

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
May 3, 2011  
Meeting Minutes**

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

**ALSO PRESENT:** Paul Dawson, Town Administrator  
Jack O'Leary (Merrill Associates)  
Manny Paiva (Cumberland Farms)  
Carol Sanz  
Eunice Manduca  
Anne Kakley (Wanderer)  
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Blanchette announced that the meeting would be televised, video recorded by ORCTV, and audio recorded by Town of Marion staff.

NOTE: A list of the materials reviewed at the meeting shall be attached to these minutes.

**APPOINTMENTS**

**Cumberland Farms – Request for Public Way Access Permit (406 Wareham Street)**

The applicant was represented by Jack O'Leary of Merrill Associates and Manny Paiva of Cumberland Farms. The request is for a public way access permit for the existing store located at 406 Wareham Street.

The project includes the demolition of the existing facility and the construction of a new site; it is in the process of site plan review by the Planning Board. The two existing driveways and the existing storm water drainage system will be brought into compliance with current standards. Some of the runoff will be treated on site and the remainder will be captured by onsite, treated, and then discharged into a pipe system directly connected to the Front Street drain system.

Review of the Front Street drain system revealed a pipe sloping backward, resulting in silt within the catch basin, and inconsistencies in the sizes of the pipe used. The system ultimately discharges into a salt marsh.

Mr. O'Leary told the Board that Cumberland Farms has paid for the system to be investigated and redesigned; they will also pay for the pipe to be replaced, the catch basins to be cleaned, and for the repaving of the road. The proposal has been reviewed by the Planning Board, DPW, and Field Engineering. Mass. DOT will require curb cut permits for the changes to the Wareham Street driveway.

Mr. Blanchette asked where the applicant is in the Planning Board process; he was told they Planning Board has submitted a statement in support of the request before the Board of Selectmen.

Mr. Dawson said the Police Chief and DPW have reviewed and support the plan.

Mr. Cushing asked when the drainage construction is planned to start; he was told mid-July, with completion by November. He said his biggest concern is that the rest of the road has been opened up and had approximately two years to settle, and he would hate to have that opened up. He suggested flowable fill and requested that the applicant discuss it with the DPW Superintendent. Mr. O'Leary said he has kept Mr. Zora informed so far and will continue to work with him.

Moved by Mr. Henry and seconded by Mr. Cushing to approve the request for a Public Way Access Permit and offsite drainage improvements. VOTE: 3-0-0

### **ACTION ITEMS**

Mr. Blanchette noted that the Board typically takes action items under advisement to the next meeting. However, the next scheduled meeting is June 7 and the Board might want to consider some of the items tonight.

#### **Letter of support to National Park Service regarding Sippican Lands Trust**

At the request of the Sippican Lands Trust (SLT) a representative of the National Park Service (NPS) offered to serve as a resource to the SLT by offering technical assistance. The rules of the NPS require that before technical assistance can be provided a letter is required from the Board of Selectmen. A draft letter was included for the Board to review. Mr. Cushing asked what type of assistance would be provided; he was told it relates to land management under SLT jurisdiction.

Moved by Mr. Cushing and seconded by Mr. Henry to approve the request for a letter. VOTE: 3-0-0

#### **Discussion – Alternative Energy Committee – Possible expansion and name change**

This item was added to the agenda at the Chairman's request. Mr. Blanchette described the large workload falling on the five members of the committee and suggested increasing the size to seven members. It has also been recommended to Mr. Blanchette that the name of the committee be changed to Marion Energy Management Committee. After discussion it was agreed to address this when reappointments are done next month.

#### **One day wine & malt license – Pythagorean Lodge 150 Year Celebration at the Music Hall (7/16/11)**

Moved by Mr. Cushing and seconded by Mr. Henry to approve the one day license. VOTE: 3-0-0

#### **Appointment to Council on Aging**

This was continued from the April 21 meeting.

Moved by Mr. Henry and seconded by Mr. Cushing to appoint Joanne Mahoney to the Council on Aging. VOTE: 3-0-0

Subsequent to the vote being taken Mr. Henry requested that letters be sent to the other two applicants, thanking them for their interest and also requesting that they consider serving on another Board.

