

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
MEETING MINUTES
October 18, 2016**

MEMBERS PRESENT: Jonathan Dickerson, Chairman
Stephen Cushing
Stephen Gonsalves

ALSO PRESENT: Paul Dawson, Town Administrator
Shea Doonan
Attorney Robert Feingold
Isaac Perry, Harbormaster
Adam Murphy, Shellfish Officer
Diane Holmes
John & Leslie Halnen
Claire King
Bill Notman
Beth Luther
Charlotte Dougherty
Diane Cosman
Beth Luther
Janet Marshall
Lt. John Garcia
Sean Day
Tanner Harding, Sippican Week
Jean Perry, Wanderer
Mike DeCicco, Standard Times
Debra Paiva, secretary
Others who did not sign in

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

Approval of meeting minutes – October 4, 2016

Moved by Mr. Cushing and seconded by Mr. Gonsalves to accept the minutes. VOTE: 3-0-0

ACTION ITEMS

Discussion regarding donation of property (0 Point Road, Parcel ID 0011-00098)

Mr. Dawson informed the selectmen that the Marion Open Space Acquisition Commission does not want to acquire the property; he recommended that the selectmen not accept the offer. Mr. Dickerson suggested that the property owner be advised to contact the Sippican Lands Trust. Moved by Mr. Cushing and seconded by Mr. Gonsalves to decline the offer. VOTE: 3-0-0

APPOINTMENTS

7:05 p.m. – Public Hearing – Aquaculture permit – Shea Doonan

The public hearing was opened on August 16 and at the request of the applicant it was continued with no testimony taken until tonight. Applicant Shea Doonan was present for the hearing and was represented by Attorney Robert Feingold.

The information provided by Attorney Feingold during the presentation to the selectmen included the following:

- A .5 acre, 147' x 147' project is proposed
- The water depth is 3.5' at mean low tide and 7'-8' at mean high tide
- The cages will be 6"-10" deep bags
- To eliminate concerns regarding interference with navigation of kayaks, canoes, and small boats, the cages will be submerged 10" from the bottom, a change to the application originally submitted
- The application has been submitted to the Conservation Commission
- The State has given conditional approval as there is no eelgrass or substantial shellfish under the site
- The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife has determined that the project meets the State-listed species performance standard for the issuance of an Order of Conditions
- The Army Corps of Engineers will not review the project until the selectmen have made a decision
- The project would benefit the area environmentally and financially
- The site will be marked by four lobster buoys
- The proposal will not interfere with larger vessels because the shallow and rocky conditions prevent their navigation of the site
- Mr. Doonan will be there every other day or every third day in the summer in a 13' boat and will blend in with the recreational users in the area.

Mr. Cushing asked how many rows of bags are proposed; Mr. Doonan told him two rows in the beginning and eight rows maximum.

Mr. Cushing asked how the bags will be maintained at a specific depth; Mr. Doonan described the proposed structure and how it will work.

Mr. Gonsalves said he is not against what Mr. Doonan wants to do but is not convinced that it's the spot.

Nicholas Wright, Mattapoisett, asked Mr. Gonsalves what his concern was for the spot; Mr. Gonsalves said he would love to see it happen but could not agree that Meadow Island is the spot.

William Notman, 414 Point Road, said the water surrounding Meadow Island is a recreational area for Marion residents. He asked if Mr. Doonan has worked with submerged bags before and was told yes. Mr. Notman explained that the proposed site is located in an area where younger people learned to sail, voiced concern for the loss of open space, suggested that the selectmen take steps so this would not come up again, and informed the selectmen that 671 signatures had been collected on a petition opposing the application. He noted that he has been told by people with similar projects that there are other sites available; Mr. Doonan described the difficulty he encountered finding a site that would work.

Tim Dunn, Mattapoisett, said there was no tangible interference caused by the project and it seemed that the idea itself seemed to be problem. Mr. Gonsalves replied that the selectmen had approved other projects; the problem for him was the high recreational use of the island.

Chris Bryant, 103 Main Street, said he has worked on the water all of his life, runs a boatyard, and also operates an oyster farm. He made the following observations:

- In all of Massachusetts no one without just cause was denied an aquaculture license
- The site chosen is not a very nice place
- The proposal has a triangular shape and it should be rectangular
- He would much rather see the obstacles than have them hidden beneath the surface
- Growing oysters on the bottom is a bad idea as all of the food is in the top 7” of the water
- Mr. Bryant also has an application with the selectmen for a farm in the same area
- An oyster farm of that size will require Mr. Doonan to work at the farm 9 months of the year, 5 days a week, 3-4 hours a day, and working at the bottom will require even more time
- Eelgrass is growing under the existing shellfish grants as they have caused the water quality to improve
- If the project is approved he would prefer to see the gear on the surface
- More than 8 rows can be fit into the site
- There is no proof that oyster farms are bad for a community
- Oyster farms are good looking if they are laid out correctly

