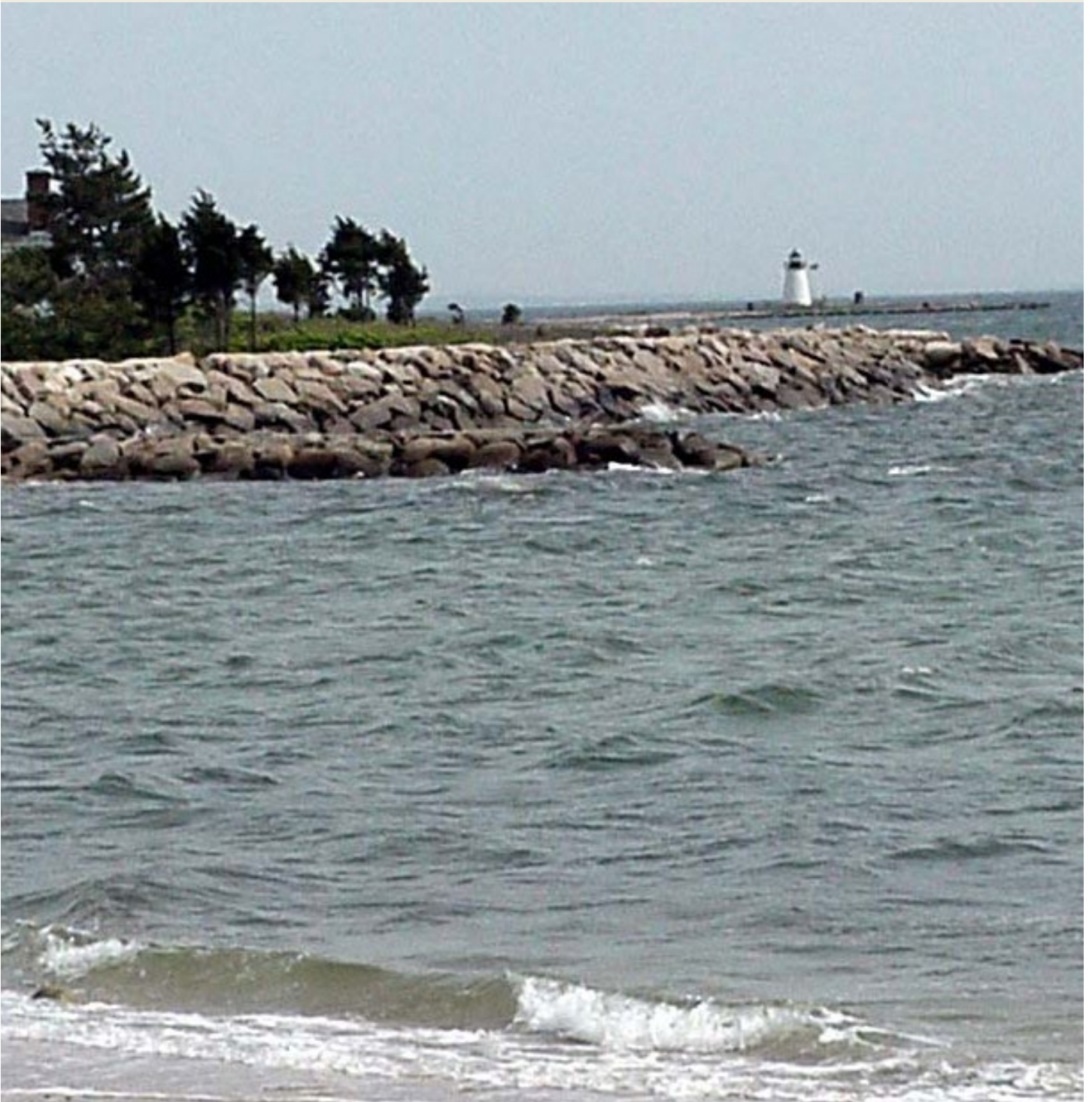


**Town of Marion
Open Space and Recreation Plan
2023-2030**



TOWN OF MARION

OPEN SPACE AND RECREATION PLAN

2023-2030

ACKNOWLEDGEMENTS

Prepared by the following past and present members of the Stewards of Community Open Space (SoCOS) Committee:

Margherita Baldwin, Marc Bellanger, James Bride III, Toby Burr, Jody Dickerson, Jeffrey J. Doubrava, Doug Guey-Lee, Lorraine Heffernan, Norman A. Hills, Vincent J. Malkoski, Jr., Wayne Mattson, John Rockwell, Kristen Saint Don-Campbell, Scott Tavares

Technical Assistance provided by:

Southeastern Regional Planning and Economic Development District (SRPEDD)

Bill Napolitano, Helen Zincavage, Karen Porter, Sara Brown, Benjamin Myers

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SRPEDD
Southeastern Regional Planning
& Economic Development District

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SECTION 1: PLAN SUMMARY

1 The Open Space and Recreation Plan (OSRP) identifies strategies for Marion to acquire, develop, manage, and facilitate public access to open space and recreation lands and their amenities in the Town. The plan addresses both passive and active recreation, and provides a “Seven Year Action Plan” consisting of specific actions and steps to help implement the plan.

Marion’s citizens and town officials, through various means, including local and external partnerships, have been actively planning for and maintaining the natural resources, historic and conservation areas in town for a number of years. In recent years, some of the town’s most notable conservation, open space, and recreation accomplishments include:

- Working locally to develop and install bike routes and sidewalks to improve bike and pedestrian access, while continuing to plan expanded and inter-municipal bike connections with partners in the South Coast Bikeway Alliance;
- Receiving a state grant to develop a Municipal Vulnerability Preparedness (MVP) Plan;
- Receiving a state grant to undertake an Americans with Disabilities Act (ADA) Self-Evaluation for facilities and assets compliance;
- Hiring a town planner to help the town manage growth and address other planning issues;
- Completion and town-wide adoption of the Master Plan;
- Participation in the regional Route 6 Corridor Study (including roadway, bike, and pedestrian improvements);
- Forming an inter-departmental/NGO committee, per recommendation of the Master Plan, the Stewards of Community Open Space (SoCOS). SoCOS has formal designation from the Marion Board of Selectmen whereby each constituent organization will appoint one representative to the group. The group’s charter documents can spell out its mission and activities, including but not necessarily limited to “(a) coordinating acquisitions, maintenance, and activities programming, (b) promoting public use of open spaces, and (c) working with the Board of Selectmen, town departments, committees and commissions, and other relevant agencies, to promote safe multimodal (including walking and biking) access to open spaces dedicated to recreational use.” member organizations of SoCOS are the Marion Conservation Commission, the Marion Open Space Acquisition Commission (MOSAC), the Marion Tree and Parks Committee, the Marion Marine Resources Commission, the Marion Recreation Department, the Marion Planning Board, the Washburn Trust, and the Sippican Lands Trust.

The 2023 OSRP is intended to help the town build upon its past successes through a unified program of actions that involves a wide cross-section of Marion's town officials, volunteers, and citizens. The major elements of the plan include:

- A history of the town;
- A demographic breakdown of the town;
- A summary of existing assets and facilities and their future potential uses;
- A summary of the natural, cultural, and historical resources of the town;
- A summary of recreational assets, opportunities, and potential management needs;
- Adding criteria for land acquisition based upon public input and reflected in the MVP Plan and the Master Plan goals;
- An action plan with a set of specific goals and objectives to be conducted over a seven-year timeframe;
- Identification of local leaders, potential partners, and potential resources/funding sources available to help accomplish these action items.

SECTION 2: INTRODUCTION

Through this Open Space and Recreation Plan (OSRP), the town hopes to preserve its semi-rural character, protect critical natural resources, increase recreational opportunities and forge greater connections to its neighbors through the development of regional shared use and bike paths.

Currently, 36.17%* of the town's acreage is protected, most of it being located in western Marion. There are a number of marshes that provide mitigation from storm impacts, such as Aucoot Cove, which may be able to offer room for marsh migration as well. Recent projects such as Bird Island restoration and Washburn Park/Beaton Bog, provide ecological services that may serve as models for future nature-based solutions that offer resilience to storms, floods and other natural hazards. Marion, through this OSRP, is actively creating a means by which to engage residents on the multiple benefits of open space, future planning for resilience, interdepartmental partnership at the local level, and working with various open space entities to coordinate conservation efforts.

2A: Statement of Purpose

“Public workshops throughout the Master Plan process emphasized the importance of continuing to maintain open space networks – particularly in areas with strategic habitat, recreational, and resilience roles for Marion’s residents and Marion’s natural systems. Marion residents also focused on the need to better know where open space and recreation areas are and how best to manage them.”
Marion Master Plan, 2017

This OSRP is an outgrowth of Marion’s recent Master Plan. The Master Plan and the OSRP serve complimentary functions in promoting sound land use and planning decisions for Marion’s future. The Master Plan is a comprehensive planning document that includes a town-wide land use plan as well as associated plans for housing, economic development, public facilities, transportation, natural and cultural resources, and open space and recreation. The Master Plan integrates these disparate elements, and focuses on a long-term planning horizon (10 years).

The OSRP is more specific than the Master Plan in that it focuses primarily on issues of open space, natural resources, and passive and active recreation. In addition, the OSRP focuses on a shorter-term planning horizon (7 years) and outlines specific action steps over this 7-year period required to implement the plan. The goals of the OSRP are to:

1. Ensure that there are facilities to meet the recreational needs of all town population groups, especially focusing on the needs of Marion’s growing senior population.
2. Focus on enhancing the network that connects recreation and open space areas and residential zones, including the development of adequate, unobstructed sidewalks and bike paths that protect pedestrians and cyclists.

* Source: BBNEP, MassGIS, Land Use Cover 2020, EEA, 2019

3. Consider the position of Marion within regional recreational facilities, such as regional bike paths, in order to leverage the greatest access and benefit possible for Marion residents.
4. Coordinate open space acquisitions that serve to increase town-wide resiliency by buffering the built and natural environments, such as open space that filters stormwater runoff from more sensitive habitats, protects infrastructure from storm surges and sea level rise.
5. Pursue environmental and open space enhancement projects that improve water quality and limit adverse impacts from septic systems and other impactful land uses, and that provide greater access to the waterfront and waterways.

2B: Planning Process and Public Participation

This plan is a product of several years of work and commitment by many different entities within the Marion community.

The OSRP began in late 2018 under the leadership of SoCOS, acting as the designated Open Space Committee. SoCOS sought input from various town boards and commissions, and also worked with the Master Plan and MVP Plan volunteers. Overall, more than 250 interested citizens contributed to the completion of the OSRP. In addition, the SoCOS Committee worked with the Southeastern Regional Planning and Economic Development District (SRPEDD, who had also worked on the Marion Master Plan, to ensure that the OSRP was consistent with and complemented the recommendations of the Master Plan, and that it complied with the Division of Conservation Services guidelines for OSRPs.

The open space planning process in Marion involved a flexible outreach approach that provided residents with multiple forums for input. In addition to holding open monthly meetings from late 2018 through 2019, SoCOS held an open space and recreation planning public workshop on November 1, 2018, in an accessible public meeting room at the Marion Police Station. About thirty residents attended, and the workshop was filmed by local cable and covered by the press.

To capture feedback from residents unable to attend public meetings, but still interested in guiding the open space planning outcomes, the Marion Open Space Acquisition Committee had previously mailed out two surveys, one to year-round residents of Marion, and one to summer residents of Marion, to ensure that both full-time and seasonal residents had an opportunity to participate. The results of these surveys were tabulated and reported out at the November 1st meeting.

SECTION 3: COMMUNITY SETTING

3A: Regional Context

THE BENEFITS OF A REGIONAL PERSPECTIVE

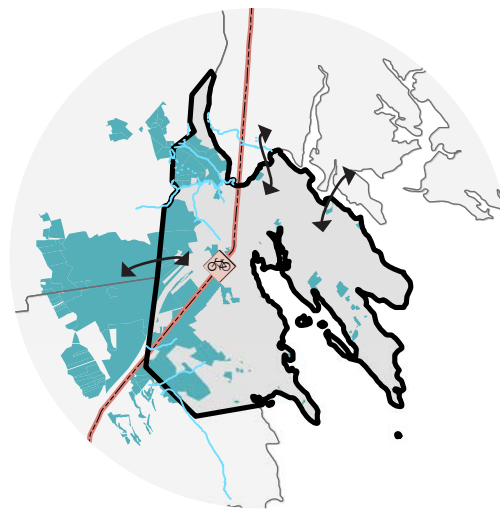
3 The Town of Marion is a historic seaside community characterized by rich interactions with the waters of Sippican Harbor, the Weweantic River, Buzzards Bay and the Atlantic Ocean. Throughout each historical period and into the present, the town's orientation toward the water as a source of livelihood and enjoyment has endured. When Marion completed its current Master Plan in 2017, community members decided that all of the goals and objectives developed within the plan should ultimately work to “protect Marion’s traditional, seaside character and natural resources while managing change.”¹ Thoughtful open space planning works directly in service of this over-arching purpose through dedicated attention to the care of the town’s water- and land-based natural resources.

This section of the OSRP seeks to contextualize open space planning in Marion in relation to its surrounding region; the ways in which its unique characteristics shape particular open space and recreation needs for Marion residents, and the ways in which the town’s open space is a vital link to the larger, interconnected regional green infrastructure system.

*For the purposes of Open Space,
when we situate ourselves in the region at-large...*



*What unique characteristics
determine our need?*



*How does our land connect with regional
environmental and recreational systems?*

Maintaining a regional perspective while planning for open space, recreation, and conservation intensifies and expands the benefits that accrue from these community attributes. While many land use decisions are made on a local or site-by-site basis, most natural processes, climate conditions, and movements of plants and animals transcend jurisdictions over large contiguous areas shaped by topography and geology. Environmental issues such as pollution, changes in groundwater tables, and rising temperatures require a regional - even national and global - response, with every local unit acknowledging the role that their lands and policies play in the larger ecological context.

Ecosystem Services

The “green infrastructure” approach emphasizes the benefits that a community draws from its natural and semi-natural spaces, and taking action to protect and enhance the ability of natural systems to function. **Ecosystem services - the benefits and essential services that natural processes provide to people** - is a related concept. Ecosystem services can be divided into four categories:²

Regulating Services - filtering air and water, sequestering carbon, absorbing floodwaters, moderating micro-climates, aquifer recharge.

Provisioning Services - food and fiber production, drinking water.

Supporting Services - sheltering and allowing for the movement of wildlife, nutrient cycling, crop pollination.

Cultural Services - physical activity and recreation, mobility, cultural identity, spiritual inspiration, community cohesion.

In recognition of the inherently interconnected nature of natural landscapes and flows, the concept of “green infrastructure” provides a useful framework for conceiving of multi-functional open space networks in the context of open space planning. The Conservation Fund’s definition of green infrastructure is as follows:

“A strategically planned and managed network of wilderness, parks, greenways, conservation easements, and working lands with conservation value that supports native species, maintains natural ecological processes, sustains air and water resources, and contributes to the health and quality of life for America’s communities and people.”³

Consistently improving and strengthening local open space in concert with adjacent communities and regional networks is one way to pursue a working landscape that promotes the health and well-being of people and ecosystems at all scales. An open space plan that takes a green infrastructure approach emphasizes the environmental, economic, and social benefits provided by a town’s open space and physical resource network. Map 1 depicts the Green Infrastructure Network as it exists within Marion.

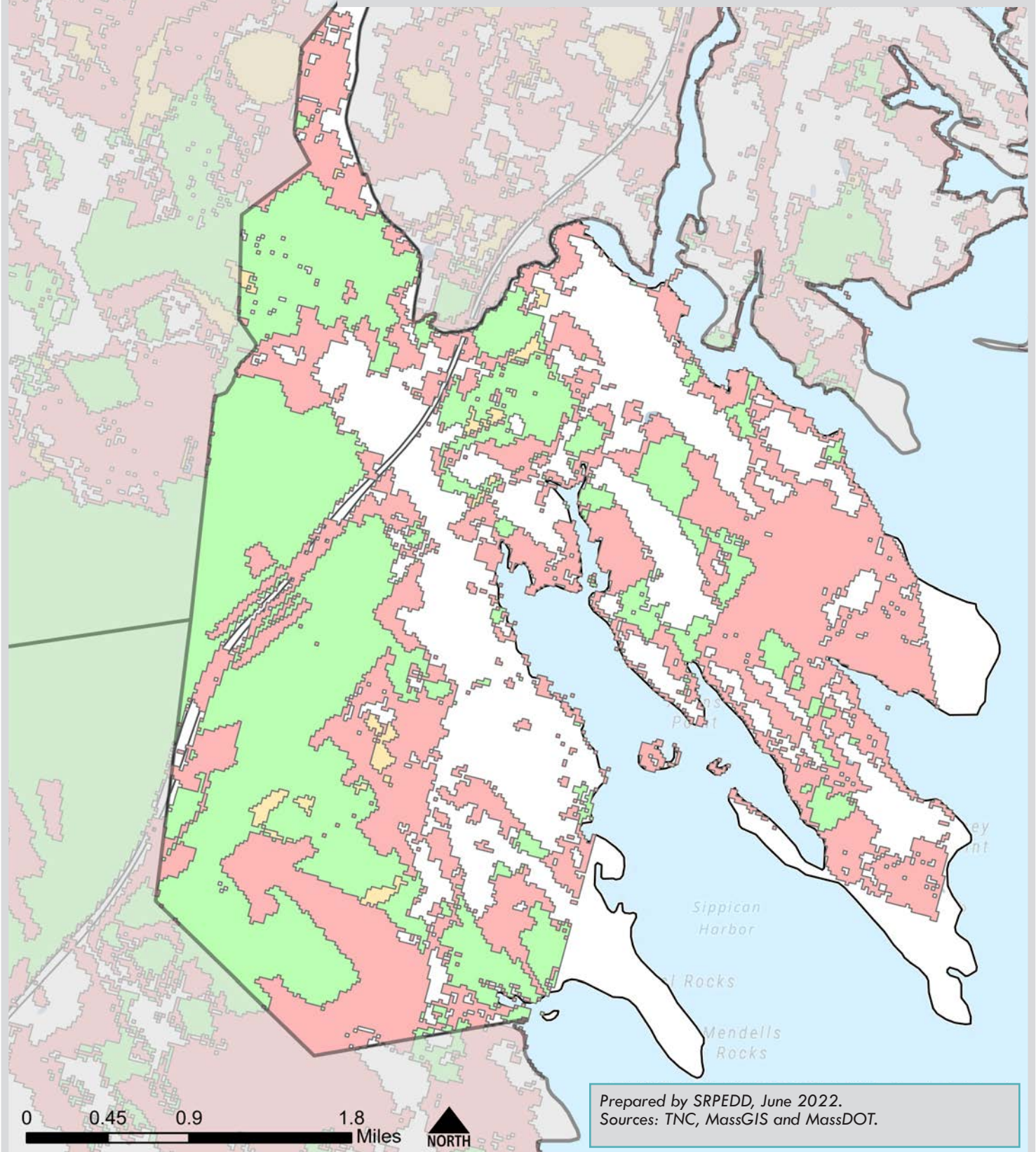
MAP 1: GREEN INFRASTRUCTURE NETWORK

Green infrastructure can vastly increase the resilience capacity of the Town and promote effective ecosystem services. Data is not available in Butler Point, Converse Point, and Great Hill.

