

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

March 30, 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, Gretchen Grundstrom of *The Sentinel*, Anne O'Brien-Kakley of *The Wanderer*, Eunice Manduca, Carol Sanz, Harbormaster Michael Cormier, John Rockwell of the Open Space Acquisition Commission, developer John T. Ludes, his attorney Marc Deshaies and his engineer David Davignon and Helene Craver, secretary.

Mr. Blanchette moved the minutes of March 16, 2010; the motion was seconded and carried unanimously.

The Board met with Mr. Cormier to discuss proposed changes to the waterways regulations. Mr. Blanchette questioned the use of "berth" versus "slip" and the requirement that only one be allowed per household. Mr. Cormier explained that there are slips at Island Wharf and berths at Old Landing and that there is a waiting list, so he is trying to be fair to everyone and move the people on the list, rather than issuing multiples to people who already have them. Mr. Cormier explained that the other proposed change is to prevent people from leaving their boats at mooring past the middle of December, when he would have to have the boat towed to prevent damage.

Mr. Blanchette moved to accept the proposed changes, with the stipulation that there be a reference to slips at Island Wharf and berths at Old Landing; the motion was seconded and carried unanimously.

Mr. Blanchette moved a one-day, all-alcohol license for the Marion Social Club for April 18; the motion was seconded and carried unanimously.

Mr. Blanchette moved a water commitment in the amount of \$1,775.95; the motion was seconded and carried unanimously.

The Director of Emergency Medical Services recommended that David C. Zander be appointed an EMT-Paramedic. Mr. Dawson noted that Mr. Zander had completed all the required training and was now a certified Paramedic. Mr. Henry asked where Mr. Zander worked, as he wondered what hours Mr. Zander would be available. Mr. Cushing said that they should not disregard someone because of limited availability. Mr. Henry requested that, in the future, the Board be supplied with more information and background on the candidates.

Mr. Henry moved the appointment of Mr. Zander as EMT-Paramedic; the motion was seconded and carried unanimously.

Mr. Cushing left the room prior to a discussion on the Premise Access Agreement with Verizon/NStar for Littleneck Village. Mr. Dawson explained that the

agreement allows the utilities companies to enter onto the property during construction and afterward for repair and maintenance. Mr. Dawson said that there would be a similar agreement with E. A. Fish Company for the buildings and that all utilities will be underground.

Mr. Blanchette moved to sign the agreement; the motion was seconded and carried, Mr. Cushing not voting.

Mr. Cushing returned to the room.

Mr. Dawson reminded the Board that, when they met with the Water Committee and engineers, they had voted to approve a hydraulic model update and map project for the water system and that the contracts with Tata & Howard are here for signature.

The Board reviewed a recommendation from the Director of the Council on Aging that Town stickers be at a reduced rate or free for residents over the age of 70. Mr. Blanchette said that other towns allow elderly residents to get free stickers and he thinks we should do the same; Mr. Henry agreed. Mr. Cushing suggested that the new policy take effect January 1, 2011.

Mr. Blanchette moved to have residents over the age of 70 get free Town stickers beginning January 1, 2011; the motion was seconded and carried unanimously.

Correspondence from SRPEDD requested the Board appoint representatives to SRPEDD and JTPG, along with the appointment from the Planning Board. Mr. Henry said that he is currently the appointee to both organizations and would continue to serve, if appointed.

Mr. Blanchette moved to appoint Mr. Henry as Selectmen's representative to SRPEDD; the motion was seconded and carried unanimously.

Mr. Blanchette moved to appoint Mr. Henry as delegate to the JTPG, with Robert C. Zora as alternate; the motion was seconded and carried unanimously.

The Board then met with Mr. Ludes, his attorney, Mr. Deshaies and his engineer, Mr. Davignon, to discuss Mr. Ludes' subdivision on Converse Road and the previous agreement reached regarding the public interest component on which the sewer connections was based. Mr. Dawson alluded to a letter from the Sippican Lands Trust, which noted that the owner of the property had made changes which "greatly reduced the public access" and suggested that, in the future, the public interest component be made part of a formal agreement. Mr. Dawson recalled that, last May when Mr. Ludes appeared before the Board requesting additional sewer connections, the Board had previously changed its policy on sewer moratoriums to allow for the public interest component. Mr. Dawson noted that this was based on the conveyance of the one lot to the Sippican Lands Trust to allow for access to the walking trails and the water. Mr. Deshaies said that nothing was misrepresented – there were ongoing

