

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

**March 16, 2010**

**Minutes**

The meeting was called to order at 7:00 p.m. Present were Chairman Stephen M. Cushing, Board members Roger F. Blanchette and Jonathan F. Henry and Town Administrator Paul F. Dawson. Also present were Lee Craver, Gretchen Grundstrom of *The Sentinel*, Anne O'Brien-Kakley of *The Wanderer*, Mark Rasmussen and Korrin Petersen of the Coalition for Buzzards Bay, Ray Pickles, Carol Sanz, Joseph and Lucy Napoli, Mary Gallini, Robert Wedge, Chairman, Zoning Board of Appeals and Helene Craver, secretary..

Mr. Cushing asked Mr. Henry to say a few words regarding the recent death of Christopher Byron. Mr. Henry noted that Mr. Byron had lived in Marion for a period of time and was a much-decorated Army veteran, as well as a Superior Court judge and was a great friend and citizen. A moment of silence was held.

**Mr. Blanchette moved** the minutes of March 2, 2010; the motion was seconded and carried unanimously.

The Board then met with Mr. Rasmussen and Ms. Petersen. Mr. Cushing noted that questions had arisen concerning some of the data being presented. Mr. Blanchette said that the information disseminated at the last joint meeting was different from that appearing on the Project's web site – if the harbor is indeed getting better, why are they discussing monitoring the lagoon? Mr. Rasmussen said that they were dealing with a five-year running average, but the nutrients fluctuate widely year to year. Mr. Blanchette asked about the data for the last twelve months. Mr. Rasmussen said that all of the bay is better in the winter months. Mr. Blanchette said that he strongly disagrees with any need to implement the monitoring program; he suggested waiting another year to see if there was improvement before digging any pits. Mr. Rasmussen objected that Marion should be as healthy as Onset or Mattapoisett. Mr. Blanchette objected that Marion's harbor has a very narrow opening; they are "barking up the wrong tree". Mr. Rasmussen said that they focus on the summer months; the harbor should be clean. Mr. Blanchette said that this was not going to happen, because people use the harbor in the summer.

Mr. Pickles said that he is opposed to the test pits at the sewage lagoons. Mr. Pickles said that the lagoons were built on 13' of impervious fill. Mr. Pickles said that a basic principle is that ground water follows surface water and Marion's continental divide is 50 yards east of the UV building. Mr. Pickles said that Benson Brook starts there and flows into the Sippican River, with the effluent brook flowing into Aucoot Cove. Mr. Pickles noted that the groundwater from the sewage treatment plant doesn't flow into Sippican harbor; there is no groundwater flowing in that direction. Mr. Pickles said that he observes every spring the lawn care companies spreading lawn food, followed by rains, which wash the chemicals into the harbor and the result is dead fish.

Mr. Cushing said that he was focused on the area of Hammett's Cove – maybe something was coming from the pond, because there is no other area in the harbor like that in Hammett's Cove. Mr. Blanchette recalled that there was, in the past, a contractor who had an industrial building north of Hammett's Cove, where the contractor dumped sludge and leftover dirt in a huge pile. Mr. Blanchette said that the contractor has gone out of business and the pile removed about six months ago. Mr. Rasmussen said that this would cause sediment, not nutrients. Mr. Rasmussen said that the scale of lawn area would not cause a problem of this magnitude. Mr. Rasmussen said that the lagoons in Marion are the only ones in the entire bay and they would like to rule them out first. Mr. Henry said that it was his feeling that it was not the lagoons, but perhaps a leak in the sewer system or the Hermitage Road pumping station or Point Road gravity sewer system. Mr. Dawson said that the Hermitage Road pumping station will be reconstructed and taken off line. Mr. Henry suggested they look at the campground area. Mr. Rasmussen said that, if they find nothing at the lagoons, they will be looking at other sites. Mr. Blanchette advised that they should stop looking at the lagoons and go directly to test where it makes more sense. Mr. Rasmussen noted that, in 1995, the Town's engineers, CDM, flagged the issue of the lagoons, but not enough sampling was done. Mr. Blanchette again objected to testing at the lagoons and said that there is something else on the agenda. Mr. Rasmussen asked what that would be. Mr. Blanchette said that Marion is one of a few towns which have the lagoons and people don't like us having them. Mr. Blanchette said that not having them would cost more money that we could possibly afford. Mr. Blanchette said that he could not be convinced that this is about any possible leakage coming from the lagoons to Hammett's Cove. Mr. Rasmussen said that their only motive is Sippican Harbor. Mr. Henry said that it was common practice to install monitoring wells. Mr. Dawson said that the Town's focus has been on the whole system and the I&I, upgrading and adding new sewers, while trying to pay attention to the older sections. Mr. Henry asked for a plan to look at the lagoons. Mr. Rasmussen said that they would be happy to do that and they were planning to use an independent contractor to do the monitoring. Mr. Rasmussen offered to use another certified lab to analyze the results, instead of the Coalition's lab. Mr. Henry said it was good engineering practice, but he didn't think they would find anything there – would they then look at other areas? Mr. Rasmussen said that they would.