BOUNDARIES AND FEATURES

-  Protected GIN Land
-  Unprotected GIN Land

MAP 1: GREEN INFRASTRUCTURE NETWORK



HIGHLIGHTS FOR OPEN SPACE PLANNING

At its core, the goal of this section of the Open Space and Recreation plan is to thoroughly explore the regional and community context in which local open space planning occurs and, in this case, how knowledge of this context serves the over-arching goal of “protect[ing] Marion’s traditional, seaside character and natural resources while managing change.” Among other findings, we observe that:

- Marion’s recreation and priority conservation areas are situated within a larger regional network of open space patches, corridors, watershed lands, and oceanic and estuarine systems enabling the flow and movement of people, wildlife, and water across the region. In keeping with a “green infrastructure” approach, effective local open space planning considers the role of local lands in regional networks and the essential ecosystem services they provide.
- Marion faces a number of relevant land use issues that are felt regionally, including the preservation of existing natural areas, undeveloped lands with development pressure, variations in settlement patterns and access to open space land, the related role of agricultural preservation, an abundance of important habitat lands with varying degrees of protection, and ties between local economic niches and the natural environment.
- Internally, the population of Marion is aging and household sizes are decreasing, with an increase in the number of single-person senior households. A challenge for town open space and recreation planners may be anticipating the recreational needs of older adults living alone while maintaining recreational facilities for a diminished number of children under 18.
- In the context of community master planning, Marion residents identified the continued preservation of open space as a land use goal that is crucial to maintaining the rural and seaside landscapes that are so highly valued in town. Residents have placed significant investments in their homes and properties. Land conservation that preserves ecosystem services, such as protecting drinking water or preserving natural areas for flood and stormwater retention, is part of protecting these investments on a community-wide basis.
- Marion has a long and active tradition of open space planning and conservation, championed by the efforts of multiple organizations dedicated to the town’s green

infrastructure components. The formation of the Stewards of Community Open Space group is the most recent approach to coordinating these activities. Continued open space planning is important, because there are areas in Marion that residents currently experience as open space which are not protected as permanent open space, but which add to community character.

- Recently, Marion residents identified mixed-use, “Village-Style” land use as the kind of development pattern they desire more of in town. However, the traditional New England building types (with small site plans, moderate densities, diverse housing options, and a mix of uses) are difficult to achieve with existing regulations. A possible avenue for open space planning considers the benefits that the community draws from the natural and semi-natural spaces present throughout Marion’s various existing and planned development patterns, and prioritizes actions that protect and enhance the ability of natural systems to function in different ways throughout the town.

THE TOWN OF MARION

Marion is 9,105 acres (14.2 sq miles) in size, situated within the string of estuarine communities on the northern rim of Buzzards Bay, from Westport in the southwest to Wareham in the northeast. Though it is physically one of Plymouth County's smallest towns, its irregular coastline of coves and "necks" creates 25.6 miles of tidal shore. Three towns border Marion: Mattapoisett to the southwest, Rochester to the northwest, and Wareham to the northeast. It is 20 miles southwest of Plymouth and 11 miles east of New Bedford, with historical ties to both communities.

In 2020, the recorded year-round population was 5,347 individuals. Moderate population expansion occurs in the summer months, with seasonal residents attracted to the town for the recreational opportunities that its coastal location affords.





In order to place Marion within a regional context, this section considers the following elements or plans:

- Regional hydrology and topography;
- Regional land use and open space;
- Southeastern Massachusetts Food System Assessment (2014);
- Buzzards Bay National Estuary Program's (BBNEP) Comprehensive Conservation and Management Plan (2013);
- BBNEP Regional Open Space Plan; and
- 2015 Massachusetts Ocean Management Plan.

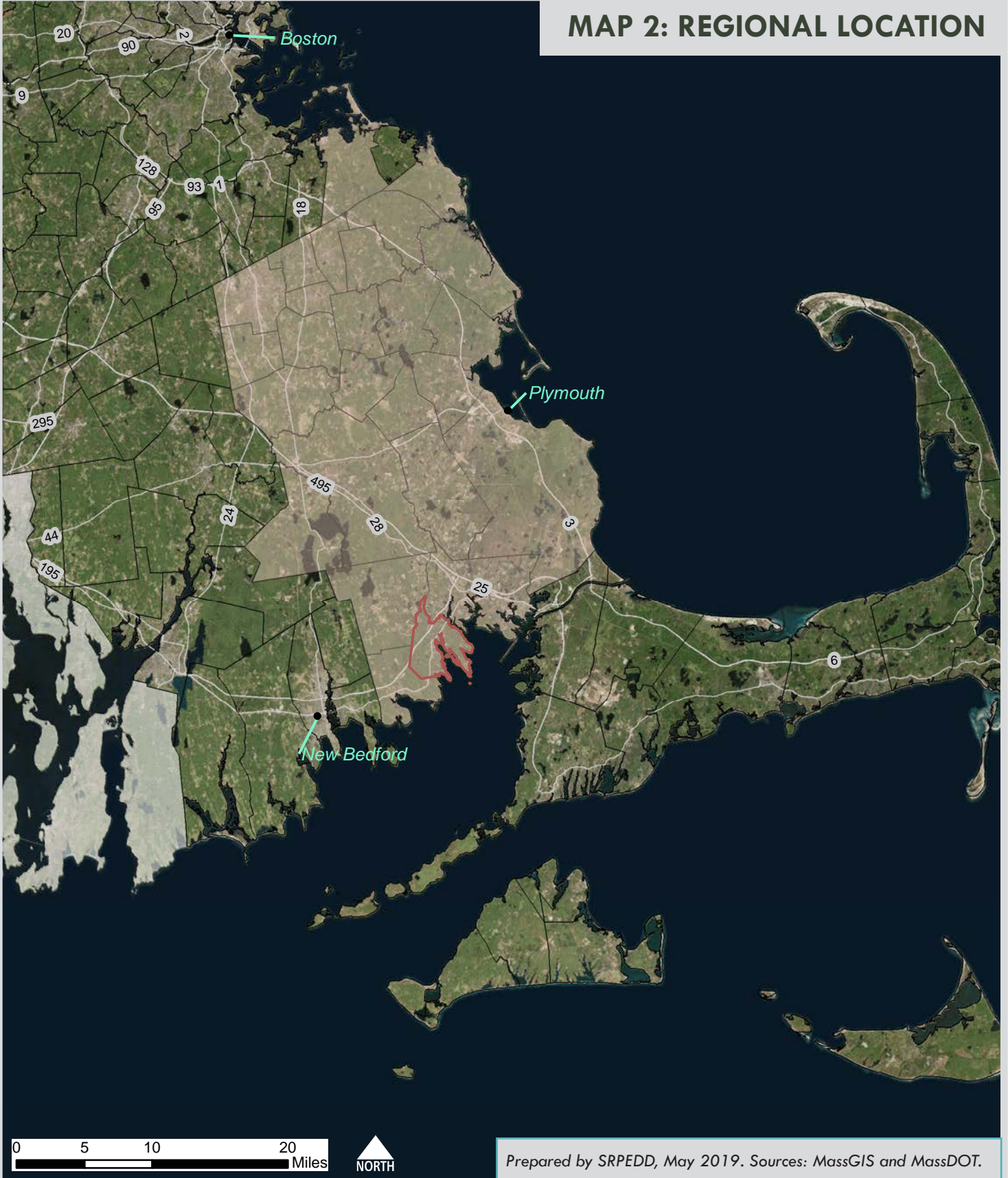
MAP 2: REGIONAL LOCATION

The Town of Marion is located in southeastern Massachusetts, within Plymouth County and on the coast of Buzzards Bay.

BOUNDARIES AND FEATURES

-  Marion
-  Plymouth County
-  Massachusetts Towns
-  Rhode Island Towns

MAP 2: REGIONAL LOCATION



3

REGIONAL OPEN SPACE NETWORK - LAND AREAS

The land and geology of Marion and its surrounding region was formed in the Pleistocene Ice Age (about 12,000 years ago). Expanding and Contracting ice sheets carried and deposited silt, sand, gravel and stone, shaping Marion's notable geological features, including its coastline, marshland, and highest local peak at Great Hill.⁴

Temperatures in Marion typically range from 22°F to 80°F. The warm seasons lasts from early-June to mid-September, when average daily high temperatures are above 72°F. The cold season spans early December to mid-March, when average daily high temperatures are below 46°F.⁵ There is no significant seasonal variation in precipitation rates, with annual rainfall in nearby Wareham measured at 50 inches per year as compared to 43.5 inches for the entire state.⁶ Periodic storm and hurricane events have caused damage within the town throughout its history, especially the 1653 hurricane, the 1815 hurricane, the 1938 hurricane, the 1944 hurricane, Hurricane Carol (1954), Hurricane Gloria (1985), and Hurricane Bob (1991). Marion is located within the Virginian Biological Province, with wildlife species typical of those found along the east coast between Chesapeake Bay and Cape Cod, with some direct ties to cold-water species via the Cape Cod Canal.

Preserved lands in Marion and the surrounding region build upon the legacy of existing natural features, often in proximity to or encompassing wetlands, scenic views, and low-lying shore areas. Many existing preserved land areas in Marion that follow natural features connect to conservation and recreation areas in adjacent communities, including the following tracts (identified in Map 3):

1. **The Haskell Swamp Wildlife Management Area (WMA)** - 3,014-acre conservation area spanning land in Marion, Mattapoisett, and Rochester and providing a regional destination for hunters.
2. **Contiguous Sippican Land Trust Tracts** - Approximately 830 acres of land in Marion extending from the Bay Club Golf Course in Mattapoisett northeastward to the Barnabas and Radio Tower sites.

MAP 3: REGIONAL TOPOGRAPHY AND HYDROLOGY

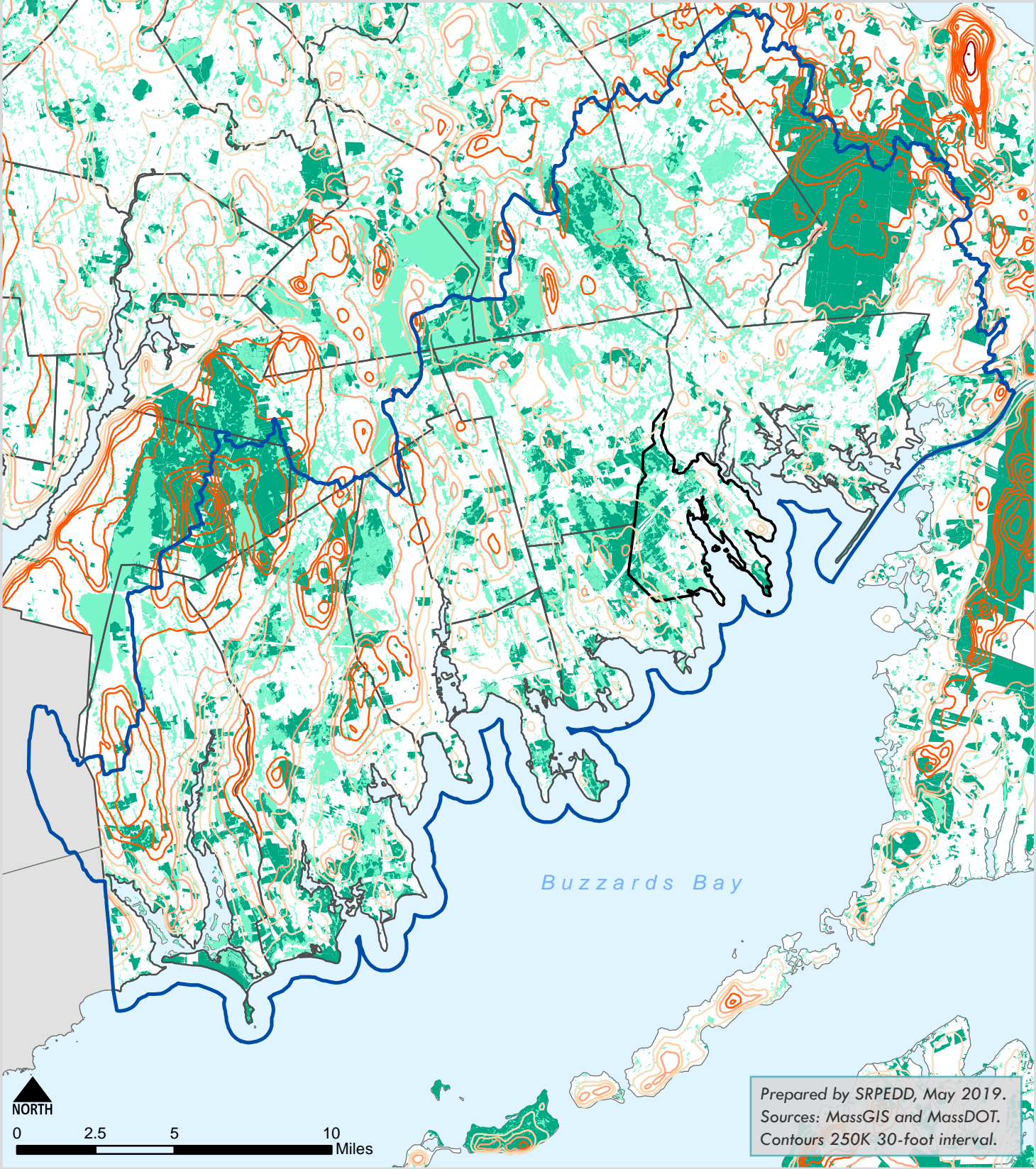
LINES OF CONSTANT ELEVATION

- 30 ft - 50 ft
- 50 ft - 75 ft
- 75 ft - 100 ft
- 100 ft - 300 ft
- 300 ft and above

ENVIRONMENTAL FEATURES

- Buzzards Bay Watershed Area
- Open Space
- Wetlands
- Marion

MAP 3: REGIONAL TOPOGRAPHY AND HYDROLOGY



3

- 3. The Eastover Farm Conservation Area**
- spanning approximately 665 acres in Marion and Rochester, (394 of which are located in the northern portion of Marion), the Eastover Farm Conservation Area extends westward and meets the Leonards Pond Recreation Area and Stephen CL Delano Memorial Forest in Rochester.

Several major regional land use characteristics and trends impact local open space planning as follows:

- 1. Existing natural vegetation areas, including wetlands, persist in some areas.** For example, the Buzzards Bay National Estuary Program's 2013 Comprehensive Conservation and Management Plan (CCMP) data estimates that in 2005, 58% of the Buzzard Bay watershed remained undeveloped forest/wetland areas.
- 2. Large amounts of undeveloped land with development potential and development pressure.** Much of the above-described undeveloped land has development potential. Once developed with structures and impervious surfaces in place of vegetation and natural habitat, land provides fewer ecosystem services. Demographic trends toward decreasing household sizes have occurred throughout Southeastern Massachusetts. This is associated with

MAP 4: REGIONAL LAND USE

Marion and its neighbors share compatible land uses along their borders.

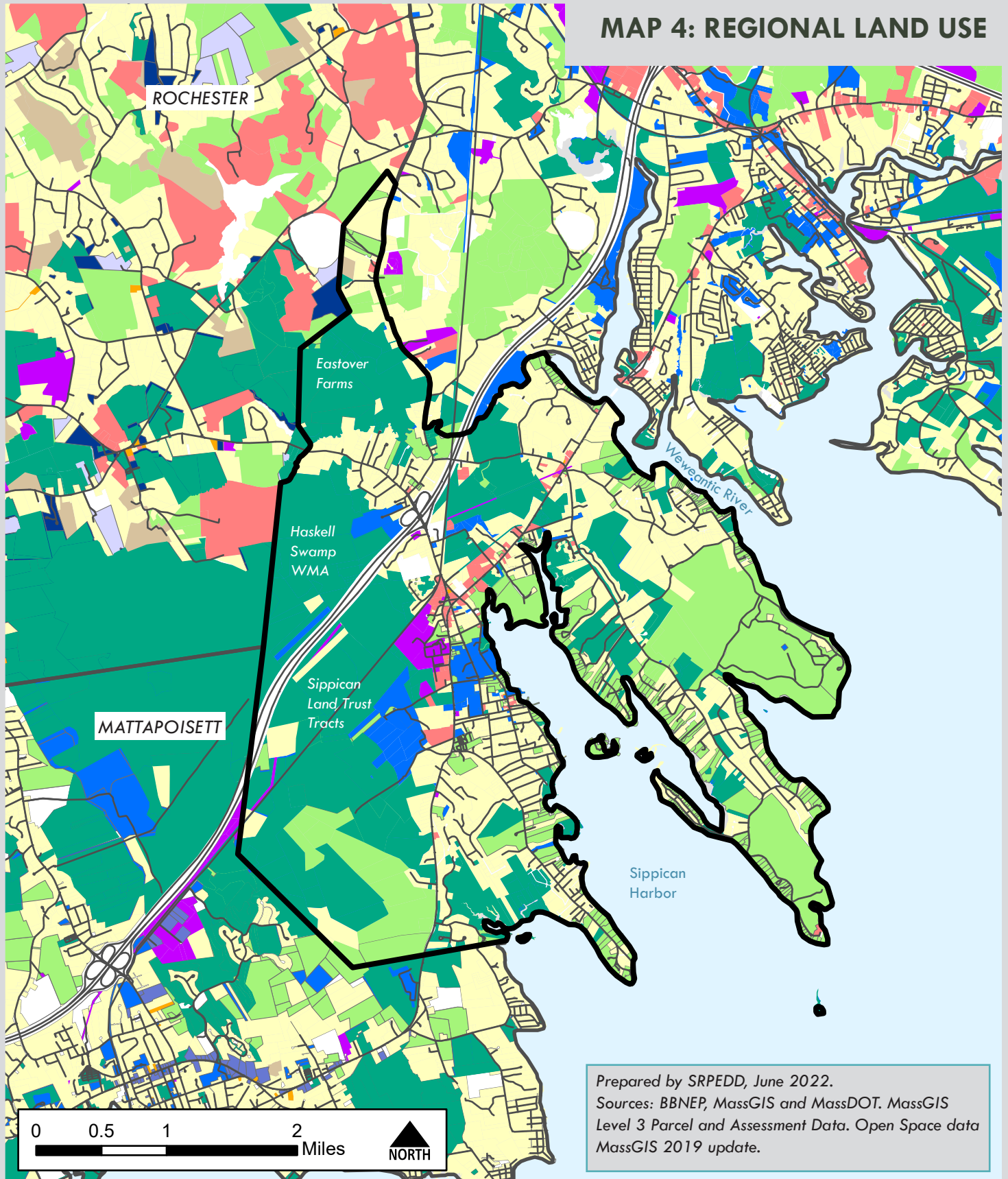
The undeveloped western extent of Marion is mirrored by open space wooded lands and Chapter 61, 61A and 61B lands in Mattapoisett and Rochester.

A combination of marshland, open space, and residential development is located on either side of the Weweantic River in Marion and Wareham. Marion shares its marine resources with other nearby inland towns.

LAND USE CLASSIFICATION

	Open Space
	Residential
	Agricultural Residential
	Mixed-Use Residential & Commercial
	Mixed-Use Other Combinations
	Commercial
	Industrial
	Chapter Lands
	Public & Non-Profit
	No Data

MAP 4: REGIONAL LAND USE



3

a dispersal of population across more homes and an increased need for housing, adding residential development pressures. Demands of the tourism and second-home industries compound development pressure for both homes and goods and services to support major tourism sectors. According to the CCMP, the lodging and restaurant sectors have roughly doubled in the Buzzards Bay region since 1970.

- 3
3. **Large variations in settlement patterns.** Within Southeastern Massachusetts, there are large variations in population densities. Areas with the highest concentration of people often have the most limited access to tracts of open lands.
 4. **Agricultural land.** The effects of agriculture on the ecosystem are complex, contributing a positive source of food and semi-natural lands, but also a problematic source of fertilizers and pesticides that can have a polluting effect on the region's waterbodies.

While agricultural land is not open space - it is working land - its semi-natural features do perform many of the same ecosystem functions as open space land, and benefit the community at large. Agricultural preservation, then, can be an important related component of local land conservation depending upon the history of agricultural practices and the presence of prime agricultural soils.

There are several managed woodlots and cranberry bogs in Marion, as well as Great Hill Dairy Farm. The nearest seasonal farmers market is located in Mattapoisett. Agricultural lands make up a portion of the temporarily-preserved tracts of lands in Marion that are held under the Chapter 61 and 61A assessment programs. The town has the right of first refusal should these properties come up for sale.

- 5. An abundance of important habitat lands with varying degrees of protection.** Regional habitats, particularly those in and around Buzzards Bay, are crucially important as the origins of large quantities of plant and animal biomass, habitat for species in the coastal food web, and zones that absorb floodwaters and water-borne contaminants. Indicator species in these habitats are particularly vulnerable to disruption, heralding increased levels of pollutants. These lands include salt marshes, eelgrass beds, tidal streams, tidal flats, barrier beaches, rocky shores, and subtidal habitats. Despite their importance, these areas have varying degrees of regulatory protection.
- 6. Ties between local economic niches and the natural environment.** Specialized economic sectors have developed in the region that are tied to the continued functioning of the water-based ecosystem, including tourism, marine science and marine technology, and fishing and aquaculture. Achieving a balance between human activity and natural stewardship is crucial for the continued viability of these activities.