discussions with the Sippican Lands Trust regarding the conveyance of a conservation easement. Mr. Deshaies said that they were notified by the Sippican Lands Trust in August that the appraisals on the property did not support the asking price and they were disappointed that they could not go through fund raising. Mr. Blanchette said that he "has got to be the most naïve person in America" because he thought the land was going to be a gift to the Sippican Lands Trust, as he remembers thinking at the time that he was surprised Mr. Ludes was going to give the land to the Sippican Lands Trust instead of just to the Town so the Open Space Acquisition Commission could manage it. Mr. Blanchette said that the sale of the property was never mentioned. Mr. Cushing agreed. Mr. Henry said that there was nothing said about the success of the Sippican Lands Trust to meet the asking price in order for the arrangements to go through. Mr. Henry asked how the public benefit could be accomplished now, because it doesn't now meet the Board's expectations. Mr. Deshaies said that the lots could have been planned with thirty-six townhouses and Mr. Ludes is preserving open space with his limited design. Mr. Ludes said that the majority of the land is wetlands where nothing can be built. Mr. Blanchette asked how we can now resolve this problem, as what was given can be taken away and he only has to learn his lesson once.

Mr. Rockwell said that the Open Space Acquisition Commission would be glad to meet with Mr. Ludes and his attorney and report back to the Board what might be worked out between him and the Commission. Mr. Ludes said that the meeting was set for next Tuesday and he was putting sewer in there instead of thirty-six townhouses—he can't understand why that isn't to the public benefit. Mr. Henry said it would be difficult to explain the public benefit of a piece of land you can only look at. Mr. Ludes said that the public is using the land now; Mr. Cushing said that people can only access it from the water. Mr. Ludes complained that he is trying to develop the land the right way and he is being made the "bad guy" by denying public access. Mr. Henry said that the agreement they had reached had not worked out; what they had based their ruling on had not worked out. Mr. Ludes said that not developing the land into townhouses was enough of a public benefit. Mr. Deshaies said that subdividing the land into seven large lots maintains the character of the neighborhood and is a significant benefit. Mr. Blanchette said that this places the Board in a situation that must be resolved. Mr. Dawson said that the sewer connections were not something Mr. Ludes was entitled to and the Board had changed their policy to accommodate him with the agreement to allow for public access from Converse Road to the water. It was agreed that Mr. Ludes would meet with members of the Open Space Acquisition Commission and report back to the Board.

Mr. Blanchette said that it has been brought to his attention by several people that the sewer pump station on lower Front Street was "homely". Mr. Blanchette said that he had had an offer of some donated shrubs; perhaps they could contact the Tree Warden, Tree Planting Committee and landscapers and form a plan to improve the appearance of the area. It was agreed that Mrs. Sanz would take a look at the building to decide what color it should be repainted.

Mr. Dawson reminded the Board that, at the last meeting, there was a quit claim deed presented to donate land in Indian Cove to the Open Space Acquisition Commission; Mr. Rockwell is here to answer any questions. Mr. Rockwell said that his

committee had been looking at preserving the greenway on Route #6 at it comes in from Mattapoissett and was interested in tying this land into other lots that have been preserved in the area. Mr. Rockwell said that the Indian Cove Trustees had approached his committee about four months ago concerning preservation of these lots as open space. Mr. Henry said that he recalled that there had been an old welding station in the area that had a failed underground storage tank and this should be investigated. Mr. Blanchette asked if the homeowners at Indian Cove realized that this land was now private property – if it were gifted to the Open Space Acquisition Commission or the Town, the public would have access to it – were the Trustees and residents aware of this. Mr. Blanchette said that the residents are accustomed to calling the police if people other than residents are in the subdivision. Mr. Henry pointed out that the taxes paid to the Town are a clear benefit of the property. Mr. Blanchette agreed and asked, at what point do you stop buying land that will be taken off the tax rolls. Mr. Cushing asked if any of the land is buildable. Mr. Rockwell said, no. Mr. Dawson recalled that, several months ago, they discussed whether a land owner would consider placing a conservation restriction on land, rather than giving it to the Town – which achieves the same goal, without removing the land from the tax rolls, without increasing the Town's liability. Mr. Rockwell didn't think that buying a piece of land would raise the Town's insurance rates. Mr. Rockwell reminded the Board that Town Meeting had given the Open Space Acquisition Commission the authority to buy land without anyone's approval; however, if someone gives land to the Town, approval must be gotten. Mr. Rockwell reported that the Indian Cove Trustees' attorney didn't feel it was worth it to the Trustees to spend the money on a conservation restriction. Mr. Henry wanted to know the tax consequences involved in this transaction. It was agreed that further discussion would be delayed until the tax and title information could be obtained.

The Board noted with regret the resignation of Paramedic Dale Thackeray.

Mr. Blanchette moved to go into executive session at 8:50 p.m. to discuss litigation and not to return to open session at the conclusion of the open session; the motion was seconded and carried unanimously, Messrs. Cushing, Blanchette and Henry voting aye.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 4/6/10