

Report of the  
CONSERVATION COMMISSION

*"Our ideals, laws and customs should be based on the proposition that each generation, in turn, becomes the custodian rather than the absolute owner of our resources and each generation has the obligation to pass this inheritance on to the future."*

Charles A. Lindbergh, 1971

To the Honorable Board of Selectmen:

During the year ending December 31, 2005, the Marion Conservation Commission issued:

- 21 Orders of Conditions
- 44 Determinations of Applicability
- 14 Extensions to existing Orders
- 2 Amendments to previously approved Orders
- 9 Certificates of Compliance
- 2 Enforcement Orders

These documents were written and approved at the 19 meetings held by the Commission during the year. Commission members conducted more than 109 Saturday morning site inspections in support of the meeting agendas. Additionally this year the Commission participated in two Massachusetts Department of Environmental Protection (DEP) on-site inspections in Marion. We continue to pursue DEP assistance to produce a response to certain Enforcement Orders.

Jeff Oakes was re-elected as Chairman of the Commission. 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 is actively searching for new members as potential replacements in the near term.

The anticipated revision of the Massachusetts Wetlands Protection Regulations was issued, effective March 1, 2005. The final regulations reflect the many comments on the proposed regulations from Conservation Commissions, developers, environmental advocates and other interested persons. A summary of the changes follow. Complete details can be obtained at ([www.mass.gov/dep/brp/ww/regs.htm](http://www.mass.gov/dep/brp/ww/regs.htm)):

- The potential for adverse impact to resource areas from work in the buffer zone increases with the extent of the work and the proximity to the resource area. To encourage development further from the resource area, DEP has established a simplified review process for those projects that will be no closer than 50 feet to an inland Bordering Vegetated Wetland boundary and meets certain other criteria
- Fees for Superseding Orders of Conditions from DEP have been raised

- Additional guidance has been provided to strengthen Conservation Committee evaluations when presented with the loss of up to 5000 square feet of bordering vegetated wetlands
- Reference has been included to DEP's "Stormwater Management Standards"
- DEP has developed maps showing the locations of mouths of coastal rivers
- DEP has strengthened enforcement provisions. DEP intends to reallocate resources to increase its outreach and enforcement efforts to address illegal filling of wetlands
- With respect to Adjudicatory Hearings, DEP has added requirements for participation by abutters, aggrieved persons, or ten-resident groups in the permitting process, so the Conservation Commission or DEP may consider objections prior to issuance.

The Wetlands Protection Act (310 CMR 10.00), regulations, forms and Standards can be accessed on-line under the Conservation Commission section of the Town of Marion's website ([www.townofmarion.org](http://www.townofmarion.org)).

Surveying the Commission's activity, it is obvious that the demand for housing is resulting in a focus on lots that would have previously been considered marginal or undesirable due to the proximity of wetlands. The location of wetlands can now be a critical item in the determination of the usefulness of a particular site.

Respectfully submitted,

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