Developing an open space planning strategy that can (a) continue to build the regional network of greenspace lands and corridors and (b) provide essential ecosystem services, recreation land, and habitat, all in face of competing land use trends, presents a challenge.

REGIONAL OPEN SPACE NETWORK - FLOWS AND CORRIDORS

Open space networks also enable flows and movements across a region. People, wildlife, water, and the things they carry move from place to place via natural and man-made pathways. Planned corridors can connect open space and natural area patches, preserving migration patterns, providing alternate pathways for organisms affected by climate change, and expanding the area in which people recreate. Other flows, such as the movement of groundwater and waterways, are the outcome of large-scale geologic features, and have implications for the mitigation of human impacts on environmental systems.

Marion is located entirely within the Buzzards Bay Watershed, which extends across the lower halves of Bristol and Plymouth Counties east through Miles Standish State Park, where transition occurs to the South Coastal watershed (see Map 3). The watershed covers approximately 435 square miles of land.⁷ Approximately 250,000 people reside in the Buzzards Bay drainage basin at an average concentration of 572 people per square mile, though this density varies widely. Water drains to the Bay via groundwater flows (predominant at its eastern edge around Wareham, Falmouth and Bourne), and the drainage of seven major river basins concentrated west of the Cape Cod Canal.

The Weweantic River is one of these major basins, forming the border between Marion and Wareham to the east. The Sippican River, which forms a portion of Marion's northern border, flows to the Weweantic. Smaller creeks and tributaries flow to the coves in Marion along Buzzards Bay.

Definition Note: WATERSHED

A watershed boundary depicts the area of land that drains to a common waterbody. A view from the watershed underscores the fact that even seemingly far away land uses have an impact on cherished waterbodies and waterways.

At the level of the sub-watershed (lands draining to individual streams, rivers, or waterbodies on their way to the Bay), specific sources of pathogens, nitrogen and toxins have varying proportional impacts on each waterbody. For example, waste from agriculture contributes most to nitrogen loading in waters around Westport, whereas waters in Wareham are affected most by loadings from wastewater facilities and cranberry bogs. In other communities, septic system loadings are most significant. These differences highlight the need for customized management strategies.

Wildlife species vary in their need for a specific habitat and in the ranges they traverse throughout daily routines and life-cycle stages. Larger land and water-based animals and birds tend to require extended habitat areas for foraging and hunting. Certain species travel far distances between different habitats that suit their needs as hatchlings, juveniles, and adults, with defined breeding and egg-laying areas. Human development can result in the degradation or fragmentation of these areas, forcing species into smaller and smaller locations that can only support a limited number of individuals, or making life-cycle journeys difficult.

Map 5 shows the habitat areas determined by the Massachusetts Natural Heritage and Endangered Species Program and the Nature Conservancy's Massachusetts Program (BioMap2, 2010; for additional information, see Appendix A). While many existing permanently protected tracts in Marion are located within prime, core, and critical habitat areas, the map shows gaps where there are limited connections between larger habitat patches within Marion and between Marion and adjacent municipalities. Further detail on the exact types of core and critical habitat areas within these larger categories (e.g. forest core, wetlands core, aquatic core, ect) can be found online at the NHESP Online Viewer portal.

In addition to conservation and habitat corridors, the regional open space network can include pathways for recreation such as trails, boardwalks, and bike paths that expand these networks beyond a single community. Plans for the South Coast Bikeway, a 50-mile continuous system of bike paths and bike lanes connecting Providence, RI to Provincetown, MA, includes a proposed connection through Marion. Sections of the bikeway are already hosted in Swansea, Fall River, Dartmouth, New Bedford, Fairhaven, and Mattapoisett. Connections in Marion have the potential to expand access for Marion residents to other regional recreational opportunities. The Marion Open Space Acquisition Committee has acquired the abandoned rail corridor for the town's segment of the bikeway.

Regional vehicular transportation routes traversing Marion include Interstate 195 and US Route 6. Interstate 195 runs southwest-northeast through the northern portion of Marion, and provides access to New Bedford, Fall River, Providence, and Boston (via its intersection with Interstate 495). It is a heavily-trafficked road, serving as one of the primary transportation corridors from southeastern Massachusetts to Rhode Island. U.S. Route 6 runs southwest-northeast through the geographic center of town, connecting bayshore towns from New Bedford through Marion and east to Cape Cod. Neither regional transit route passes directly through the heart of Marion's historic village, nor its coastal areas, leaving them undisturbed by major traffic flow. Where they are located, however, these major traffic routes have the effect of cutting the town itself into distinctive sections that are difficult to navigate between, for both pedestrians and wildlife.

ENVIRONMENTAL JUSTICE

To assess whether or not any area in Marion met the criteria established by the state and federal government necessary to designate any portion of the community as an Environmental Justice (EJ) area, an examination of all U.S. Census block group data was conducted for the Town, including: income - those making 65% or less than the statewide median household income; minority – where 25% of the residents identify as a race other than white, and; English language isolation – where 25% of households have no one over the age of 14 who speaks English only, or very well.

According to the most recent 2020 U.S. Census data, Marion has one block group that meets the Environmental Justice eligibility standard for minority population (see Environmental Justice Map).

Planning for Open Space and Recreation is most effective when the socio-economic characteristics of the town residents are carefully considered.

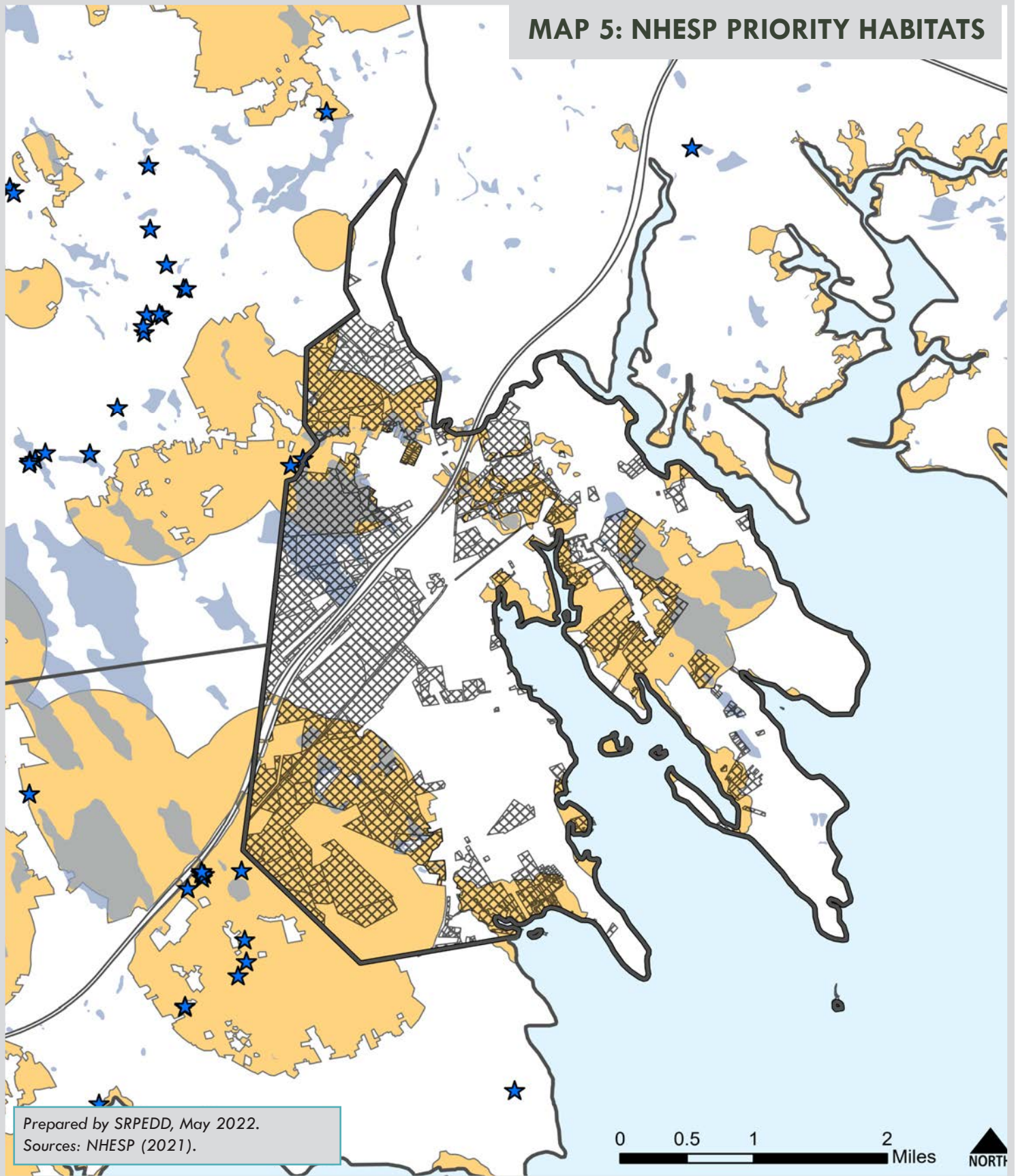
MAP 5: NHESP PRIORITY HABITATS

The Priority Habitats of Rare Species datalayer contains polygons representing the geographic extent of Habitat of state-listed rare species in Massachusetts based on observations documented within the last 25 years in the database of the Natural Heritage & Endangered Species Program (NHESP).

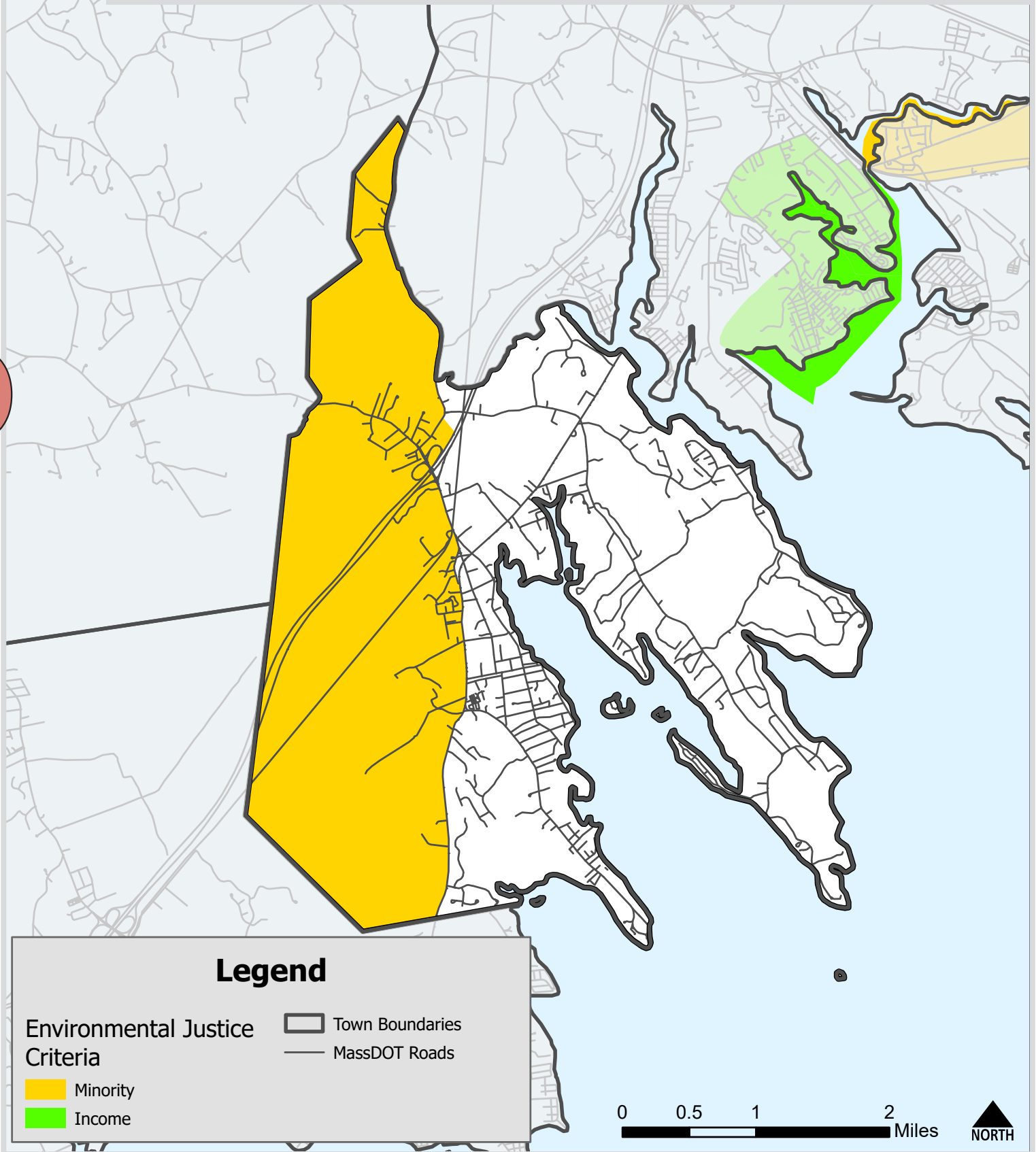
Priority Habitat polygons are the filing trigger for project proponents, municipalities, and all others for determining whether or not a proposed project or activity must be reviewed by the NHESP for compliance with the (MESA) and its implementing regulations. Areas delineated as Priority Habitats can include wetlands, uplands, and marine habitats. The Priority Habitats presented here are part of the 15th Edition of the Massachusetts Natural Heritage Atlas, and are effective beginning August 1, 2021.



MAP 5: NHESP PRIORITY HABITATS



MAP 6: ENVIRONMENTAL JUSTICE COMMUNITIES BY EJ CRITERIA



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REGIONAL OPEN SPACE NETWORK - COASTAL AND ESTUARINE ECOSYSTEM

Given the unique and significant role that Buzzards Bay plays in the history, contemporary development pattern, and environmental productivity of Southeastern Massachusetts, partnership efforts at the federal, state, and local level have been established to address the health of the Bay on a watershed basis.

As part of an update to the Clean Water Act in 1987, Congress created the National Estuary Program for the study and management of nationally significant estuaries, in which Buzzards Bay was included. To that end, the Buzzards Bay National Estuary Program (BBNEP) was established and created the Bay's first comprehensive conservation and management plan, most recently updated in 2013. The 2013 BBNEP CCMP addresses key issues facing the Bay and its watershed through 21 Action Plan items, one of which is open space protection.

While the BBNEP CCMP points out several reasons to pursue open space preservation (aesthetic, cultural, etc), the ecological benefits relative to the health of the Bay and residents in the watershed are of paramount importance.

The BBNEP CCMP recognizes that local governments have the most control over regulations promoting open space areas, but also bear much of the costs associated with land preservation. Accordingly, the BBNEP CCMP provides general recommendations that support open space protection for the region that can be applied with flexibility at the local level.

Ecological Benefits of Open Space Preservation

Preserving naturally vegetated landscapes through open space conservation maintains the ecological integrity of Buzzards Bay and its watershed by protecting its biodiversity and water quality. Natural lands are able to:

- Reduce erosion by slowing the rate of water runoff;
- Control flooding by regulating water levels in rivers and streams;
- Provide habitat for diverse species;
- Protect inland and coastal water resources through groundwater recharge and the filtration of nitrogen and sediment; and
- Mitigate the anticipated effects of climate change and sea level rise.

Some of the suggested strategies and priorities are as follows:

1. Protect critical wetland resources by working to establish connections between major wetland systems through protected land corridors;
2. Give priority to conserving core habitats and supporting natural landscapes for endangered species;
3. Utilize aquifer protection overlay districts and land acquisition to conserve aquifer recharge areas;
4. Minimize the effects of shoreline use/development and restore degraded shoreline habitat;
5. Protect surface waters and adjacent riparian lands as a land conservation priority (these areas build the foundation of open space corridors);
6. Preserve contiguous, intact, mature forests;
7. Combat habitat fragmentation and protect biodiversity by connecting and maintaining large tracts of a diverse assortment of interconnected habitat types; and
8. Communicate with the conservation agencies of neighboring communities in future conservation efforts at the local level.

The BBNEP developed additional recommendations for regional open space planning in its 2009 Buzzards Bay Watershed Regional Open Space Plan. Specific critical resource areas that remain unprotected are identified in each community for priority preservation efforts. The area categories identified for Marion are:

- BioMap Core and Critical Habitat Areas
- NHESP Priority Habitats for Rare Species
- Freshwater and Saltwater Wetlands

The Buzzards Bay Coalition is another organization that is “dedicated to the restoration, protection, and sustainable use and enjoyment of the irreplaceable Bay and its watershed.”⁸ The Coalition tackles many regional watershed issues, but is currently focused on developing regulatory limits to lessen nitrogen pollution, protecting the Bay from oil spills, cleaning up toxic pollution and bacterial contamination, and preserving land in the Buzzards Bay watershed. Its Baywatchers water quality monitoring program provides key data for understanding the Bay’s ecosystem and effects of human-related activities.

Finally, the water-based recreation areas and environmentally sensitive features on Marion’s waterfront connect via Buzzards Bay to the Atlantic Ocean, the focus of additional regional planning initiatives for managing the Commonwealth’s oceanic resources. Pursuant to the Oceans Act, the Executive office of Energy and Environmental Affairs (EEA) developed the 2015 Massachusetts Ocean Management Plan. As part of the planning process, expert working groups delineated Special, Sensitive, and Unique (SSU) estuarine and marine life habitats and Concentration off Water-Dependent Use areas. The SSU areas located off the coast of Marion in Buzzards Bay reflect the specialized ways in which the waters around Marion integrate into the larger oceanic area.

Buzzards Bay Coalition Bay Health Scores for Waterways in Marion

The Bay Health index measures the nutrient-related health of waterways throughout Buzzards Bay on a scale of poor-fair-good (100 being best quality). Many of the 20 monitoring sites around Marion have good scores. The following sites are rated fair or poor indicating heavy or transitional nitrogen pollution (source data page available online at: <https://www.savebuzzardsbay.org/bay-health/marion/>)

FAIR HEALTH SCORES

54	Inner Sippican Harbor
48	Outer Weweantic River
42	Inner Aucoot Cove
41	Inner Wings Cove

POOR HEALTH SCORES

35	Hammett Cove
33	Inner Weweantic River

OPEN SPACE PLANNING TAKE-AWAYS

In all of the ways described above, Marion's water- and land-based recreational and priority conservation areas are situated within a larger regional network of open space patches, corridors, watershed lands, and oceanic and estuarine systems that provide essential ecosystem services.

In keeping with a green infrastructure approach, effective local open space planning considers how the recreation- and conservation-oriented choices made for Marion both impact and are influenced by open space preservation in the region at large.

Special, Sensitive & Unique Areas and Concentrations of Water-Dependent Uses

The 2015 Massachusetts Ocean Management Plan identifies several SSU habitat areas and concentrations of water-dependent uses in the waters and waterfront surrounding Marion, including the following:

SSU Habitat Areas

- Roseate Tern Core Habitat
- Arctic, Least and Common Tern Core Habitat
- Colonial Waterbirds Important Nesting Habitat
- Eelgrass Area
- Hard/Complex Seafloor Area

Concentrations of Water Dependent Uses

- Concentrated Recreational Fishing Area
- Concentrated Recreational Boating Area
- Path of Concentrated Commerce Traffic
(limited to the Marion Harbor area)

3B: Community History

DEVELOPMENT OF MARION OVER TIME

Prior to the arrival of Europeans, the extent of Marion and its surroundings were inhabited by Native Americans of the Wampanoag Tribe. Pilgrims from Plymouth Plantation established a settlement at Little Neck on Sippican Harbor in 1678, and over time, developed a waterfront village along the western edge of the harbor. Marion was officially incorporated in 1852 when it separated from the Town of Rochester.⁹

Waterfront areas have played an important role throughout the long history of Marion. Convenient transportation patterns heavily influenced the settlement of many New England towns. In Marion, water provided these transit routes, especially as commercial wharfs were constructed on the western side of Sippican Harbor north of Ram Island. Commercial activity centered around the wharfs at Old Landing and Island Wharf, which supported maritime industries including ship building, fishing, whaling, and the production of salt.