Mr. Dickerson asked Shellfish Officer Adam Murphy if he was familiar with the type of system proposed by Mr. Doonan and was told no. Mr. Murphy made the following observations:

- He and the Harbormaster have reviewed the plan and they are not sure that it will work in that area.
- They do not want the proposed Styrofoam flotation devices to be used as the wave action can cause the system to break them and spread pieces of Styrofoam through the areas
- The idea of putting the system on the bottom is not beneficial to the applicant as most of the food is in the top 7” of the water
- The system will be jarred loose during storms and he would like to see how it will work before it’s implemented
- The Town does not own the waters but manages them
- The request is a permitted use
- There are moorings in the area and like an aquaculture grant, they need to be sailed around
- Although Mr. Murphy would not recommend it, Mr. Doonan could allow people to go through the grant
- The proposed site is a good location because the recreational part of the island is on the north side
- The proposed site is not conducive to docking a boat and going onto the island
- There is plenty of room to sail around the proposed site
- If the submerged cages were approved by the selectmen the Harbormaster Department would be willing to work with Mr. Doonan to make sure that the equipment was secured properly and would not break free and also if the Styrofoam flotation devices were replaced with devices that could be fastened to the bottom and would not break up

Hud Plum, Planting Island, asked why the cages would be submerged; Mr. Doonan explained that they would be submerged to allow kayakers access over the project. Mr. Plum noted that it would be a lot of work to keep the cages submerged; Mr. Doonan agreed and stated that he would work with the Harbormaster and other shellfish farmers to come up with solutions. Mr. Plum requested that the selectmen keep in mind the petition with 671 signatures.

Attorney Feingold stated that the petition was in response to Mr. Doonan's application with the cages located on the surface and this plan is to submerge them; he wondered if the petition was even relevant anymore.

Diane Cosman, 19 West Avenue, stated the following:

- Her concern is that the cages are not visible to someone sailing across the site
- Mr. Doonan is trying to make the proposal work and it's not really designed to work
- She thinks what Mr. Doonan is trying to do is great but this is a bad spot and he would probably get support if it was moved somewhere else.

Ian McBride, Westport, said he grew up in Marion and as a sailing counselor at Tabor Academy told everyone to avoid that part of Meadow Island at low tide. It has always been a dangerous area at low tide.

Michael Motta, 2 Briggs Lane Court, asked Mr. Gonsalves if he could be convinced that this project could be done and Mr. Gonsalves said no.

Tom Magauran, 66 Main Street, said he has known Mr. Doonan for a number of years and described him as a respectful, responsible individual. He noted that when a similar project was reviewed by the Planning Board Town Counsel advised that State law would prevail and if this project is denied it can come back.

Attorney Feingold stated that the Harbormaster Department will have oversight of the project and that should give some assurance to the selectmen.

Mr. Cushing asked how long the license is good for and was told three years. Mr. Dawson explained that if the request is approved to move forward tonight it will go for review by the Army Corps of Engineers before final approval by the selectmen.

After determining that audience members had no further comments or questions Mr. Dickerson closed the public hearing.

Moved by Mr. Cushing and seconded by Mr. Dickerson, for discussion purposes, to approve the application as submitted. VOTE: 3-0-0

Subsequent to the vote being taken, the selectmen realized that the application had been inadvertently approved. Mr. Dickerson emphasized that his second of the motion was for discussion purposes only and it was not his intent to take a vote.

Moved by Mr. Dickerson and seconded by Mr. Gonsalves to reconsider. VOTE: 2-1-0 (Mr. Gonsalves and Mr. Dickerson aye, Mr. Cushing nay)

Moved by Mr. Cushing to approve the application as submitted. The motion was not seconded and did not pass.

Moved by Mr. Gonsalves and seconded by Mr. Dickerson to decline the application. VOTE: 2-1-0 (Mr. Gonsalves and Mr. Dickerson aye, Mr. Cushing nay)

7:30 p.m. – Police Chief Miller – Appointment of new officer

Lt. John Garcia was present on behalf of Chief Miller, who was unable to attend tonight's meeting; Sean Day was present as well. The selectmen were requested to appoint Mr. Day as a Special Officer for a one year probationary period, effective immediately.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to appoint Sean Day as a Special Police Officer for a one year probationary period, effective immediately. VOTE: 3-0-0

7:40 p.m. – Town House Building Committee

Members of the Town House Building Committee (THBC) were present to provide an update and also to request guidance on what the committee's next steps should be. Four options in addition to the proposal supported by the THBC and a reduced program for each of the four options were reviewed and discussed. It was agreed that the article would be passed over at the Special Town Meeting; the committee will rethink the project, continue to pursue what it has been pursuing, continue to educate and take input, and adjust as necessary.

ACTION ITEMS

Assign Special Town Meeting articles

The articles were assigned as indicated below.