Mr. Henry said that he recommends that the monitoring wells be installed, as it is good engineering practice. Mr. Cushing said that he agrees with Mr. Henry and that the Town should work with its engineering firm. Mr. Dawson said that he would ask CDM to come in. Mr. Blanchette asked why the DPW couldn't check the equipment at the pump stations. Mr. Dawson said that any leak could be underground and not visible. Mr. Blanchette said that the Town has the equipment and should do some digging. Mr. Dawson said that they would need a plan and couldn't just start digging. Mr. Rasmussen said that they would help with that.

The Board then met with Mr. Wedge to discuss his recommendation to appoint another regular member of the Zoning Board of Appeals. Mr. Cushing noted that the Board had received a letter from Mr. Wedge, recommending that the Board appoint a new member to the Zoning Board of Appeals; the Board wished to know why an alternate member wasn't considered. Mr. Wedge explained that the Zoning Board of Appeals consists of four full members and three alternates. Mr. Wedge said that one of

the alternates is retired and travels, another goes to Florida for the winter and the third is a new member who has only been to three meetings. Mr. Wedge said that one of the members recommended his suggested member as someone who would be interested and available and has already attended three meetings.

**Mr. Blanchette moved** to appoint Thomas Cooper a regular member of the Zoning Board of Appeals; the motion was seconded and carried unanimously.

The next item of business was a Premise Access License with Verizon for Littleneck Village. Mr. Cushing left the room for this discussion. Mr. Henry noted that the Board had a request from Verizon/Nstar for the License and an Easement for Littleneck Village. Mr. Dawson noted that they would be approving the License to relocate poles; the easement would be approved by the Annual Town Meeting for maintenance purposes. Mr. Blanchette asked if this would preclude Comcast from being involved. Mr. Dawson explained that this has to do with the poles; Comcast doesn't own the poles. Mr. Blanchette asked if they could demand that the wires be installed underground. Mr. Dawson explained that the Town is not paying for the construction of the project, the utilities won't pay for it, it would be up to the developer and this is not the Town's decision. It was decided not to address the license until there was a response about the underground installation.

Mr. Cushing returned to the room.

**Mr. Blanchette moved** a one-day, all-alcohol license for the Marion Social Club for March 27; the motion was seconded and carried unanimously.

**Mr. Blanchette moved** to proclaim April 22 Arbor Day; the motion was seconded and carried unanimously.

Mr. Dawson explained that the Town recently went out to bid on phase 2 of the Pleasant Street/Converse Road water main project and had received a large number of bids. Mr. Dawson reported that check of references on the low bidder, Green Acres, had been satisfactory and Tata & Howard recommends the bid be awarded to that company.

**Mr. Blanchette moved** to award the bid to Green Acres.

Mr. Blanchette asked what was budgeted for the project. It was determined that the low bid was less than what was budgeted. Mr. Henry found the low bid "troubling" and expressed concern that the contractor could default halfway through the job.

The motion was seconded and carried, Mr. Henry opposed.

Concerning proposed changes to the waterways regulations, Mr. Blanchette questioned the wording on the proposals and requested the Harbormaster come in to discuss the regulations. No action was taken on the proposed changes.

Mr. Dawson noted that the Town had received an application for a commercial aquaculture license, for which a hearing had been scheduled on April 6, but the wording of the regulations states that the Board must vote to proceed with the hearing before the hearing actually takes place. Mr. Dawson said that his office would collect comments from other Town departments to be presented at the hearing. Mr. Blanchette noted that the majority of abutters live out of Town. Mr. Henry said that he had heard from one of the abutters, who wants the hearing postponed because he wants to have an expert testify. Mr. Blanchette recalled that a similar proposed project in Mattapoissett was withdrawn because of the proposed location. Mr. Cushing requested a more clear drawing of where the aquaculture project would be placed. Mr. Blanchette objected to the applicant's sending out the letter to the abutters. Mr. Henry said that the harbor is a resource for all kinds of things and this is not out of line with the way it has been used forever. Mr. Blanchette was still concerned over the manner in which the abutters were notified. Mr. Cushing suggested the Town notify the abutters by certified mail. Mrs. Sanz asked where the project would be located and whether the abutters had had enough time to respond, especially since many were out of Town. Mr. Cushing said that the Board could continue the hearing. It was agreed that the Town would send a notice of the hearing by certified mail to all of the residents on Reservation Way, Job's Cove Lane, Bay View Road, Quelle Lane and Arrowhead Lane.

**Mr. Blanchette moved** to convene the public hearing on April 6; the motion was seconded and carried unanimously.

Mr. Dawson reported that the construction at the police station continues to go well and is on time; expected opening would be in June.

Mr. Dawson reported that the Fire Chief Study Committee had met for the first time last night and the committee has decided that the first order of business is to develop an organization chart of the Fire Department.

**Mr. Blanchette moved** to adjourn at 8:58 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 3/30/10