Marion's original development pattern, oriented toward the Bay, continues to this day. Though Marion has the smallest population of any town in the Buzzards Bay watershed, it has the highest proportion of town population living within a half-mile of the waterfront at 81%.¹⁰ The town's historical maritime industry is also still palpable. A building originally used as a sail loft in 1806 still exists near Island Wharf, as does the windmill at the corner of Spring Street and Ryders Lane that was used to pump seawater into shallow vats to speed evaporation in salt production.

Maritime industry declined after the Civil War due to several contributing factors, including the discovery of oil and reduced demand for whale blubber, market trends favoring the construction of larger ships that could not be accommodated given the depth of the Sippican Harbor, and reduced demand for salt. As industry declined, a boom in tourism and seaside resorts was ushered in by the construction of railroads shuttling vacationers from New York and other points west. The Old Colony Railroad, in operation from 1845 to 1893 and succeeded by the New York, New Haven and Hartford Railroad, operated rail service through Marion.

By the 1880's Marion was known as a romantic art colony. The elegant formation of the inner and outer harbor surrounded by acres of protective marshes enhanced both the visual beauty of the area, as well as its ability to support a variety of wildlife. At the turn of the century, the village and outer regions seemed to be surrounded by an endless forest of pines and oaks. It was the protective quality of its all-encompassing natural beauty that

influenced a wide range of artists to live and work in Marion in the late nineteenth century, one of whom was Henry James.

In *The Bostonians* (1886), Henry James described a walk in Marion: “he enjoyed the splendid starlight, the stillness, the shrill melancholy of the crickets, which seemed to make all the vague forms of the country pulsate around him. The whole impression was a bath of freshness.” Of the harbor, he wrote: “The hazy shores on the other side of the water . . . seemed powered with silver, a sort of midsummer light, suggested to him a land of dreams, a county in a picture.”¹¹

Contemporary open space planning seeks to protect such experiences of Marion’s natural environment for this and future generations, while also meeting the needs of a changing population as described in the demographics section below.

HISTORY OF CONSERVATION EFFORTS

Several conservation agencies are involved in recreation and open space preservation in Marion. Organizations with large holdings or managing many of the town’s open space properties include the Town of Marion Recreation Department, Massachusetts Department of Fish and Game, the Town of Marion Conservation Commission, The Trustees, the Sippican Lands Trust, the Wildlands Trust, the Town of Marion, the Town of Marion Open Space Acquisition Commission (MOSAC), Marine Resources Commission, Northeast Wilderness Trust, and the Natural Resources Conservation Service.

Current GIS records have deed restriction timeframes dating back to 1973, when land on Haskell Island was preserved. The Department of Fish and Game deed restriction dates for the Haskell Swamp WMA in Marion are concentrated in 1997-1998. The decade 2000-2010 saw the preservation of the Mill Street Conservation Area, additional lands in the Haskell Swamp WMA, Quails Crossing, Beaton Bogs, Washburn Park, the Marion Rail Trail, the Eastover Farm Conservation Area, White Eagle Conservation Area, the Mahoney Track, Solomon Wood Lot Conservation Area, Hermitage Avenue Conservation Area, the Aucoot Cove Conservation Area, Bicentennial Park, and the Indian Cove Conservation Area.

As referenced above, the Sippican Lands Trust is local to Marion and is very active in the preservation of open space land and the promotion of appropriate public access to these natural areas. In 2019, the Trust celebrated the 45th anniversary of its founding in 1974. Its first open space contribution occurred in 1979, with Barnabas Woods. The organization

made particularly astounding progress between 2000 and 2017, expanding its total property holdings from 500 acres to 1,350 acres. Its extensive calendar of events includes educational workshops and guided walks through its properties. The Trust is currently focusing on building more public trails within its properties and expanding its community outreach programs and events.

In 1999, the Marion Open Space Acquisition Committee (MOSAC) was established by a vote of Town Meeting and action by the state legislature. It was given the powers of the Conservation Commission with respect to the acquisition of interests in land and the expenditure of funds under the provision of Section 8C of Chapter 40 of the General Laws.

In 2005, Marion engaged new opportunities for open space funding by electing to participate in the Community Preservation Act (CPA) program. Monies raised through the CPA's locally-defined tax surcharge mechanism can be used for open space, historic preservation and affordable housing projects, in accordance with the community's annual Community Preservation Plan, and are matched by varying levels of State funding.

In 2017, the town's Master Plan process sparked a renewed community conversation around open space planning. Public workshop participants emphasized the importance of continuing to expand open space networks – particularly in areas with strategic habitat, recreational, and resilience roles to play in Marion and Marion's natural systems. Marion residents also focused on the need to better know where open space and recreation areas are and how best to manage them. A master database and map of permanent conservation lands was developed in 2017.

Finally, citizens and local officials alike expressed a desire for increased coordination between various conservation groups active in Marion, resulting in the creation of the Stewards of Community Open Space (SoCOS) group. The member organizations of SoCOS are the Marion Conservation Commission, the Marion Open Space Acquisition Commission (MOSAC), the Marion Tree and Parks Committee, the Marion Marine Resources Commission, the Marion Recreation Department, the Marion Planning Board, the Washburn Trust, and the Sippican Lands Trust.

OPEN SPACE PLANNING TAKE-AWAYS

Marion has a long and active tradition of open space planning and conservation. This tradition has been kept through the efforts of multiple organizations dedicated to the

town's green infrastructure components, and has resulted in coordinated efforts with the formation of SoCOS.

3C: Population Characteristics

DEMOGRAPHIC TRENDS IN MARION

The goal of local open space planning is to address the recreation and conservation needs of the community. Some of these needs may correlate with demographic characteristics, such as overall population growth or decline, changes in age structure, or population density. Demographic analysis can also help to illuminate population segments present in town that seem to have unequal access to recreation programming or natural land areas with functioning ecosystem services.

Marion's total year-round population grew steadily from 1960 to 2000, increasing at least 10% each decade and up to 20% from 1970 to 1980 (Figure 1). Town population peaked in 2000, decreasing from 5,123 to 4,907 persons in 2010 (-4.4%). Regional projections suggest that gradual population decline will continue in future decades.

Stagnation may be attributable to a smaller portion of the second-home population defining Marion as its "primary residence" for census purposes, and the overall shrinking of household size, which decreased from 2.51 to 2.45 persons between 2000 and 2010.

Viewed regionally, the town of Mattapoisett also experienced population decline from 2000 to 2010. The towns of Rochester and Wareham, however, experienced population increases (Figure 2)

Population density in terms of number of persons per square mile varies across

FIGURE 1: MARION TOTAL POPULATION, 1960-2020

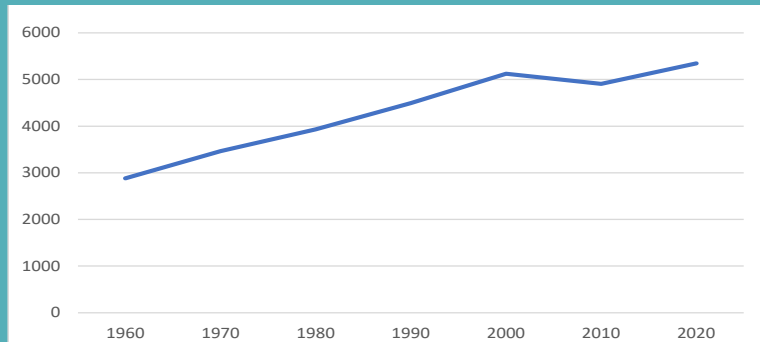
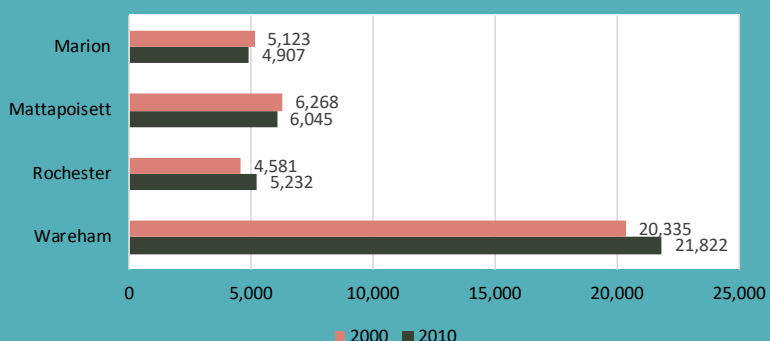


FIGURE 2: TOTAL POPULATIONS MARION AND NEIGHBORING TOWNS, 2000-2010

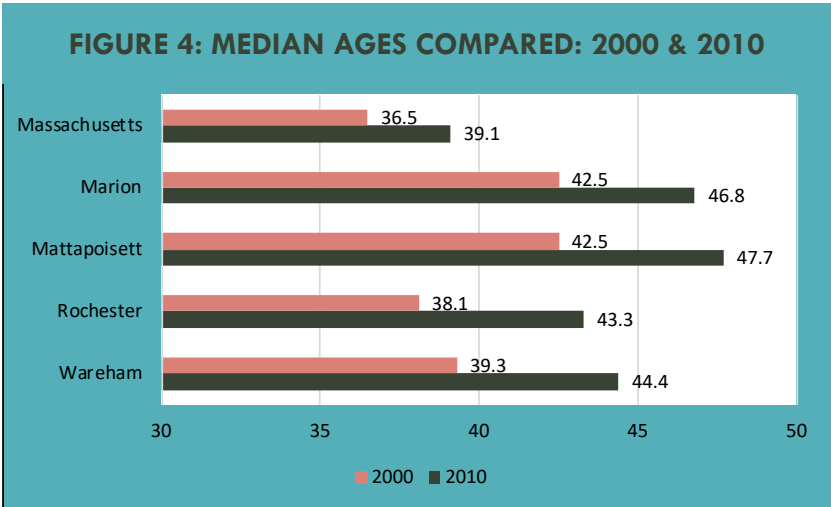
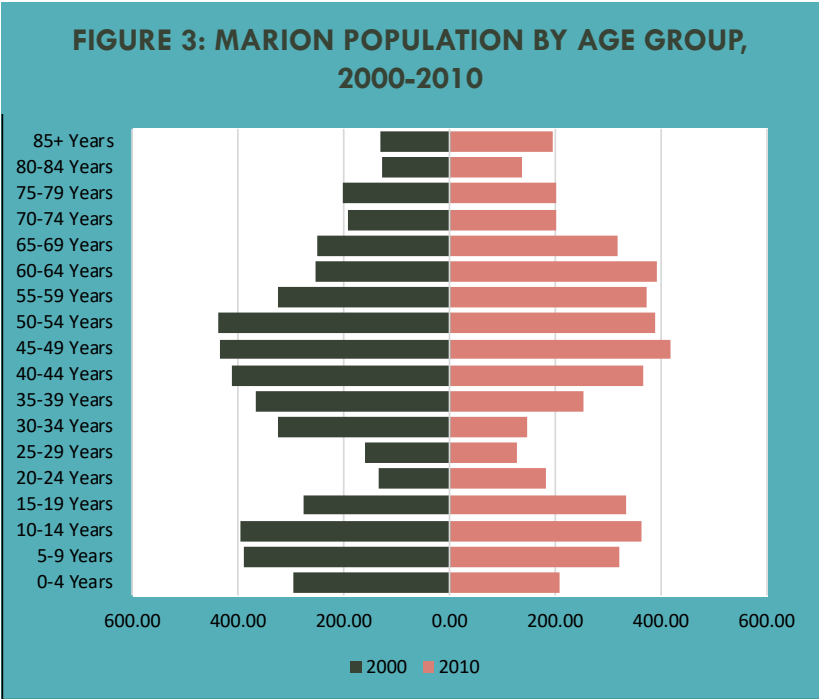


Marion. Highest population concentrations occur in the original settlement area around Little Neck and the west side of Sippican Harbor. Recent housing construction has mainly occurred in other areas of the town.

In terms of age and gender (Figure 3), cohorts with relatively large proportions of the town's overall population include ages 5 to 19, as well as ages 44 to 64, the latter category contributing a robust labor force available to support the town's economy. The town's population pyramid pinches at ages 20 to 34. As older age cohorts retire in the coming years, the town may be economically dependent upon Marion's less-populous younger age groups.

Between 2000 and 2010, the youngest age cohorts in Marion (ages 0 to 14) decreased, with the toddler-aged 0 to 4 year-old cohort decreasing by 30%. Conversely, there was a slight rise among young adults (ages 15 to 24), with the 20 to 24 year-old category increasing by 35%. The proportion of younger work-aged population (ages 25 to 54) declined during the decade, with the 25 to 34 year-old cohort facing the steepest 44% drop off. Conversely, the oldest cohort of the labor force (ages 55 to 64) increased by 31%.

A comparison between Marion's population age



structure and that of neighboring communities and the state overall (Figure 4) shows that Marion and Mattapoisett have relatively older populations. Rochester and Wareham are not far behind, with all regional communities exhibiting a higher median age than that of the state.

Household types in Marion are changing over time, in concert with larger demographic shifts. Between 2000 and 2010, the total number of households decreased by about 5%, whereas households with individuals under 18 decreased at a higher rate of 12.6%. Between 2000 and 2010, there was an inappreciable rise in the number of residents living alone, but an increased proportion of these single-person households are occupied by seniors (+6.8%).

Marion's population identifies as 93% Caucasian, 2% African American, 1% Hispanic American, 1% Asian American, 2% Two or More Races, 3% Other, and less than one percent American Indian and Pacific Islander. From 2000 to 2010, the highest increases occurred in the Asian American and Hispanic American population categories. In 2017, approximately 3.1% of the population was foreign-born.

In 2013, there were 2,022 jobs in town. Marion's three largest sectors in terms of employment were Health Care (20%), Manufacturing (17%), and Education (15%). Between 2001 and 2013, Marion lost 20 jobs overall. This minor decline (1%) mirrored the region's 1% job loss. The Health Care sector saw healthy growth, expanding 46% from 275 to 401 jobs, more than the 36% growth rate in the region as a whole. The Manufacturing sector declined by 23% from 439 jobs to 339 jobs; this compares to a 39% decline in the region and a 17% increase in neighboring Wareham. Agriculture, particularly Cranberry production, is important in the northern portion of the town. In 2017, it was estimated that 81.3% of workers commuted to work individually in a motor vehicle. Mean travel time to work was estimated at 31.1 minutes with an extreme distribution of 18.7% of the population (the largest cohort) traveling less than 10 minutes and 17.7% (the second largest cohort) traveling 60 or more minutes.

Median household income in Marion is estimated at \$76,576 and median family income is estimated at \$97,450, higher than figures for the state overall. Median home value is estimated at \$471,000. About a quarter (23.9%) of housing units in Marion are categorized as "vacant," with 81% of vacant units categorized as homes for seasonal use. Marion's tax base is 93% residential.

IMPLICATIONS FOR OPEN SPACE PLANNING

As described above, demographic shifts in Marion are consistent with larger trends in the region and country as a whole. The population of Marion is currently aging, with a large proportion of individuals on the cusp of retirement. Household sizes are decreasing, with increases in the number of single-person senior households.

A challenge for town open space and recreation planners may be anticipating the recreational needs of older adults living by themselves while maintaining recreational facilities for a diminished number of children under 18. It is likely that an older, potentially more isolated population will need opportunities for accessible, low-impact recreation with elements of socialization. Input from the local Council on Aging may help to clarify these needs and potential existing gaps.

There is one designed environmental justice area in Marion. There is also a small foreign-born population. Access to open space and recreation can expand by making allied organizations, such as land trusts, aware of any populations that may have particularized ESL or other communication requirements.

The price of homes in Marion as compared to median household income indicates that residents may be spending a significant portion of their income on housing costs. Figures for 2017 estimate that 34.7% of households in Marion are spending more than 30% of their household income on housing costs. Dedicating additional disposable income to recreational activities may be a challenge, particularly for those households on a fixed income.

Public Open Space protecting Private Investment

At the high median home prices indicated above, residents have placed significant investments in their homes. Land conservation that preserves ecosystem services such as protecting drinking water or preserving natural areas for flood and stormwater retention is a crucial part of protecting these investments on a community-wide basis.

The environmental stresses of climate change continue to up the ante on the amount of preserved land required to adequately maintain these ecological processes and community resiliency. Continued preservation efforts of forested and natural areas can also off-set some of the green house gases generated by the long routine travel times in private automobiles.

3D: Growth and Development Patterns

PATTERNS AND TRENDS

3 The BBNEP CCMP describes present-day Marion as “a town that captures the essence of a classic New England villages. The streets in the village section are tree-lined with historic homes. There is a General Store in the center of the village and the Post Office is directly across the street.”¹² While some historical development patterns have clearly continued into the present day, Marion also contains modern highway commercial development along Route 6 and the Sippican Industrial Park as a cluster of limited industry. The Town contains very little undeveloped land that is not constrained by environmental factors such as wetland or floodplain restrictions, or protected by conservation easements or conditional programs such as Chapter 61.

Marion community members conducted their most recent Master Plan process in 2017. During the preparation of that document, residents described the way they experience their town in a collective mapping exercise. The resulting Vision of Marion diagram identified 8 distinctive area types: Marion Village (the dense area of historical settlement on Little Neck), Homes (larger lot residential areas), Tabor Academy, Town Facilities, Forests and Fields, the Sippican Industrial Area, the Point Road Commercial Area, and the Route 6 and 105 Gateway Area.

Within this existing context, Marion is experiencing the demographic trends noted above, including a recent loss in population and number of households, an aging population that includes fewer families with children, and smaller household sizes including more seniors living alone. Resident comments mirrored these themes in voicing a greater demand for smaller housing types, rental housing, and supportive housing. The large 2-acre minimum lot sizes in Residence C and D zoning districts (which cover 90% of the Town’s land area) make it difficult to build smaller, traditional New England building types that include modest site plans, higher densities, and diverse housing options.

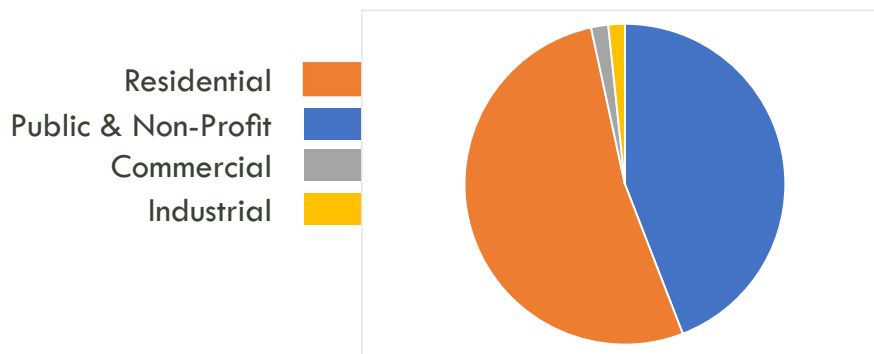
There is clear demand to live in Marion’s charming, seaside neighborhoods, with a continuous increase in home sale prices since 2000. According to local real estate professionals and public input, there is a shortage of year-round rental options and rising demand for them – especially among seniors whose current homes are too large, too expensive, or both.

The most predominate land use in Marion is associated with residences, comprising approximately 33% of the total land area. Public and quasi-public property, owned by

the town, state, schools, religious institutions, land trusts, and the like, are the second largest category at 28%. Currently, 36.17% of land in Marion is permanently protected open space.* In comparison, commercial and industrial land uses make up just 1.1% and 1.051% of town land, respectively.¹³

* Source: BBNEP, MassGIS, Land Use Cover 2020, EEA, 2019

Relative Proportions of Existing Land Use Categories in Marion



As can be seen in Map 7, Marion is largely a residentially-zoned community. Business and industrial zones are limited to the Route 6 and 105 corridors, and some limited business along the harbor and in the village. There are a number of overlay districts in Marion, some of which are geared toward the conservation of natural resources, and others toward the provision of specific types of facility development as follows:

- **Flood Hazard Overlay District (1988).** The purpose of the Flood Hazard District is to establish a differentiated set of regulations for use and construction on lands that fall within FEMA-designated Special Flood Hazard Areas (flood hazard zones A, AE, AO, or VE), in order to prevent unnecessary loss of life or damage to property.
- **Water Supply Protection District (1990).** The district is an aquifer protection area, in place to protect, preserve, and maintain the existing and potential well sites and groundwater supply and watershed areas for the public health and safety.
- **Surface Water District (1990).** A unique zone located on the coastal waterways of Buzzards Bay off of Marion, the Surface Water District provides control of the use of coastal water areas which are not within any of the Town's land use zoning districts in order to protect and enhance the natural and man-made environmental qualities of the Town of Marion, encourage water-dependent uses where appropriate, and preclude uses which could evolve because other Town, state or federal laws and regulations do not provide sufficient protection of the public interest.