Articles S1, S4 – Mr. Dickerson

Articles S2, S5 – Mr. Cushing

Article S3 – Mr. Gonsalves

Police Chief request that Special Officer Scott J. Cowan be appointed student officer

Moved by Mr. Cushing and seconded by Mr. Gonsalves to appoint Scott Cowan as a Student Officer. VOTE: 3-0-0

Marion Art Center request regarding Halloween Parade

Moved by Mr. Cushing and seconded by Mr. Dickerson to move the request. VOTE: 3-0-0

Request from COA chairman that Nancy Ross be appointed Affiliate member

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

Approve and execute General Services Contract – Tata & Howard

The contract is under Town Counsel review; it was agreed to table this item.

Water/Sewer commitment – final readings & misc. bill - \$1675.54 (10/6/16)

Moved by Mr. Cushing and seconded by Mr. Dickerson to move the commitment. VOTE: 3-0-0

Water/Sewer commitment – 2nd bill run - \$12,045.72 (10/12/16)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the commitment. VOTE: 3-0-0

Water/Sewer commitment – misc. run & final reading - \$3,671.68 (10/12/16)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the commitment. VOTE: 3-0-0

Approve and Execute contract – CDM Smith – continuing NPDES support

The contract was reviewed and discussed. Mr. Dickerson voiced concern for language in section 5.6.1 which stated that CDM Smith would own all documents related to the work done under the contract. It was agreed that the contract would be approved pending the removal of that language.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to conditionally approve the contract pending the language change. VOTE: 3-0-0

Review Conflict of Interest Disclosure – Building Commissioner

A disclosure form and letter submitted by Building Commissioner Scott Shippey were reviewed and discussed.

Moved by Mr. Cushing and seconded by Mr. Gonsalves that the Board, after reviewing the material, has determined that the potential conflict is not so egregious as to impede Mr. Shippey’s job performance. VOTE: 3-0-0

Credit memo - \$1348.18 (10/6/16)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the credit memo. VOTE: 3-0-0

TOWN ADMINISTRATOR REPORT

Town House Holiday schedule

Mr. Dawson submitted a memo proposing Town House hours for the upcoming holiday season.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the holiday schedule. VOTE: 3-0-0

Update – Emergency Shellfish Closure – Buzzards Bay

The division of marine fisheries has ordered an emergency closure to shellfishing in all of Buzzards Bay due to a potential toxic phytoplankton bloom; the closure went into effect at sunrise on October 8, 2016.

Update – FY2018 Budget Preparations

A memo distributed to Town Departments and Committees was reviewed.

Perambulation of Town bounds was briefly discussed.

Moved by Mr. Dickerson and seconded by Mr. Gonsalves at 8:51 p.m. to adjourn. VOTE: 3-0-0

Respectfully submitted,



Stephen C. Gonsalves, Clerk
Date approved: November 1, 2016

2016 NOV - 21 A 11: 49
TOWN CLERK OF MARION, MA
RECEIVED

MARION BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – October 18, 2016

Meeting Minutes – October 4, 2016

Aquaculture license application and associated documents – Shea Doonan

Police Chief request that Sean Day be appointed Special Officer

Letter from Marion Art Center regarding Halloween Parade

Request from COA chairman that Nancy Ross be appointed Affiliate member

Pricing information submitted by Town House Building Committee

Email from MOSAC chairman regarding donation of property (0 Point Road, Parcel ID 0011-00098)

List of Special Town Meeting Articles

Police Chief request that Special Officer Scott J. Cowan be appointed student officer

Water/Sewer commitment – final readings & misc. bill - \$1675.54 (10/6/16)

Water/Sewer commitment – 2nd bill run - \$12,045.72 (10/12/16)

Water/Sewer commitment – misc. run & final reading - \$3,671.68 (10/12/16)

Contract - CDM Smith – continuing NPDES support

Conflict of Interest Disclosure – Building Commissioner

Credit memo - \$1348.18 – (10/6/16)

Proposed Town House Holiday schedule

Notice of Emergency Shellfish Closure – Buzzards Bay

Memo regarding FY2018 Budget schedule

Request for appointment to Capital Improvements Planning Committee – Julia Olsiewski

Letter from concerned citizens regarding Town House Renovation Project – 10/11/16

Letter from Marion Business Community Association regarding Christmas Stroll – 10/11/16

Letter from Edwin North regarding Town House Renovation Project – 10/12/16

Letter from Joseph and Anne McDonough regarding Town House Renovation Project – 10/13/16

Letter from Bob Raymond, Chair of THBC, regarding Town House Renovation Project – 10/13/16

Letter from Division of Marine Fisheries regarding closure of Shellfishing in Marion – 10/14/16

ZBA request for comments – 21 West Avenue

Memo from Marion Affordable Housing Trust regarding VFW Post #2425 – (10/12/16)

Letter from Charles Bradley regarding Little Free Library

Email from MMA regarding Fall Conference for Selectmen

OTHER BOARDS

Meeting agenda – Planning Board (10/17/16)

Meeting minutes – Upper Cape School Committee (9/8/16)