#### **Water Commitment - \$2702.08 (4/29/11)**

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

#### **Assign articles for Annual Town Meeting**

The articles were assigned as indicated below:

Articles 1-4 – Mr. Henry

Articles 5-8 – Mr. Cushing

Articles 9-12 – Mr. Blanchette

Articles 13-17 – Mr. Henry

Articles 18-23 – Mr. Cushing

Articles 26 & 27 – Mr. Blanchette

Articles 30-33 – Mr. Henry

Articles 34-36 – Mr. Cushing

Articles S1-S5 – Mr. Blanchette

Articles 24 & 25 will be presented by Mrs. Schaefer and Articles 28 & 29 will be presented by Mr. Ryder.

#### **Proclamation – 2011 National Safe Boating Week**

A request has been received from the Coast Guard for a proclamation that May 21 – 27 be designated National Safe Boating Week.

Moved by Mr. Cushing and seconded by Mr. Henry to approve the request. VOTE: 3-0-0

#### **One day all alcohol license – Clam Bake at the Marion Social Club (5/15/11)**

Moved by Mr. Henry and seconded by Mr. Cushing to approve the one day license. VOTE: 3-0-0

### **TOWN ADMINISTRATOR'S REPORT**

#### **Discussion – Silver Shell Beach liquor licenses**

Last year the Board discussed whether or not liquor licenses would be issued for events at Silver Shell Beach.

Mr. Blanchette said when the Board discussed in the past that if they would not allow one day alcohol licenses for weddings, parties, etc., at Silver Shell Beach approval should not be given for the Sippican Lands Trust Annual Beach Bash. He said the Board needs to be consistent relative to alcohol licenses.

Mr. Dawson said a request for a one day alcohol license has been received from the Sippican Lands Trust and the request has been placed under tonight's agenda's correspondence items. Mr. Blanchette noted that the annual Sippican Lands Trust Beach Bash was advertised by mail this week.

After discussion it was agreed that the Board will consider each request on a case by case basis.

#### **Discussion – Proposed public presentation by Coalition for Buzzards Bay regarding lagoons**

Mr. Dawson said approximately two weeks ago he received a call from Kerri Driscoll of the Coalition for Buzzards Bay. Ms. Driscoll indicated to Mr. Dawson that the Coalition was planning to hold a public meeting at the Music Hall on May 25 in order for them to advise the general public of the findings of Horsley & Witten as was presented to the Board regarding their contention that the Town's sewer lagoons are leaking. At the point of the conversation Ms. Driscoll sent Mr. Dawson a copy of the proposed postcard and

asked if the Board of Selectmen wished to co-sponsor the event. Mr. Dawson informed her that he had reservations whether or not the Board would want to cosponsor that. He reminded her that at the Board's March 15 meeting and a couple of times since he had requested the Coalition to provide the Town with the data gathered by Horsley & Witten; this would allow the Town's consulting engineers an opportunity to review the information. Ms. Driscoll told Mr. Dawson she did not have a final report and as soon as it was available she would get it to him. A few days later a resident received an email newsletter from the Coalition and forwarded a copy to Mr. Dawson. The email contained one sentence in particular that caught Mr. Dawson's attention ("The results were clear: retention lagoons at the Marion Waste Water Facility are leaching and contributing nitrogen to the groundwater.") Mr. Dawson contacted Ms. Driscoll and reminded her of their last telephone conversation, when she informed him that she did have a final report. He asked how such an emphatic statement in an email correspondence. Ms. Driscoll admitted she still did not have a final report. Mr. Dawson told her it was his opinion that it had not been presented to the Board in a formal fashion, it was premature, they were calling for a meeting and sending out information that may or may not be true, but the Town's consulting engineers have not had a chance to review the data and offer their opinion. He asked Ms. Driscoll to consider postponing the May 25 meeting until the final report is available and the Town has an opportunity to have it analyzed. She told him the report was expected that day (Friday, April 29) and a copy would be forwarded to him. Mr. Dawson received the report on Friday afternoon at 3:30 p.m. He was also informed that the Coalition had discussed postponing the meeting and decided not to. After discussion it was agreed that the Town's engineers would attend the meeting.

#### **Discussion – Summer Water Conservation Measures**

A memo was submitted by the DPW Superintendent requesting to include in the water bills the annual notice of water restrictions; the restrictions have been in place over the last several years. Last year it was agreed to discuss the restrictions when they were submitted again for review. Mr. Dawson said the Mattapoissett River Valley Water District has been looking closely at this and is making an attempt to standardize across the District the regulations put into effect by the Town of Marion.