- **Sippican River Protection Overlay District.**
The District protects the Sippican River from water pollution by establishing a 100-foot buffer within which vegetation shall not be disturbed with very limited exceptions. It may be appropriate to review this zoning district against current state-level wetlands and riverbank resource protection regulations to maintain consistency.
- **Wireless Communication Facilities District.**
The district directs wireless communication facilities to specific parts of Marion in order to protect community character.
- **Municipal Solar Overlay District (2013).**
The district permits the siting of a solar PV system without the need for a special permit, encouraging the development of alternative energy sources in the town.

Lot size requirements for underlying zoning districts are as follows:

ZONE	Min Lot Area	Min Frontage
Residence A	0.5 acre	125 ft
Residence B	1 acre	150 ft
Residence C	2 acres	200 ft
Residence D	2 acres	250 ft
Residence E	40,000 sf	150 ft
General Business	15,000 sf	100 ft
Marine Business	15,000 sf	100 ft
Limited Business	15,000 sf	80 ft
Limited Industrial	15,000 sf	100 ft

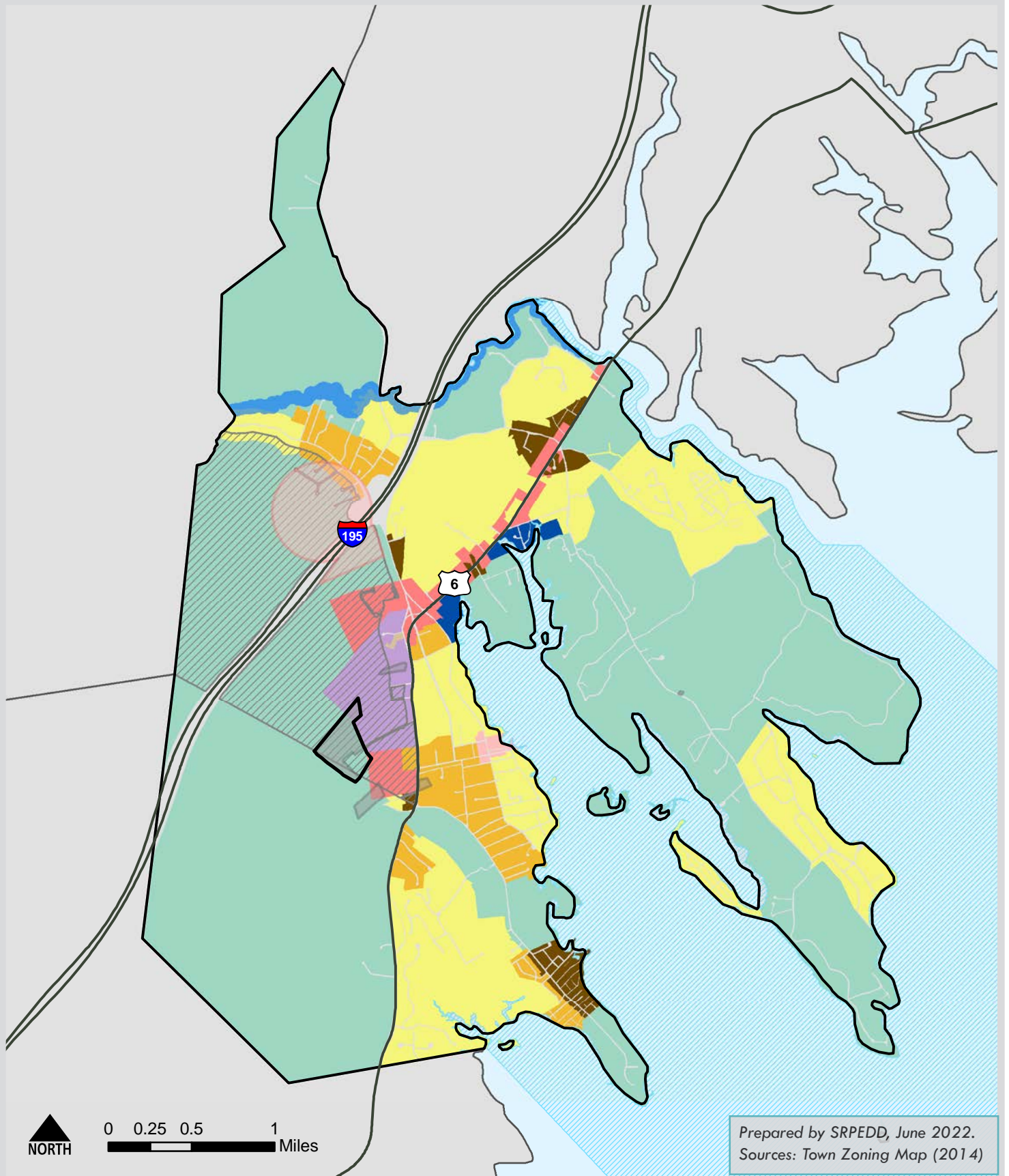
MAP 7: EXISTING ZONING (2022)

The Marion Zoning Map demonstrates the town's land use plan. While this map is accurate to date, the town's 2017 Master Planning process suggested an examination of certain zones in order to accommodate village-style, multi-family development inclusive of additional housing types for smaller sized family units and senior housing. This type of zoning can be a positive for open space retention in Marion if these types of denser settlements channel development away from natural lands.

ZONING CLASSIFICATION

-  Residence A
-  Residence B
-  Residence C
-  Residence D
-  Residence E
-  General Business
-  Marine Business
-  Limited Business
-  Limited Industrial
-  Solar Overlay District
-  Aquifer Protection District
-  Surface Water District
-  Sippican River Protection Overlay
-  Wireless Communication Overlay District
-  Water Supply Protection District

MAP 7: EXISTING ZONING



INFRASTRUCTURE

3 The Marion roadway system includes U.S. Route 6, the MassDOT-owned arterial, which parallels Interstate I-195 and which serves as the main non-interstate through route between the neighboring towns of Mattapoisett and Wareham. Major secondary streets intersecting Route 6 are: (a) Front Street (Route 105 north of Route 6), which connects to I-195 and serves North Marion and Marion Village; (b) Point Road, which serves East Marion and connects to County Road; (c) Converse Road, which serves southern Marion and Aucoot Cove; and (d) Main Street, which serves Marion Village. The Front Street and Route 6 intersection has come to be called the “Gateway” because it establishes a traveler’s initial view of Marion for those exiting from I-195 and for those entering from other directions.

Marion is not served by a regional transit agency (RTA). The closest fixed route bus service is in neighboring Wareham. However, the Marion Council on Aging (COA) offers transit services to seniors (ages 60 and over). In FY 2013, the COA provided 6,900 rides to approximately 200 eligible riders.

From the perspective of automobile drivers, Marion’s roadway system is operating efficiently. Analysis of transportation safety data (vehicle, pedestrian, and bike crash data) revealed only minor safety and no congestion issues; those safety issues that were identified are concentrated on the three Route 6 corridor intersections (Route 6 & Point Road, Route 6 & Front Street, and Route 6 & Spring Street). The volume to capacity (v/c) ratio on Route 6 is 0.3, whereas a v/c ratio of 0.8 indicates a congested roadway.

From the perspective of pedestrians and bicyclists, Marion’s facilities could be improved. While parts of Marion are served by sidewalks (with the major exceptions being Converse Road, and Point Road, a recent survey indicated that some did not meet American with

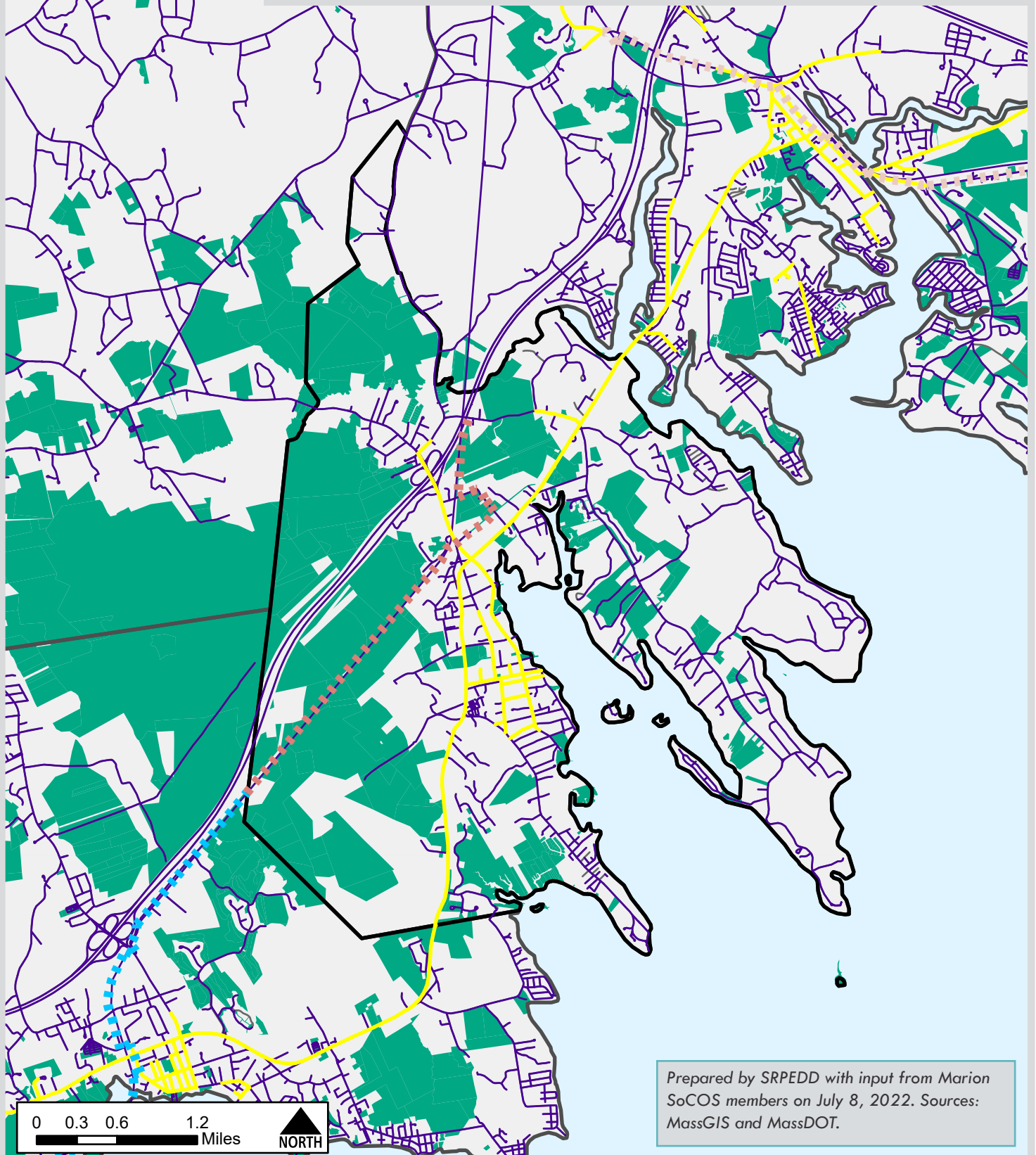
MAP 8: BICYCLE AND PEDESTRIAN INFRASTRUCTURE IN MARION’S OPEN SPACE NETWORK

Proposed bikeways in Marion are routed through and alongside some of the Town’s significant open space and recreation lands. However, the routes planned to date, as well as the pedestrian sidewalk network, is concentrated on the western side of Sippican Harbor. Open space areas located to the east of the Harbor, particularly along Sippican Neck off of Point Road are not yet connected to the planned bicycle and pedestrian system.

BICYCLE / PEDESTRIAN ROUTES

-  Open Space (all levels of preservation)
-  Marion Bikeway Phase I
-  Wareham Bikeway
-  Mattapoisett Rail-Trail
-  Sidewalks

MAP 8: BICYCLE AND PEDESTRIAN INFRASTRUCTURE



Disabilities Act (ADA) standards and that 67% were in poor or failing condition. While the Town currently lacks bicycle facilities, several credible projects (including the Marion Pathway, Phase I) are in the planning phases. Additionally, low-cost improvements such as “sharrow” (roadway markings that direct automobiles to share the road with bicycles) are also possible on appropriate roadways in Town.

Previous plans, focused on the first phases of these projects, do not explicitly describe how the proposed bikeway and sidewalk Complete Street improvements would integrate with or increase access to the open space and recreation tracts in Marion. Multi-modal access is particularly important to these open space areas given that parking is typically extremely limited. Access via a bicycle and pedestrian network would enable users to arrive at the parklands and their trails without the need for a passenger vehicle. This Open Space Plan provides an opportunity to advocate for the consideration of open space and recreation access in planning future bike routes and sidewalks.

Marion’s municipal water system – part of the Mattapoissett River Valley Water District – is in good condition (See Appendix B for additional information about the Mattapoissett River Valley Water District and open space protection within its extent). Its capacity is 400,000 gallons per day. It currently uses approximately 210,000 gallons per day, leaving nearly half of its capacity remaining.

In comparison to water supply, Marion’s sewer system and wastewater treatment facilities are a major impediment to additional development. Town residents and officials voiced concern over the degree to which this issue is currently limiting growth in Marion.

Several solutions to this issue have been explored, including the correction of inflow and infiltration issues, upgrading the wastewater treatment plant to reach higher levels of treatment, and decentralizing wastewater treatment. An alternative solution being studied is the feasibility of a regionalized wastewater treatment system covering portions of the communities of Marion, Plymouth, Bourne, and Wareham. The goal is to combine resources and sewer infrastructure across town and watershed boundaries, routing to a state-of-the-art treatment plant in Wareham as a regional solution that reduces nitrogen loading in Buzzards Bay.

LONG-TERM DEVELOPMENT PATTERNS

Marion residents identified mixed-use, “Village-Style” land use as the kind of development pattern they desire more of in town in the most recent Master Planning Process. Village-Style development is characterized by traditional New England building patterns already present in many Marion locations. These patterns include small building setbacks, moderate building heights and lot coverage, traditional architecture, and clustering of amenities within a walkable area.

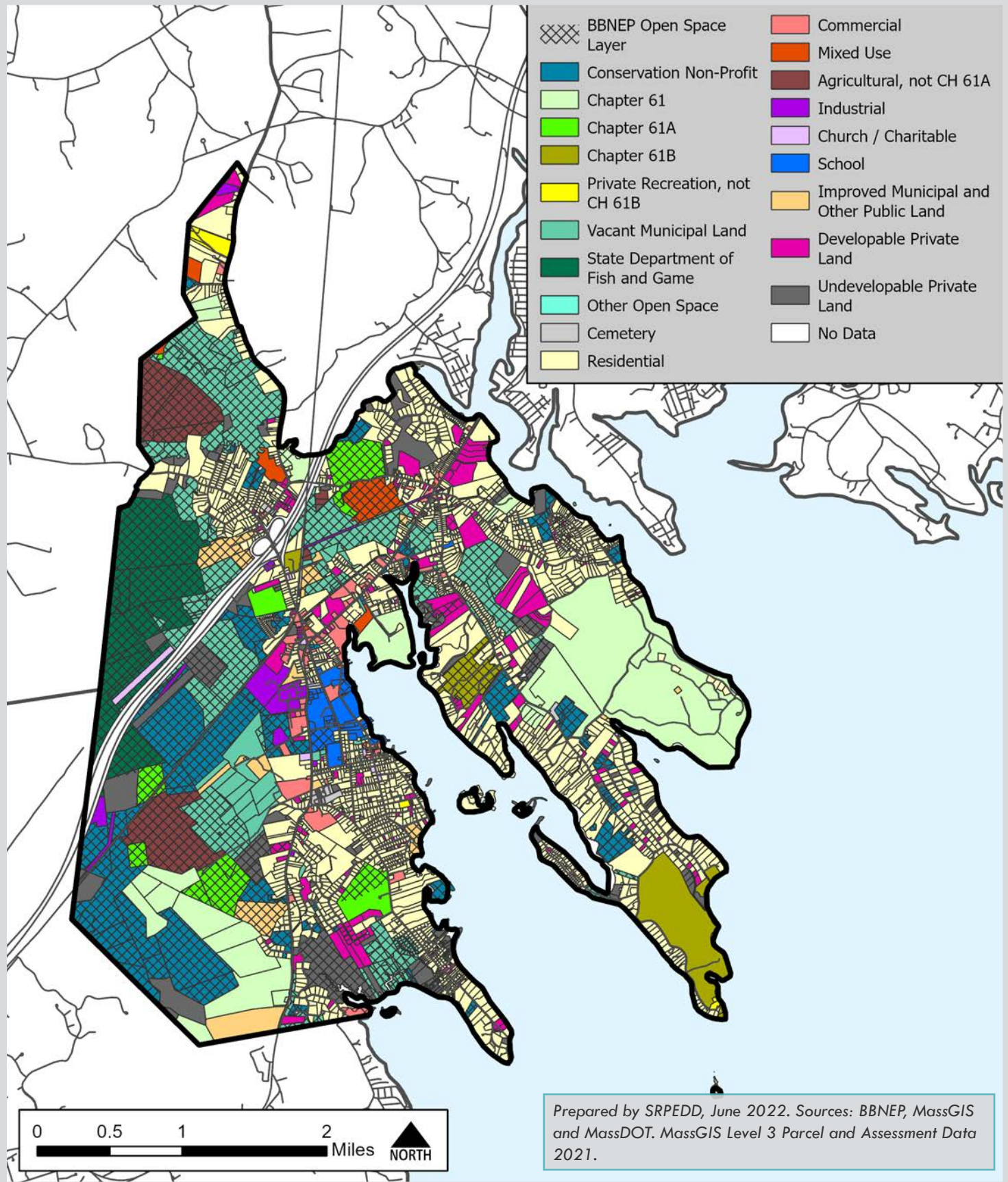
Residents identified specific areas in Marion where “Village-Style” development – including market rate housing units for seniors looking to downsize – should take place; these are (1) the Route 6 and 105 Gateway, (2) the Point Road Commercial Area, and (3) Marion Village. Improvements to Route 6 that promote access for bicyclists and pedestrians, and traffic-calming measures, are closely tied to the envisioned development of these areas. These improvements are vital for properties along and north of Route 6 to become more connected to the Village, the Harbor, and the “look and feel” of Marion.

Marion residents also identified the continued preservation of open space as a land use goal, specifically stating that these efforts are crucial to maintain the rural and seaside landscapes that are so highly valued in town. In coming years, these areas may also become critical for coastal resilience in the face of climate change. There are areas in Marion that residents currently experience as open space forests and fields contributing to community character which are not currently protected as permanent open space.

