 Certificates of Compliance
- 5 Enforcement Orders

The numbers for this year are not too different than last year. Some of the applications however are becoming more complex and controversial resulting in significantly more hearings before a conclusion can be reached; an example being the application for the 40B project off of Front Street, behind The Wave restaurant. These documents were written and approved at the 23 meetings held by the Commission during the year. Prior to each meeting, Commission members conducted more than 126 Saturday morning site inspections in support of the meeting agenda or for inspection of potential violations. This effort represents approximately 450 hours of volunteer service.

Commission membership had several changes this year. Member Jeff Oakes was replaced by Associate Member Wendy Carreau and Jeff became an Associate Member. Joel Hartley was elected Chairman. Long time Associate Member Horace "Hod" Kenney stepped down and was replaced by Bruce Hebbel who returned as an Associate Member. The Commission and the Town extend their gratitude to Hod for his years of membership and efforts which contributed to the on-going implementation of the Wetlands Protection Act. The Commission members would also like to recognize the enormous support provided by our secretary Diane Drake. For 20+ years her knowledge and expertise have kept the office running smoothly and the various members informed and on the right track. Diane is a great help to applicants guiding them through the process, saving them time and money. Any Town residents interested in participating in Conservation Commission efforts are encouraged to contact us at the Town House. Again this year several members of the Commission attended training sessions and conferences held by the Massachusetts Association of Conservation Commissions to expand their education of State requirements, professional knowledge, and administrative processes. The Commission continues to work with applicants to be sure that proposed projects adhere to the Wetlands Protection Act. This effort sometimes results in changes to the proposed plans but our hope is that any plan changes can be made while still keeping the initial design intent intact.

This year the Commission was surprised to have the Massachusetts Natural Heritage and Endangered Species Program (NHESP) de-certify one of the two vernal pool that were certified in June 2009. The certification was challenged by the property owner and NHESP reversed their decision, using an undocumented de-certification process. As we mentioned last year, we suspect that there are many potential vernal pools in Marion that need identification and certification. The Trustees of Reservations has identified two potential vernal pools on their Eastover Reservation property off of County Road; certification applications have been submitted.

The Federal Emergency Management Agency's circulated draft changes to the local Flood Insurance Rate Maps that were expected to be formalized in July 2010 will not become effective now until June-July 2012. These digitized maps contain changes to Flood Zones and Base Flood Elevations. These changes, in conjunction with a new building code requirement that the lowest elevation of a structure be two feet above the Base Flood Elevation, will impact future building plans.

Respectfully submitted,

Joel D. Hartley, Chairman
Sherman E. Briggs, Jr., Vice Chairman
Norman A. Hills, Secretary/Treasurer
Lawrence B. Dorman
Wendy L. Carreau
Jeffrey W. Oakes, Associate
Bruce C. Hebbel, Associate
Horace S. Kenney, Jr., Associate (resigned)