

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

August 4, 2010

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Roger F. Blanchette, Board members Stephen M. Cushing and Jonathan F. Henry. Also present were Town Counsel Jonathan Witten, Carol Sanz, Julia Deane Crowley, Norman Hills, Sherman Briggs, Frank J. Ryder, Building Commissioner Richard Marx, Elizabeth Dunn, Steven Gonsalves, John Sweeney, Edwin North and others who did not sign in.

Mr. Blanchette noted that the purpose of the meeting was to comment on the Notice of Project Change regarding Marion Village Estates (Bay Watch Realty Trust) 40B project. Mr. Witten explained that the change in the project triggers a threshold for the Mass. Environmental Policy Act – in this case, fewer units would remove the project from the Environmental Impact Report. Mr. Witten said that, in 2003, the Board of Selectmen voted to require the environmental study and this change allows for a 30-day comment period, which expires next Tuesday.

Several people present had largely negative comments and representatives from the Conservation Commission, Zoning Board of Appeals and Planning Board all expressed their intent to comment before the deadline. Mr. Blanchette explained that the Town essentially does not have much latitude in dealing with a 40B project, as the courts almost invariably rule in favor of the developer. Mr. Witten said that one of the rulings in 2002 was that the applicant has the right to get in line for sewer connections along with everyone else. Mr. Blanchette, in an effort to dispel several rumors, assured those present that the developer will pay its fair share for water and sewer and that there would be no reason for an increase in rates for the Town's residents. Mr. Ryder, in particular, was very vocal regarding the negative aspects of the project and its effect on the Town. Mr. Blanchette reminded Mr. Ryder that the Town had been in litigation in one form or another concerning this project for the last eight years – we are now at the end of the line. Mr. Witten said that the Town had won on some issues and the project is very different now from when they began. Mr. Witten said that, in order for the project to move forward, it will take much work on the part of the applicant and this is typical of most 40B projects – there is very little upfront work; all the work comes at the end. Mr. Witten said that the applicant has no permits in hand.

A discussion followed regarding the project's connection to the wastewater treatment plant. Mr. Henry said that it was preferable to have the project connected, rather than a package treatment plant, as the site is close to the Town's wellfield.

Mr. Witten explained that, in 2003, the Town wrote a nine-page letter requesting a full Environmental Impact Report and this proposed change in the project is an attempt by the developer to revert to the simpler, less onerous Environmental Impact Form.

In answer to a question by Mrs. Sanz, Mr. Blanchette explained that the Town never approved the proposed 192-unit project. Mr. Witten said that the Housing Court had approved the 192 units and the Town appealed that decision, which triggered another round of litigation. Mr. Witten said that the applicant modified the project to 168 units, which the Selectmen approved.

More comments followed. Mr. Henry noted that, since the project is in the water protection district, having it connect to the public sewer will mitigate potential problems. Mr. Henry said that he understands there are other major issues, such as a vernal pool on the site. Mr. Hills said that there are two certified vernal pools on the site, with a third potential that needs to be addressed, with the applicant attempting to get one of them decertified. Mr. Cushing said that the Town needs to protect its water resource, but he is not against affordable housing – his own children cannot afford to live in Marion. Mr. Blanchette was adamant regarding the applicant submit a full Environmental Impact Report on the project. Mr. Henry said that there had been a lot of give and take between the Board and the developers and, over time, quite a few things have been negotiated. Mr. Henry said that he would like to see the project built, as it is a cornerstone of the Town's housing plan. Mr. Henry said that the Town will have to provide affordable housing anyway and available land is disappearing. Mr. Blanchette agreed with Mr. Henry and said that the Town does need what is now called "workforce" housing – for teachers, firefighters, police officers, public works employees. Mr. Blanchette said that, if this project fails, something else will come along. Mr. Blanchette said that it was in the Town's interest to insist on a full Environmental Impact Report.

Mr. Cushing moved to authorize Town Counsel to send a letter to MEPA stating our concerns and requesting that a full study be undertaken; the motion was seconded and carried unanimously.

Mr. Blanchette moved to adjourn at 8:00 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,


Jonathan F. Henry, Clerk

Date approved: 8/10/10