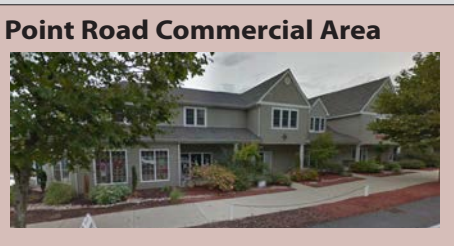
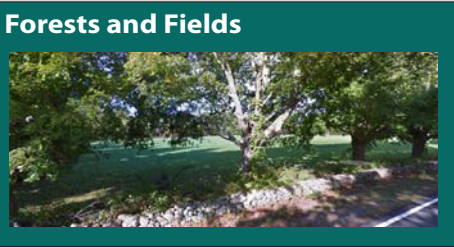
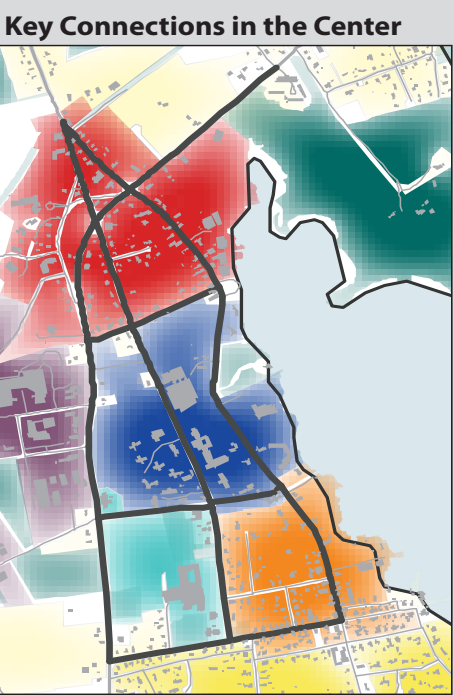
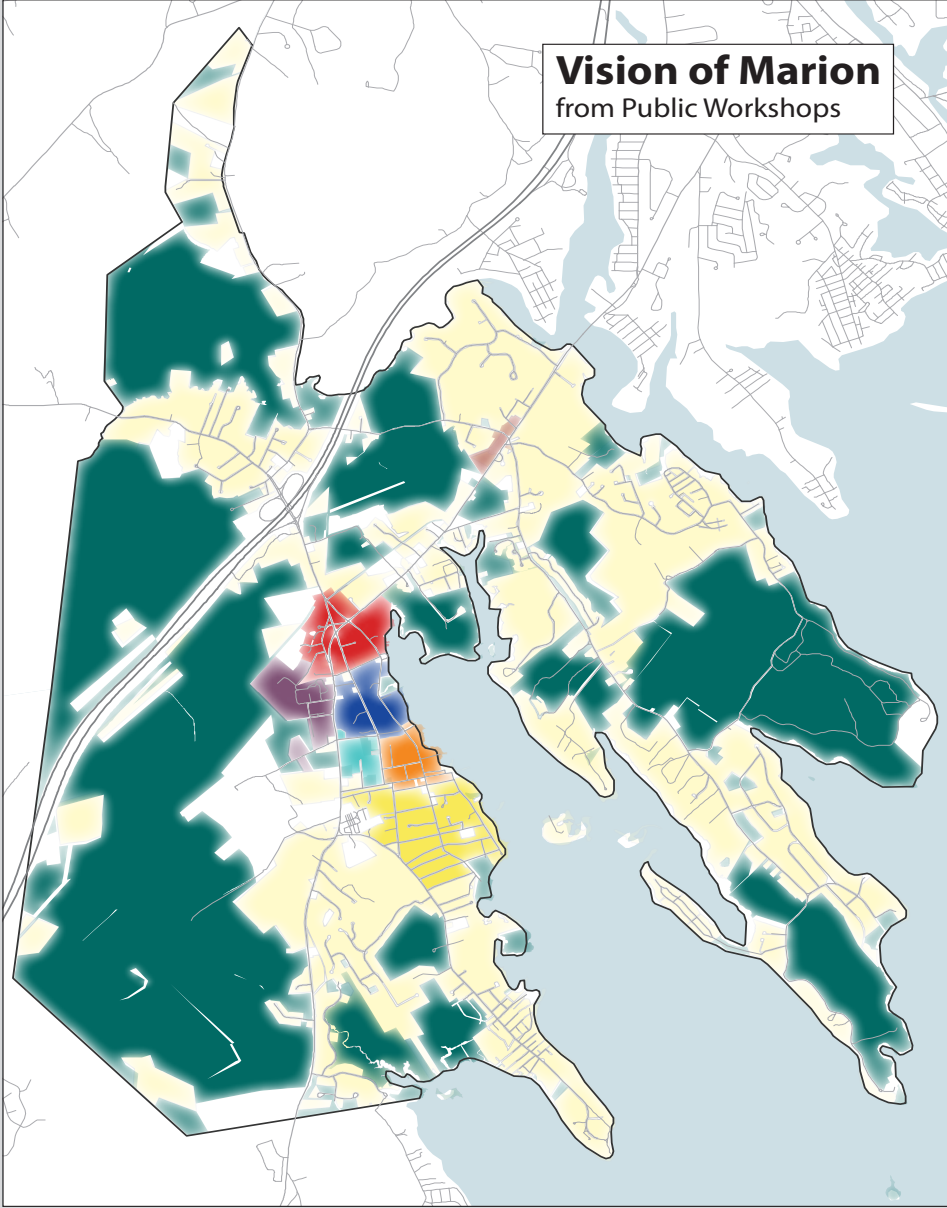
Some of these areas are classified as having limited or temporary protection, or are Chapter 61 lands that could be developed in the coming decades at the discretion of their owners under the provisions of the program. Chapter lands, occupying 22% of the total land area in Marion, are shown in light green in the map below. Compare these areas to the dark green portions of the Vision Map, which are currently experienced as open space. Municipalities have first right of refusal to purchase Chapter lands. A list of priority parcels could be developed to identify Chapter lands that are key to preserving community character.

As part of the South Coast Rail project, communities within the planned rail corridor went through a land use planning process aimed at identifying the areas of town that are priorities for development and preservation. The last round of community Priority Protection Areas (PPA) and Priority Development Areas (PDA) were identified in 2013. Appendix C contains additional information about the PDA and PPA areas in Marion.

MAP 9: EXISTING LAND USE



MAP 10: VISION OF MARION, 2017 MASTER PLAN



3

As the vision for development in Marion changes, residents, stakeholder groups, and officials may find it beneficial to frame open space planning through a green infrastructure approach that acknowledges and plays to the strengths of the differences between development patterns and their potential to support varying ecosystem services. Such an approach would start with a development pattern category, such as the mid-density village-style development proposed for Marion's gateway areas. From there, plan developers ask three successive questions:

1. What type of open space areas are typically observed and readily thrive within this development pattern?
2. What ecosystem services are provided by the typology of open space areas that exist within this development pattern?
3. What projects or policy decisions can the town make that will protect and preserve these ecosystem services and the role of these open space areas?

A focus on the roles that open spaces play within each type of development pattern can keep municipal residents and officials alert for opportunities to constantly and consistently improve how these spaces function within the larger ecosystem. It is an approach that sets open space priorities on the basis of the varying roles that open space and recreation areas serve within each category of development and intensity of land use. An example of this approach is located on the opposite page, with a reminder of the types of ecosystem services potentially performed by open space area (first introduced at the beginning of Section 3) included in the side bar at right.

Ecosystem Services Reappraisal:

Regulating Services - filtering air and water, sequestering carbon, absorbing floodwaters, moderating micro-climates, aquifer recharge

Provisioning Services - food and fiber production, drinking water

Supporting Services - sheltering and allowing for the movement of wildlife, nutrient cycling, crop pollination

Cultural Services - physical activity and recreation, mobility, cultural identity, spiritual inspiration, community cohesion

*Potential Open Space Preservation Priority Roles based on
Development Vision Area Typologies*

In **Forests and Fields** Vision Areas, our community prioritizes new open space tracts that play the following **roles** in our green infrastructure system:

Supporting Services

- Sheltering and allowing for the movement of wildlife (via habitat preservation)

Regulating Services

- Absorbing floodwaters (via wetlands preservation)
- Sequestering carbon (via forest tract preservation)
- Aquifer recharge (via forest tract preservation)

Provisioning Services

- Food Production (via agricultural preservation)

Cultural Services

- Community character and cohesion (via scenic view/historic preservation)

In **Homes** Vision Areas, our community prioritizes policies that play the following **roles** in our green infrastructure system:

Regulating Services

- Sequestering Carbon (via clustering development options)
- Air and Water Filtration (via clustering development options)

Provisioning Services

- Food Production (via community gardens)

Cultural Services

- Physical Activity (via athletic parks)

In our **Route 6 and 105 Gateway Areas / Marion Village / Point Road Commercial Area** Vision Areas, where village-style development is envisioned, we prioritize open space tracts that play the following **roles** in our green infrastructure system:

Regulating Services

- Absorbing Stormwater (via bioswales)
- Moderating Micro-Climates (via street trees)
- Air Filtration (via planting strips)

Cultural Services

- Mobility (via bicycle and pedestrian improvements)

END NOTES

1. Southeastern Regional Planning and Economic Development District (2017), *Master Plan for the Town of Marion, Massachusetts*, p. 6.
2. David C. Rouse and Ignacio F. Bunster-Ossa (2013), *Green Infrastructure: A Landscape Approach*, American Planning Association, Planning Advisory Service Report Number 571, p. 12.
3. Mark Benedict and Ed McMahon (2006), Conservation Fund, as quoted by David C. Rouse and Ignacio F. Bunster-Ossa (2013), *Green Infrastructure: A Landscape Approach*, American Planning Association, Planning Advisory Service Report Number 571, p. 10.
4. Judith Weestlund Rosbe (2002), *Maritime Marion Massachusetts*, The Making of America Series, Arcadia Publishing, p. 9.
5. Available: <https://weatherspark.com/y/26816/Average-Weather-in-Marion-Massachusetts-United-States-Year-Round#Sections-Precipitation>.
6. Available: <https://www.usclimatedata.com/climate/massachusetts/united-states/3191>.
7. Buzzards Bay National Estuary Program (2013), *Buzzards Bay Comprehensive Conservation and Management Plan*, p. 7.
8. How We Work. Available: <http://www.savebuzzardsbay.org/about-us/how-we-work>.
9. Judith Weestlund Rosbe (2002), *Maritime Marion Massachusetts*, The Making of America Series, Arcadia Publishing, p. 7.
10. Buzzards Bay National Estuary Program (2013), *Buzzards Bay Comprehensive Conservation and Management Plan*, p. 12.
11. Beals and Thomas, Inc. (2005), *Open Space and Recreation Plan, Marion, Massachusetts*, p. 3-3.
12. Buzzards Bay National Estuary Program (2013), *Buzzards Bay Comprehensive Conservation and Management Plan*, p. 34.
13. Southeastern Regional Planning and Economic Development District (2017), *Master Plan for the Town of Marion, Massachusetts*, p. 13.

SECTION 4: ENVIRONMENTAL INVENTORY & ANALYSIS

Section four drills deeper into the qualities and characteristics of Marion's environment, describing many of the existing features that open space areas will help to preserve. This report takes a layered, bottom-up approach to this examination.

- First, it explores the land and water that create the physical context for all of Marion's living communities, including the geology, soils, topography, and water resources that underlie and surround the town.
- Second, it considers the habitats present on the land, and the vegetation and organisms that inhabit these ecosystems.
- Finally, it presents how these features come together as a whole that is greater than the sum of its parts to create the town's distinctive landscape character, scenic resources, and unique environments.

Open space planning objectives for ecosystem protection and recreational prioritization will flow from the analysis of these underlying features.

4A: Topography, Geology & Soils

TOPOGRAPHY

Surface drainage, ground water, geologic resources, and vegetation are all interrelated. Because much of Marion was formed from ground moraines and outwash deposits, the town's land base is generally low and flat. The average elevation is 20 feet above sea level, ranging from sea level at the coast to 124 feet above sea level at Great Hill in the southeastern portion of town. While there are some ridges and stony hills along the coast, the interior is dominated by wetlands and irregular drainage patterns.

MAP 11: LOCAL TOPOGRAPHY & HYDROLOGY

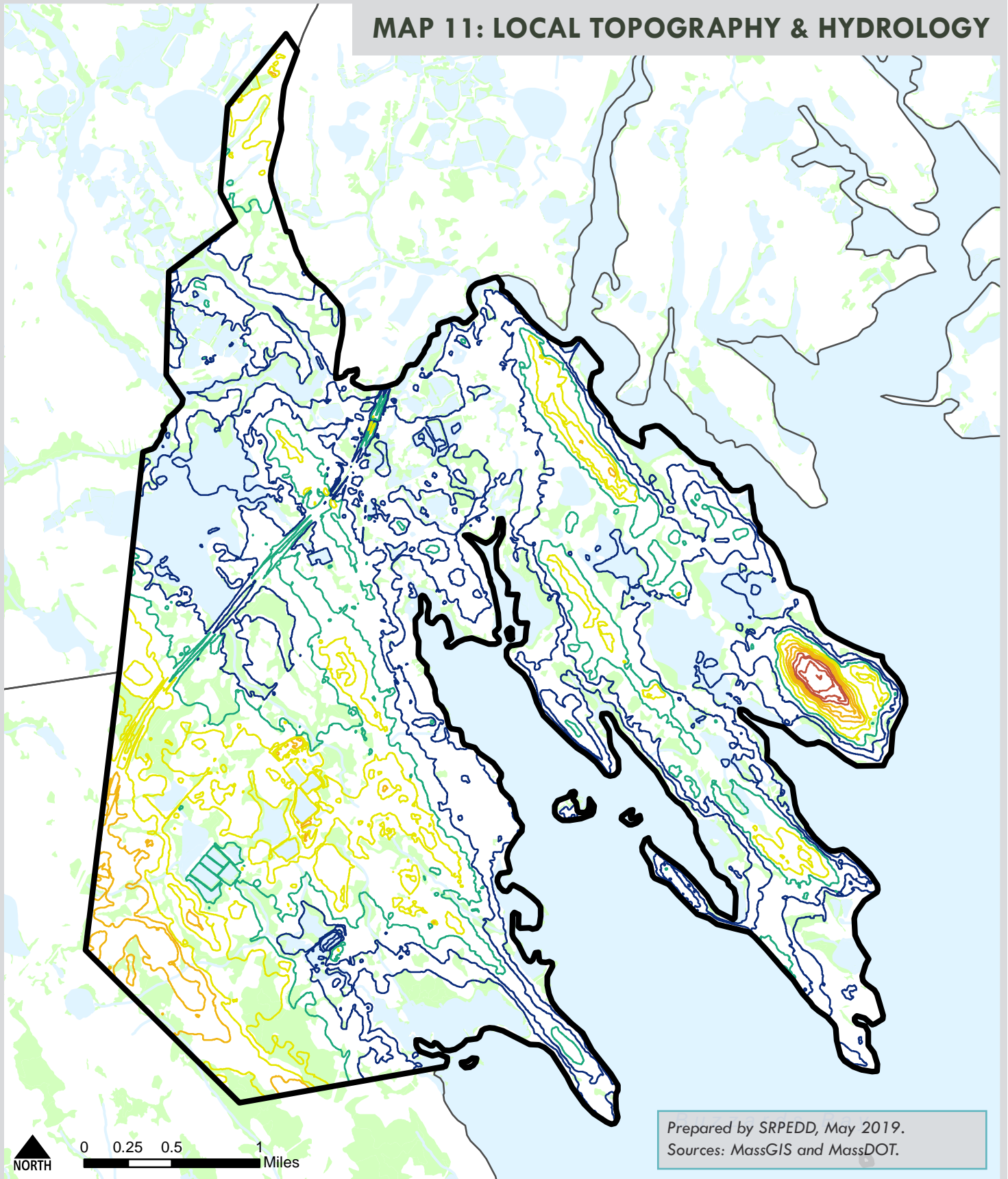
LINES OF CONSTANT ELEVATION

- 0 ft - 20 ft
- 21 ft - 30 ft
- 31 ft - 50 ft
- 50 ft - 80 ft
- 80 ft - 120 ft

ENVIRONMENTAL FEATURES

- Water
- Wetlands
- Marion

MAP 11: LOCAL TOPOGRAPHY & HYDROLOGY



GEOLOGY

Marion's physical features are a direct result of the continental glaciation that occurred during the Pleistocene Ice Age, which ended about 12,000 years ago after lasting approximately 65,000 years. The ice was thickest about 18,000 years ago, aggregating to a depth of approximately 500 meters (three-tenths of a mile).

As the ice retreated, it revealed landforms that had been created under the ice sheet, such as drumlins and recessional moraine segments, which are visible today. Areas of glacial boulders or stones on the land surface are telltale signs of these features. The more prominent drumlins in Marion are Great Hill, Little Neck, Allen's Point, and Charles Neck (see Map 20; Unique Features). The drumlins and ground moraine deposited by the ice sheet are composed of glacial till. These areas often contain a seasonal high water table and are problematic for septic systems due to the dense nature of underlying soils that were compressed by the ice sheet.

As the ice sheet left southeastern Massachusetts, the torrent of melting water carried with it an enormous volume of cobbles, sand, and silt. This intensive melt formed kame deposits, eskers, and outwash plains. In areas where the meltwater temporarily ponded, "glacial lakes" emerged (Bear Swamp is one such area). A layer of fine silt can be found under these former lakes.

As the ice sheet retreated, the sea slowly rose to near its present level. Coastal areas have undergone constant reshaping by erosion and deposition from the sea. This ongoing process removes sediments from areas of high energy and deposits them in areas of low energy. Promontories, such as Butler's Point, Converse Point, and Great Hill, are gradually washed away, while the lee side of a feature often fills with sediments. Provided with a constant sediment source, beaches are repeatedly washed away and reformed.

In harbor areas protected from direct wave action and storm surge, vegetation became established and salt marshes formed. While many of the historic salt marshes in Sippican Harbor were filled over time, salt marshes still exist in Aucoot Cove and Hammett's Cove.

SOILS

Marion is covered by a number of different soils, as shown in Map 12s. The soils map does demonstrate that there are regional variations within the town of Marion's soils. Two soil

types - Birchwood Sand and Mattapoissett Loamy Sand are found throughout the largest geographic extent of the town.

Brockton Sandy Loam and Freetown Peat have a significant presence in the western portion of town. These soils are associated with wetlands and have severe limitations for accommodating any kind of built development.

Conversely, the eastern portion of town has a significant presence of Montauk Fine Sandy Loam, which tends to be surrounded by Scituate Gravelly Sandy Loam. Montauk soils tend to be found at higher elevations, along ridges of the recessional moraine and often forming higher relief features. These upland soils, comprised of glacial till, are the primary sites of man-made structures and woodlands that support stands of oak and pine. This soil group once had moderate limitations for development because of stoniness, but this impediment has been overcome in most locations by the availability of large machinery for residential construction. Its low moisture-holding capacity contributes to its relative dryness.

In the northern region of Marion, there is a stronger presence of Deerfield Fine Sand, Carver Loamy Coarse Sand, Windsor Loamy Sand, and the Massasoit-Mashpee Complex. These surfaces are nearly-level plains of glacial outwash deposits bordered by large swampy depressions. These soils have a coarse and sandy nature and are typically associated with aquifers. While permeability provides ground water recharge, it also rapidly transmits pollutants and compounds that contribute to problems such as nitrogen loading in sensitive water resources.

Areas of town where soils are poorly drained or sensitive to the infiltration of pollutants are ideal locations for open space maintenance or acquisition (see Map 10).