After discussion it was agreed that car washing and watering of plants with a hand held hose will be allowed on Sundays between the hours of 6:00 a.m. and 12:00 noon.

#### **Dogs on beaches**

Mr. Blanchette reminded everyone that dogs are not allowed on the beach between April 30 and October 1.

#### **CORRESPONDENCE:**

**Letter from Southeastern Massachusetts Commuter Rail Task Force regarding June 8 Task Force meeting (4/14/11)**

**Letter from Sippican Lands Trust requesting one day liquor license for event at Silver Shell Beach (4/19/11)**

Moved by Mr. Cushing and seconded by Mr. Henry to approve alcohol license requested by the Sippican Lands Trust. VOTE: 3-0-0

**Email from Frank Haggerty regarding ORR wind turbine (4/24/11)**

**Letter from Eric Radin, M.D., regarding EMS (4/25/11)**

**Letter from Joan Wing regarding EMS (4/22/11)**

**Letter from Plymouth County Sheriff's Department regarding Emergency Alert/Notification system (4/20/11)**

As a result of budget cuts the Sheriff's Department will no longer be providing the Alert Notification System (Reverse 911) to Plymouth County, effective July 1. Mr. Blanchette asked if the town has the capability to do a local reverse 991 and was told no.

**Request for comments from ZBA regarding Tabor Academy (4/26/11)**

The applicant is requesting a variance to allow the installation of light poles higher than what is allowed under the zoning bylaw.

**Copy of letter from Tata & Howard regarding East and West Well Perchlorate Study (4/27/11)**

The letter was addressed to the Rochester Conservation Commission regarding the installation of groundwater monitoring wells at six locations to study the perchlorate issue.

**Letter from Senator Pacheco regarding FY12 Local Aid (4/14/11)**

**Request for comments from Planning Board regarding 119 Wareham Street (5/3/11)**

**Letter from Charles R. Washburn Park Memorial Trust regarding concession stand (3/2/11)**

**Letter from Charles R. Washburn Park Memorial Trust regarding trustees (4/29/11)**

**AGENDAS AND MEETING MINUTES RECEIVED FROM OTHER BOARDS AND COMMITTEES**

Upper Cape Cod Regional School District Committee Meeting Minutes (3/10/11)

**Hathaway Pond**

Mr. Henry described a letter he received from Rep. Strauss regarding Hathaway Pond in Rochester.

**Appointment to Commuter Rail Task Force**

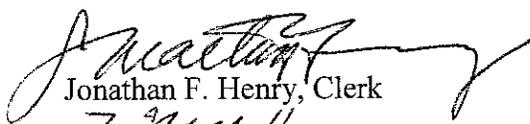
Moved by Mr. Cushing and seconded by Mr. Henry to appoint Mr. Henry as representative to the Southeastern Massachusetts Commuter Rail Task Force. VOTE: 3-0-0

**SRPEDD Annual Meeting**

Mr. Henry will be attending the meeting.

Moved by Mr. Henry and seconded by Mr. Cushing at 9:10 p.m. to adjourn.

Respectfully submitted,

  
Jonathan F. Henry, Clerk  
7 Jun 11  
Date approved:

RECEIVED  
TOWN CLERK OF MARION, MA  
JUN 20 10:35 AM '11

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WATER/SEWER COMMISSIONERS  
May 3, 2011**

**DOCUMENTS REVIEWED AT MEETING**

Application – Cumberland Farms, Public Way Access Permit  
Letter from Sippican Lands Trust requesting letter to National Parks Service  
One day wine and malt license – Pythagorean Masonic Lodge at the Music Hall (7/16/11)  
Water commitment (\$2702.08, 4/29/11)  
Form to assign articles at Town Meeting  
Proclamation – 2011 National Safe Boating Week  
Memo from DPW Superintendent regarding annual water restrictions (4/14/11)  
Copy of invitation to May 25 meeting sponsored by Coalition for Buzzards Bay  
Memo from Southeastern Mass. Commuter Rail Task Force (4/14/11)  
Letter from Sippican Lands Trust requesting one day all alcohol license (4/19/11)  
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