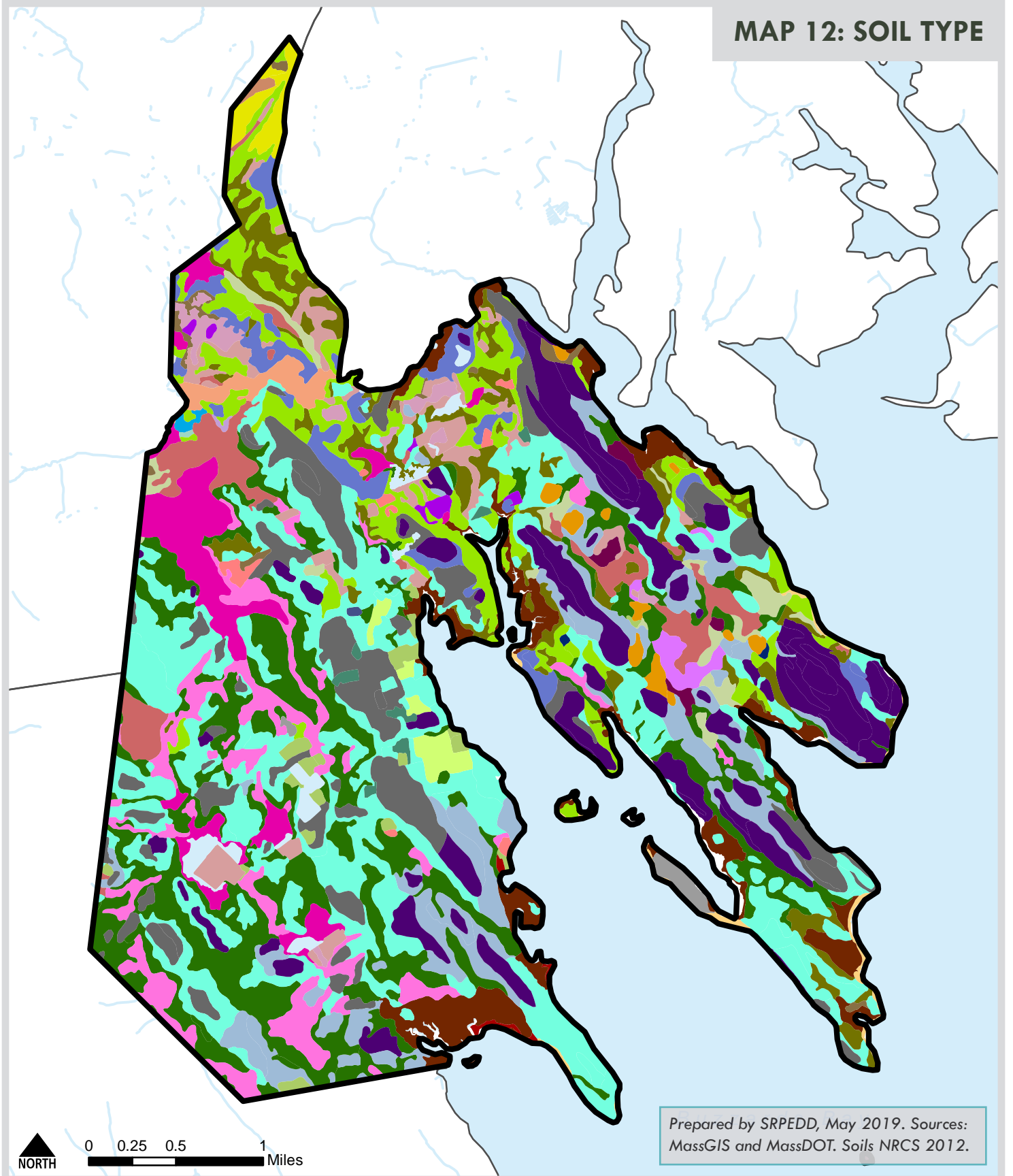
A path in Washburn Park, with forest lands on top of deerfield fine sand, windsor loamy sand, and Freetown Peat soils. (Image credit: Wayne Mattson)

MAP 12: SOIL TYPE

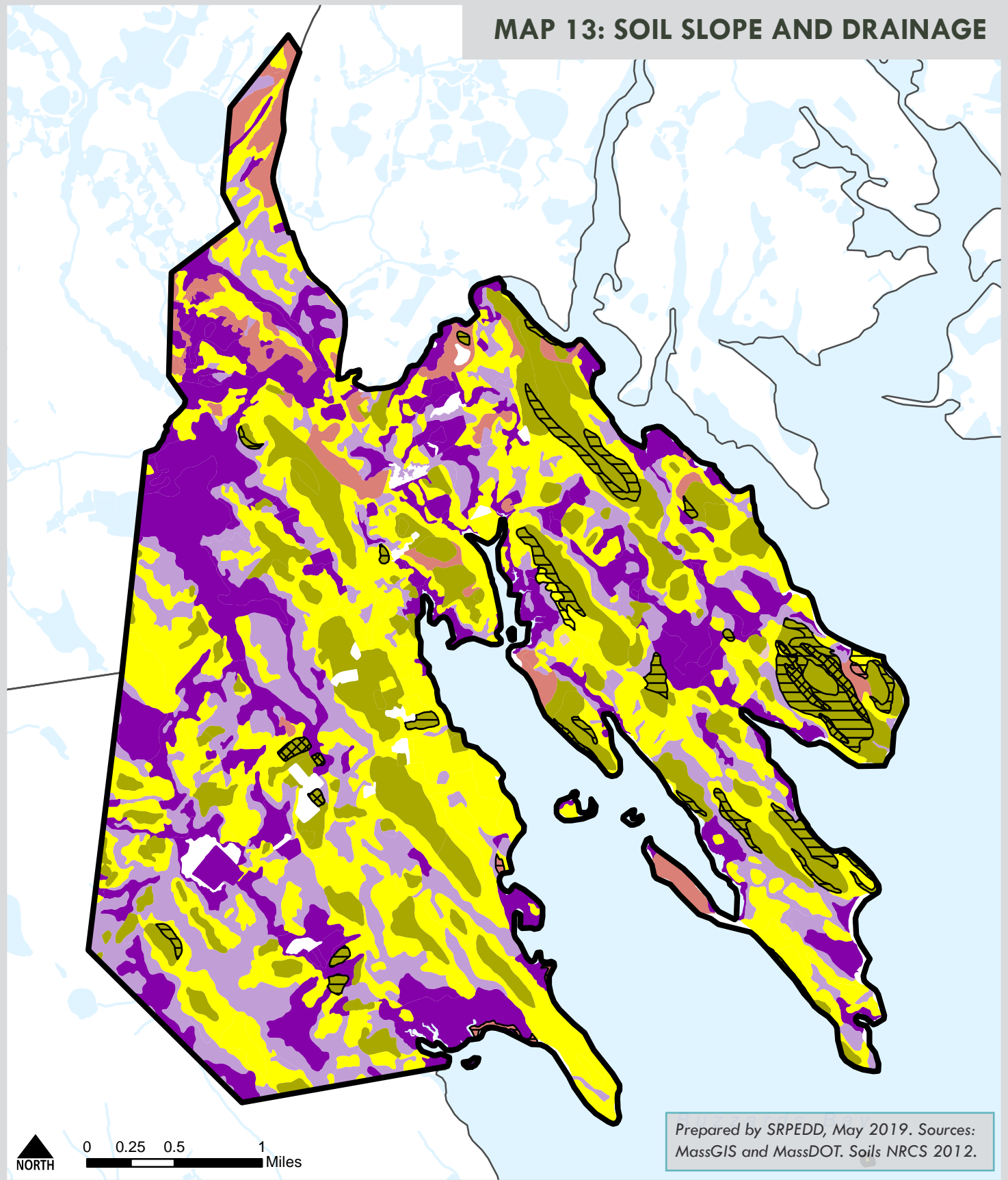
Soil Type

	Aquepts		Plymouth - Poquonock complex
	Beaches		Plymouth loamy coarse sand
	Birchwood - Urban land complex		Poquonock sand
	Birchwood Sand		Rainberry coarse sand
	Birdsall silt loam		Saco mucky silt loam
	Brockton sandy loam		Scarboro mucky peat
	Canton - Chatfield - Rock outcrop complex		Scio very fine sandy loam
	Canton very fine sandy loam		Scituate gravelly sandy loam
	Carver loamy coarse sand		Squamscott fine sandy loam
	Deerfield fine sand		Swansea coarse sand
	Eldridge fine sandy loam		Swansea peat
	Freetown and Swansea coarse sands		Tihonet coarse sand
	Freetown peat		Udipsamments
	Hooksan fine sand		Udorthents
	Ipswich - Pawcatuck - Matunuck complex		Urban Land
	Massasoit - Mashpee complex		Water
	Mattapoisett loamy sand		Windsor loamy sand
	Merrimac sandy loam		Woodbridge - Scituate - Urban land complex
	Montauk fine sandy loam		Woodbridge fine sandy loam
	Newfields fine sandy loam		

MAP 12: SOIL TYPE



MAP 13: SOIL SLOPE AND DRAINAGE



MAP 13: SOILS BY SLOPE AND DRAINAGE CLASS

Soil slope and drainage class both affect the suitability of land for particular uses. Poorly-drained soils with a high water table, for example, have implications for the viability of water supply and septic systems, and are less appropriate for new development. Soils that have poor drainage and steep slope are more prone to erosion than other soils. The map demonstrates the intersection of drainage and slope for soils in Marion.

SOIL DEVELOPMENT LIMITATIONS

- Excessively drained
- Somewhat excessively drained
- Well drained
- Moderately well drained
- Poorly drained
- Very poorly drained
- No data
- Challenging slope (8 - 15%)
- Very steep slope (25 - 35%)

WETLANDS

Wetlands have a significant presence in Marion (see Map 3). Wooded swamps make up a large portion of these wetlands, followed by salt marsh areas along the coast, and scattered cranberry bogs. While activity in wetlands may be subject to regulation under the state Wetlands Protection Act and the federal Clean Water Act, that regulation does not translate into absolute protection. Recent wetland change maps produced by the Massachusetts Wetland Conservancy Program show a slowing of wetland losses in Marion. From 2001 to 2005, 8.5 acres were lost, whereas 1.3 acres appear to have been lost from 2005 to 2012 due to commercial development and cranberry bog activity. Surest protection for wetlands is achieved by fee acquisition or conservation restriction.

4B: Water Resources

WATERSHEDS & SURFACE WATER

Marion has several surface water resources that provide valued recreation opportunities for residents as well as adding to the aesthetic qualities of the community. The ocean provides vast opportunities for fishing, sailing, swimming and other water-based recreation. Ocean and streams provide a habitat for flourishing wildlife.

While Marion has a short border on Mary's Pond, it does not contain any major lakes or ponds. Small unnamed ponds are scattered throughout the town, mainly associated with cranberry bogs.

Small brooks such as Benson Brook and Hales Brook flow through Marion. The Sippican River, located in the northern portion of Marion, flows into the Weweantic River, which in turn flows into Buzzards Bay along Marion's easterly boundary with the Town of Wareham. The Weweantic in particular provides many opportunities for recreation. Sandy beach areas dot its banks, where residents can enjoy fishing and picnicking with public access from Weweantic Beach.

AQUIFER RECHARGE AREAS

Most of Marion relies on a public water supply made up of water from five well sources. One of these sources is located in Marion and the remainder are located in Rochester. This inter-connection has implications for both towns. Additional development approvals in Rochester that connect to the existing water main along the Marion distribution system affect the remaining capacity available to Marion residents. Given this reality, predictions of Marion's ability to meet its future water needs must include this factor.

The Marion-based public water source is located on a sub-watershed basin adjacent to the Sippican River Valley in north Marion. Map 14 depicts the Zone I and II recharge protection areas located around the public water supply well. Recognizing the need to protect this fragile resource, the town designated a Water Supply Protection District on April 28, 1980, at the Annual Town Meeting. Since that time, the Water Supply Protection District has come to include an Aquifer Protection District. The current zoning map needs to be updated to match the DEP Zone 2 boundaries. The existing districts overlay portions of districts in all residential categories as well as general business and limited industrial zones. The minimum lot sizes of these zones range from 15,000 square feet to two acres.

The Water Supply Protection Districts place additional limitations on development. The current zoning map should be updated to match sub-basin boundaries. The only uses allowed by right are single-family residences. Other non-residential uses

MAP 14: WATER RESOURCES

WETLANDS BY TYPE

- Deep Marsh
- Cranberry Bog
- Salt Marsh
- Shallow Marsh Meadow or Fen
- Shrub Swamp
- Wooded Swamp
- Wetland Restoration Potential

WELLHEAD PROTECTION AREAS

- Zone I (400-foot radius)
- Zone II (severe pumping condition)

WATERBODIES

- SUB-WATERSHEDS (HUC 12)

- SUB-BASINS (HUC 8)

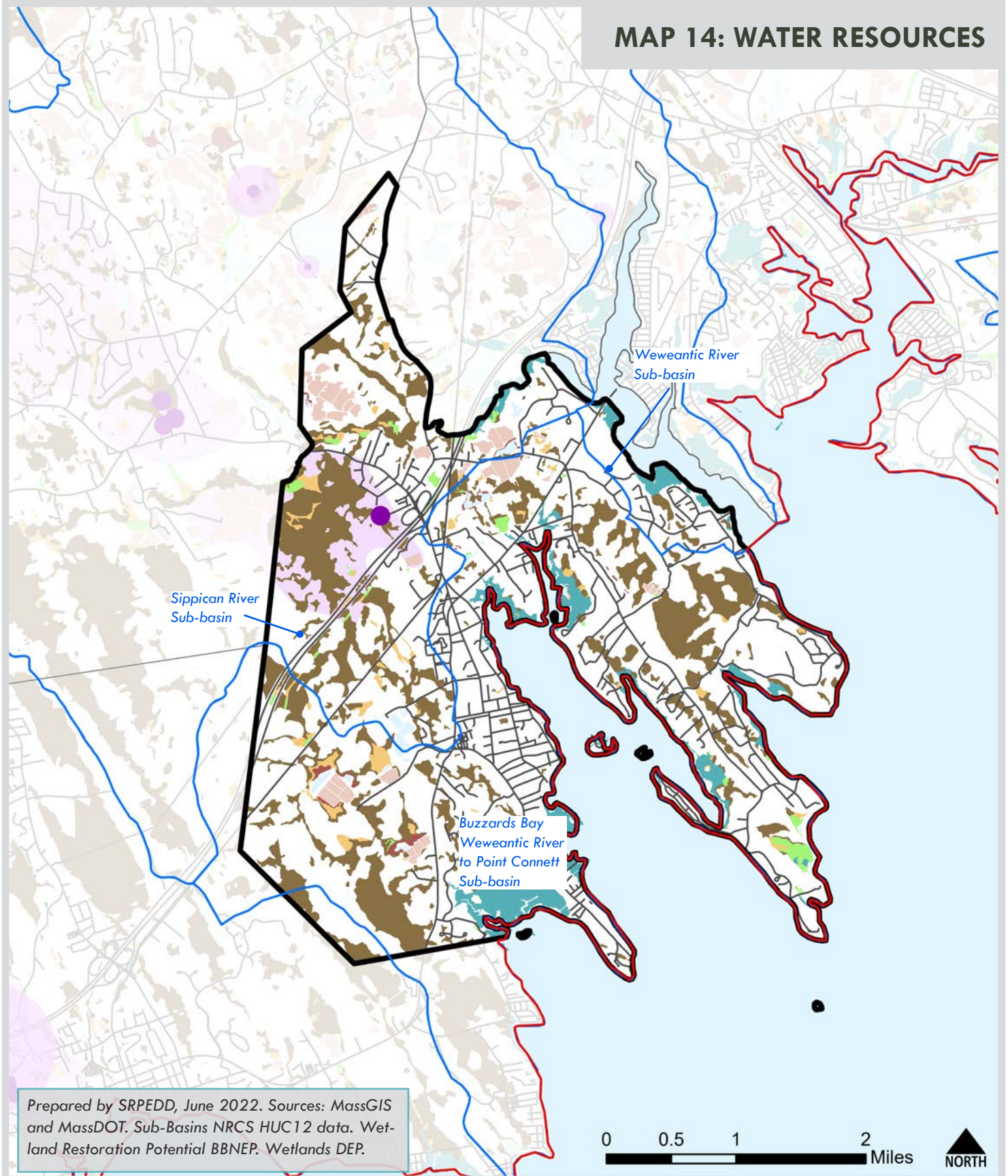
- ROADS

Restoring Wetlands

In 2005, the BBNEP finalized a study of altered and filled wetlands located on properties owned by public or land trust entities, as well as privately-owned abandoned cranberry bogs, identifying sites for potential wetlands restoration efforts.

In Marion, 52 sites totaling 71 acres of potential wetland restoration were identified (see Map 3). Some of these sites are collocated with endangered species habitat, aquifer areas, or Zone II wellhead protection areas. Information for each site can be found in the interactive map on the BBNEP website's Wetlands Protection page.

MAP 14: WATER RESOURCES



permitted in underlying zones are allowed only by special permit from the Board of Selectmen. Residential lot sizes are governed by the presence or absence of sewer service and the dimensional regulations of the underlying zone.

We note that the current special permit requirements of the bylaw repeat some of the provisions of the Site Plan Review process and Subdivision Rules and Regulations. In lieu of the special permit process, the town could consider establishing a clearer set of readily enforceable permitted and prohibited uses in line with DEP aquifer protection recommendations. Stronger regulations would improve the protection of these sensitive water recharge areas and establish more predictable outcomes for landowners.

A coordinated effort from both Marion and Rochester is needed to maintain the quality of all the wells.

FLOOD HAZARD AREAS

Most floodplains in Marion are associated with local waterways, the ocean, and wetlands. Flood hazard areas are delineated based on the likelihood of an area being inundated by flooding from storms of various magnitudes. The Federal Emergency Management Agency (FEMA) has created Flood Insurance Rate Maps (FIRMs) based upon these probabilities. Location in a flood hazard area has implications for the placement, design, and flood-proofing requirements for structures.

“Zone A” and “Zone V” are the designated Special Flood Hazard Area (SFHA), with a one percent chance of flooding in any particular year. Buildings can be placed in these zones with certain design features. Areas subject to a 0.2% chance of flooding in a given year are also shown on FIRMs for long-term planning purposes (there are no flood-proofing implications for this area). Marion has incorporated the SFHA floodplain designations on FIRMs with the effective date of July 1, 2021 into its Flood Hazard District, which requires construction in the SFHA to comply with several additional DEP and Building Code requirements.

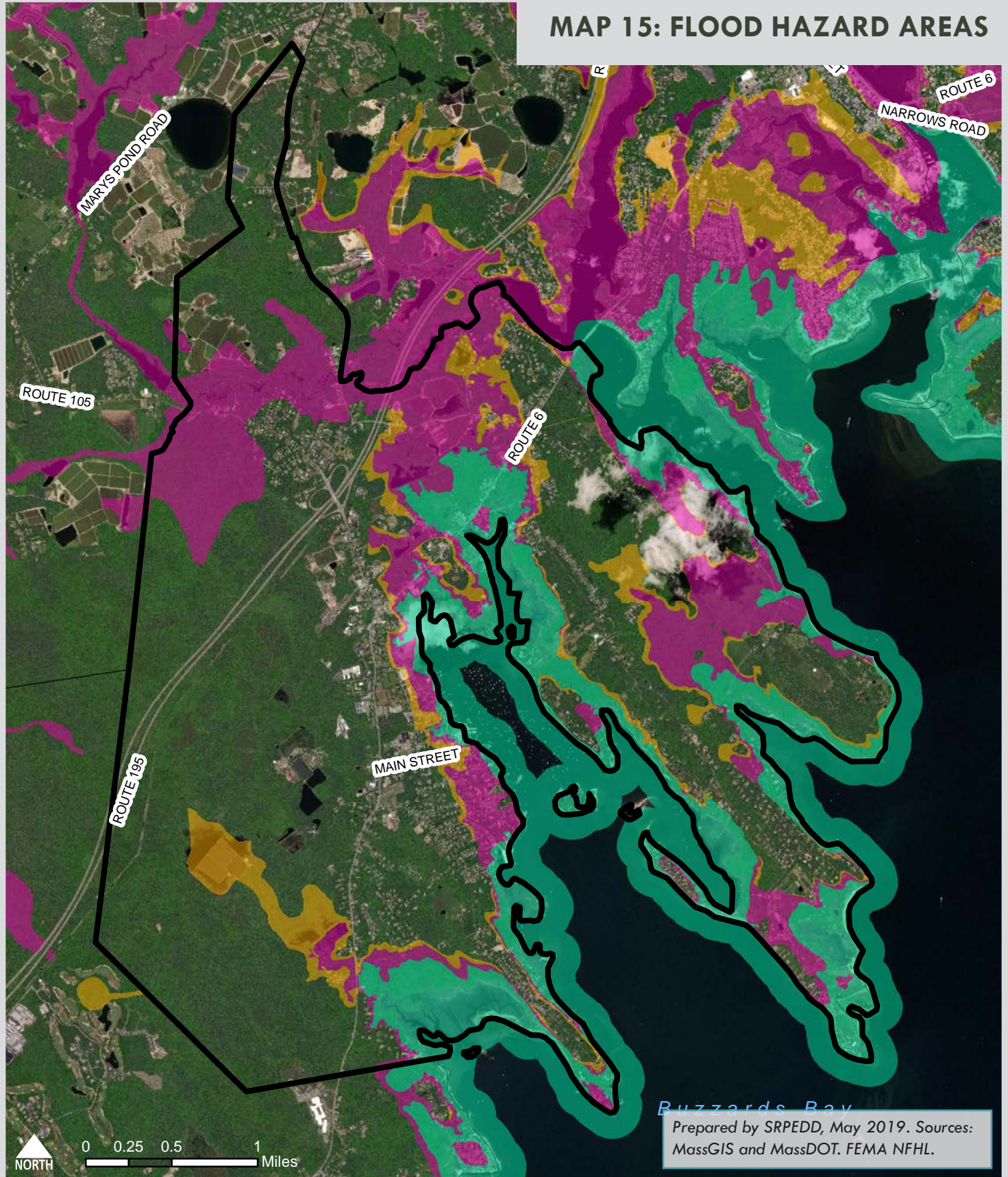
MAP 15: FLOOD HAZARD AREAS

While too small to be detectable in the flood hazard area map at the town-wide scale shown here, we queried the number of buildings in each flood zone in Marion. There are approximately 534 structures located in A Zones, 287 structures located in the VE Zone, and 290 structures located in the 0.2% chance area (totals exclude structures less than 500 square feet in footprint size).

FEMA FLOOD ZONE CLASS

- A zones (SFHA 1% annual risk)
- VE zone (SFHA 1% annual risk)
- 0.2% annual flood risk

MAP 15: FLOOD HAZARD AREAS



Today, the area subject to the most substantial flooding is the coastline and around the low-lying areas that connect larger waterbodies. The larger concern, however, is how inundation areas will expand as climate change intensifies and larger storms increase in frequency. Resources such as Resilient MA are available to analyze and consider flooding under future climate change scenarios.

PUBLIC ACCESS

The Massachusetts Office of Coastal Zone Management (CZM) maintains a Public Access and Coast Guide Program that tracks public coastal access sites throughout the Commonwealth. In this way, CZM supports the Public Trust Doctrine; the principle, dated as far back as Roman Law, that certain natural and cultural resources, including the sea and shoreline, should be protected and maintained for public use. CZM publishes an interactive online map of over 1,900 public beaches, boat ramps and other access sites along the coast that are owned by government agencies and non-profits. Map 16 is a replica of the CZM Coast Guide Online map for Marion, which demonstrates that all public access sites in town are locally-owned by either the town or non-profits.

NONPROFIT-OWNED ACCESS SITES:

- Sawyer Woods
- Aucoot Cove Parcels
- Bayview Marsh
- Stewards Island
- Gravel Island
- Ludes Estuary
- Lipsitt Preserve Peirson Woods
- Howland Marsh
- Osprey Marsh
- Brainard Marsh
- Barzelay Marsh
- Cantella Marsh

TOWN-OWNED ACCESS SITES:

- Aucoot Cove
- Silver Shell Beach
- Island Wharf
- Holmes Lane Right-of-Way
- Old Landing Wharf
- Oakdale Avenue Beach
- Boat Yard Park
- Planting Island Causeway
- Planting Island Cove Shellfishing Access
- Wings Cove Boat Ramp
- River Road Beach
- Bird Island
- Easement to Grassy Island

MAP 16: PUBLIC ACCESS TO THE COAST

SITE BY OWNERSHIP

- Municipal
- Non-profit
- Marion Boundary

MAP 16: PUBLIC ACCESS TO THE COAST



4C: Vegetation

Marion's vegetation is a reflection of its coastal location and sandy soils. The NHESP/TNC BioMap2 analysis identifies special and unique habitats. In terms of vegetation, it notes two large extents of intact forest core in the western portion of Marion that overlap with existing preserved land.

The soils in town are able to support Northern Pine Oak communities (commonly known as "Pine Barrens") where other tree types would not be able to thrive. Vegetation in these forests consists of Pitch Pine, Eastern Red Cedar, blueberry, huckleberry, Butterflyweed, and Poverty Grass. The BioMap program characterizes the Pitch-Pine-Scrub Oak community as home to several species that have adapted to windy, dry, open ridgetops. Pitch Pine depends on periodic fire to keep out competitor species, allowing it to persist over the long term.

BioMap2 also notes two Priority Natural Communities in Marion. There is an area of coastal forest/woodland described as a mixed deciduous community with dense shrubs and vines, typically found in sheltered areas along the coast. There is also a sea-level fen, described as a herbaceous/graminoid peatland that typically occurs at the upland edges of ocean tidal marshes where a combination of upland freshwater seepage and periodic brackish overwash produces a mixed plant community of freshwater and estuarine species. The fen in Marion is noted as being threatened by the presence of exotic invasive species.

In addition to these special plant habitats in Marion, there are several noted occurrences of endangered species within its borders. The NHESP Rare Species by Town Viewer database lists the following MESA-listed endangered, threatened and special concern vascular plant species in Marion:

Scientific Name	Common Name	State Rank	Most Recent Observation*
<i>Aristida purpurascens</i>	Purple Needlegrass	T	1929
<i>Crassula aquatica</i>	Pygmyweed	T	1998
<i>Panicum rigidulum</i> var. <i>Pubescens</i>	Long-Leaved Panic-Grass	T	1928
<i>Tripsacum dactyloides</i>	Northern Gama-grass	E	2011
<i>Dichanthelium dichotomum</i> ssp. <i>mattamuskeetense</i>	Mattamuskeet Panic-grass	E	1999
<i>Liantris scariosa</i> var. <i>novaeangliae</i>	New England Blazing Star	SC	1896

**Only those rare species records that are less than 25 years old are used in the Natural Heritage project review associated with Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) and Massachusetts Endangered Species Act Regulations (321 CMR 10.00).*

4D: Fisheries and Wildlife

Wildlife in Marion is typical of coastal Massachusetts, inhabiting a variety of local natural areas that support high species diversity. Virtually all of the species common to this area of the state are permanent or occasional residents in local forests, bogs and wetlands. The waterways and coastal areas of Marion are home to many types of fish and aquatic life commonly found in the region.

Wildlife common to the Marion area include mammals such as; coyote; white tail deer; eastern cottontail, opossum, river otter, muskrat, long-tailed weasel, fisher, grey fox, red fox, striped skunk, gray squirrel, and raccoon, eastern mole, masked shrew, short-tailed shrew, little brown bat, big brown bat, wild turkey, red bat, eastern chipmunk, woodchuck, white-footed mouse, Gapper's red-backed mouse, meadow vole, Norway rat, and meadow jumping mouse.

Habitat for wetland wildlife consists of open, marshy or swampy shallow water areas. Some of the wildlife attracted to such areas are ducks, geese, herons, shore birds, muskrat, frogs, and tree swallow. Species common to Bear Swamp (the portion of the Haskell Swamp Wildlife Management Area that is located in Marion) are red shouldered hawks, woodpeckers, hermit thrushes and other song birds. Snowshoe hare are stocked when they are available.

Most of the coastal areas off Marion are designated shellfish growing areas. The growing areas consist of places such as Sippican Harbor, Aucoot Cove, North Buzzards Bay and Wings Cove (see Map 17). In the designated shellfish growing areas of Marion, the species consist of blue crab, lobster, bay scallop, conch, oyster, quahog, sea scallop, soft shell clam, and surf clam. The waters off the coast of Marion contain bluefish, flounder, black sea bass, striped bass, Atlantic cod, and skate. The brackish ponds, lagoons, and inlets in the area are inhabited by common starfish, sand dollars, fiddler crabs, horseshoe crabs, blue crabs, rock crabs, oysters, bay scallops, and softshell clams. Areas in Marion near Hammett's Cove are permanently closed to shellfishing due to bacteria. Other areas are closed due to an oil spill that occurred in Buzzards Bay on April 27, 2003. This area includes portions of Sippican Harbor (Buzzards Bay Project).

There are three NHESP-certified vernal pools within Marion as of December 31, 2021 per the GIS data layer "NHESP Certified Vernal Pools," published by MassGIS, and one on the town line of Marion and Rochester in the northern portion of Bear Swamp. In 2000, the Department of Fish and Game developed a map of "potential vernal pools," which shows numerous areas in town that have the characteristic attributes of a vernal pool location but where no pool has been verified. These potential vernal pools are concentrated in the

MAP 17: SIGNIFICANT HABITAT AREAS FOR VEGETATION AND WILDLIFE COMMUNITIES





The Core and Critical Areas identified in the BioMap2 dataset (prepared by the Natural Heritage and Endangered Species Program and The Nature Conservancy - for additional information, see Appendix A) were developed as a conservation plan to protect the State's biodiversity. The state is currently working on developing the third iteration - BioMap3 - which can be used to identify updated Core and Critical habitats for acquisition in the future.

Core habitat consists of areas necessary to promote the long-term persistence of species of Conservation Concern (those listed under the Massachusetts Endangered Species Act as well as additional species identified in the State Wildlife Action Plan), exemplary natural communities, and intact ecosystems. Critical Natural Landscape identifies intact landscapes that are better able to support ecological processes, and a wide array of species and habitats over long time frames. One category that may be of particular interest in Marion is the Coastal Adaptation Analysis area, depicted with yellow hash marks. These areas show the existing landward side of salt marshes to determine where these habitats might move to as sea levels rise. These areas have high potential to support inland migration of salt marsh and other coastal habitats over the coming century, and should be considered for targeted preservation efforts.

northern-most portion of the town where Rochester, Wareham and Marion meet, as well as along the western portion of town on the Mattapoisett border and on Sippican Neck.

According to the NHESP there are six species of fish or wildlife in Marion that are considered endangered, threatened, or of special concern by the State of Massachusetts. One bird species, the Roseate Tern, is listed as endangered and threatened federally. As shown in Map 17, there is Tern foraging habitat in Buzzards Bay and on the Weweantic River around Marion. The presence of this foraging ground is a truly unique habitat phenomenon. Roseate Tern breed exclusively in only two areas worldwide: the northeast coast of the US and the Caribbean. Bird Island and Ram Island off Marion serve as nesting areas for about 50% for the North American breeding population of Roseate Terns.

BIOMAP2 AREAS

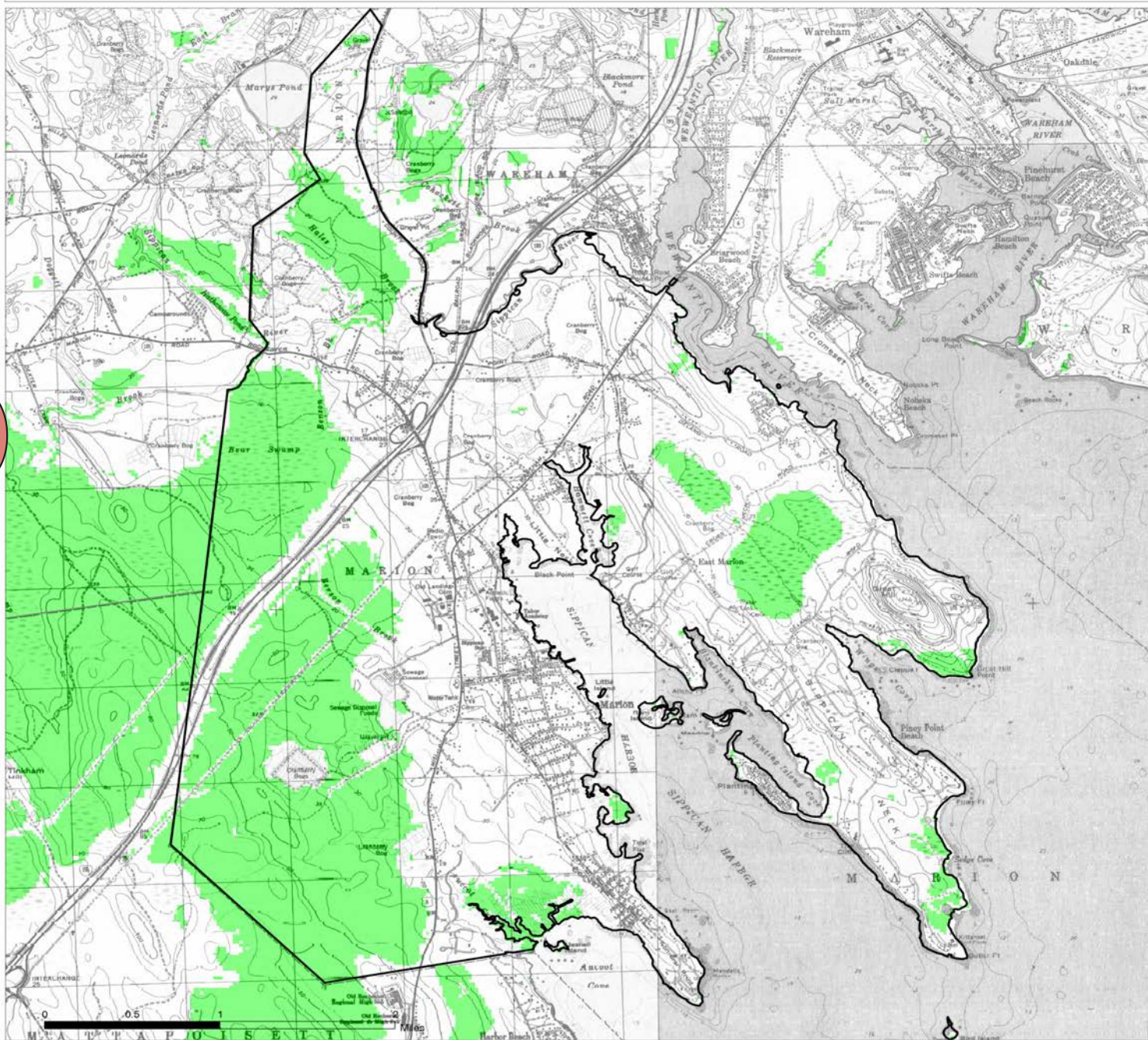
-  **Core Habitat**
-  **Critical Natural Landscape**
-  **Forest Core**
-  **Habitat for Species of Conservation Concern**
-  **Coastal Forest/Woodland Priority Natural Community**
-  **Sea-Level Fen Priority Natural Community**
-  **Aquatic Core**
-  **Coastal Adaptation Analysis as identified in BioMap2**
-  **Tern Foraging**
-  **Waterbodies**
-  **Certified Vernal Pool**
-  **Potential Vernal Pool**

4



MAP 19: HABITAT OF POTENTIAL REGIONAL OR STATEWIDE IMPORTANCE

Habitat of Potential Regional or Statewide Importance Town of MARION, MA



Habitat of Potential Regional or Statewide Importance

MassDEP's Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands (June 2006) adopted a new approach for assessing wildlife habitat impacts associated with work in wetlands. This approach utilizes maps developed at the University of Massachusetts Amherst using the Conservation Assessment and Prioritization System (CAPS). The maps depict Habitat of Potential Regional or Statewide Importance that may trigger more intensive review under the MA Wetlands Protection Act. For more information on how to assess wildlife habitat impacts, see Section III of the Guidance document: <https://www.mass.gov/doc/massachusetts-wildlife-habitat-protection-guidance-for-inland-wetlands/download>.

CAPS is an approach to prioritizing land for conservation/protection based on the assessment of ecological integrity for various ecological communities (e.g. forested wetland, shrub swamp, headwater stream) within an area. The CAPS model assesses ecological integrity of the Massachusetts landscape as influenced by environmental stressor metrics (e.g. pollution, fragmentation). It relies on data that are broadly available across Massachusetts. Ecological features which are not consistently surveyed or uniformly available, such as certified vernal pools, rare species habitat, and contamination sites are not included in the CAPS analysis. When available, this more specific ecological information may be used in conjunction with the CAPS outputs to better understand particular sites in Massachusetts and support informed conservation decision-making. For more information on the statewide maps produced by the CAPS model, see: <http://www.umasscaps.org>. These maps were prepared by the University of Massachusetts Amherst, with funding from the Massachusetts Department of Environmental Protection.

Updated July 23, 2021



UMass
Amherst



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Extension

CENTER FOR AGRICULTURE

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FIGURE 5: WILDLIFE SPECIES OF CONCERN IN MARION

Group	Scientific Name	Common Name	State Rank	Federal Rank	Most Recent Observation
Reptile	Malaclemys terrapin	Diamondback Terrapin	T	--	2013
Reptile	Terrapene carolina	Eastern Box Turtle	SC	--	2014
Bird	Sterna dougallii	Roseate Tern	E	Priority Species: LE, LT	2015
Bird	Sterna hirundo	Common Tern	SC	--	2015
Bird	Charadrius melodus	Piping Plover	T		2011
Butterfly/Moth	Papaipema sulphurata	Water-Willow Stem Borer	T	--	2015

4E: Landscape Character

SCENIC RESOURCES

The twenty-five (25) miles of tidal shorefront in Marion provide its citizens and visitors with a myriad of scenic vistas and coastal panoramas. Views of the eastern side of the inner Sippican Harbor from the village area reveal a natural setting, dotted with majestic summer homes. Aucoot Cove, Wings Cove and Great Neck all offer spectacular views of Marion's shoreline, and, in some areas, of Cape Cod as well. The presence of fresh and saltwater marshes along the shoreline add to the beauty of the town.

MAJOR CHARACTERISTICS AND UNUSUAL GEOLOGIC FEATURES

Minister's Rock is a 0.1-acre historic site, jointly managed by the DPW and the Ecumenical Council, that contains a large glacial erratic rock once used as a pulpit by colonists of Marion's first European settlement. This parcel is located close to one of Marion's historic cemeteries and consideration could be given to linking the two sites.

CULTURAL AND HISTORIC AREAS

The above-mentioned cemetery provides a look into Marion's past ancestry. Homes in Marion's informal historic districts (see Map 7) date as far back as 1780 and enhance the "old New England village" atmosphere. Buildings along lower Main Street, from Front Street to the water, served as cooperages, ships chandleries, and lofts during the 19th century. Long Wharf, built in 1806, was used by whalers and commercial transport vessels. Some of Marion's older public buildings are still in use, such as the Music Hall (1892) and the Town Hall (1876). The lighthouse on Bird Island is listed in the National Register of Historic Places.

UNIQUE NATURAL ENVIRONMENTS

As described above in detail, the BioMap2 program identified significant wildlife habitat areas and ecological communities. There are areas in Marion that stand out as important wildlife habitat due to their vegetation and landscape composition. In Marion, there are areas of Core Habitat, Critical Natural Landscapes and Permanently Protected Open Space. Map 5 demonstrates the overlap between these significant core and critical areas with existing preserved lands. Ongoing effort should be put forth to ensure that future preserved areas overlap with the BioMap2 networks. These natural landscapes are a very important part of maintaining the vast wildlife in town.

Marion does not contain any Outstanding Resource Waters (ORW's) or Areas of Critical and Environmental Concern (ACEC's) according to the Massachusetts Department of Environmental Protection. However, Marion contains several shellfishing areas. According to 314 CMR 4.06, the Weweantic River and the Sippican River are class SA4 areas. These waters are designated as an excellent habitat for fish, other aquatic life and wildlife and for primary and secondary contact recreation. In approved areas they shall be suitable for shellfish harvesting without depuration (Open Shellfish Areas.) These waters shall have excellent aesthetic value (314 CMR 4.06). Sippican Harbor, Aucoot Cove and County Road to confluence are also included in this classification. It is required in the DEP Stormwater Management Policy that stormwater discharge to these critical areas (shellfish beds) utilize specific stormwater management Best Management Practices (BMP's).

OVERALL LANDSCAPE CHARACTER

The character of Marion's landscape reflects its seaside location and its maritime past. Its distance from major metropolitan areas has allowed the town to maintain a small-town feeling with its quaint downtown area that includes a general store and post office right across the street and its beautiful coastline with one of the "prettiest harbors in Buzzards Bay" (Sippican Harbor). Tree-lined streets and white picket fences characterize Marion as a true New England town. This once small fishing village has become an attraction for summer vacationers as well as a retreat for year-round residents.

4F: Environmental Challenges







WASTES

According to data maintained by the Massachusetts Department of Environmental Protection, 35 sites (Figure 6 below) in Marion have been affected by hazardous waste contamination. The table of sites in Marion demonstrates the following breakdown of sites by compliance status:

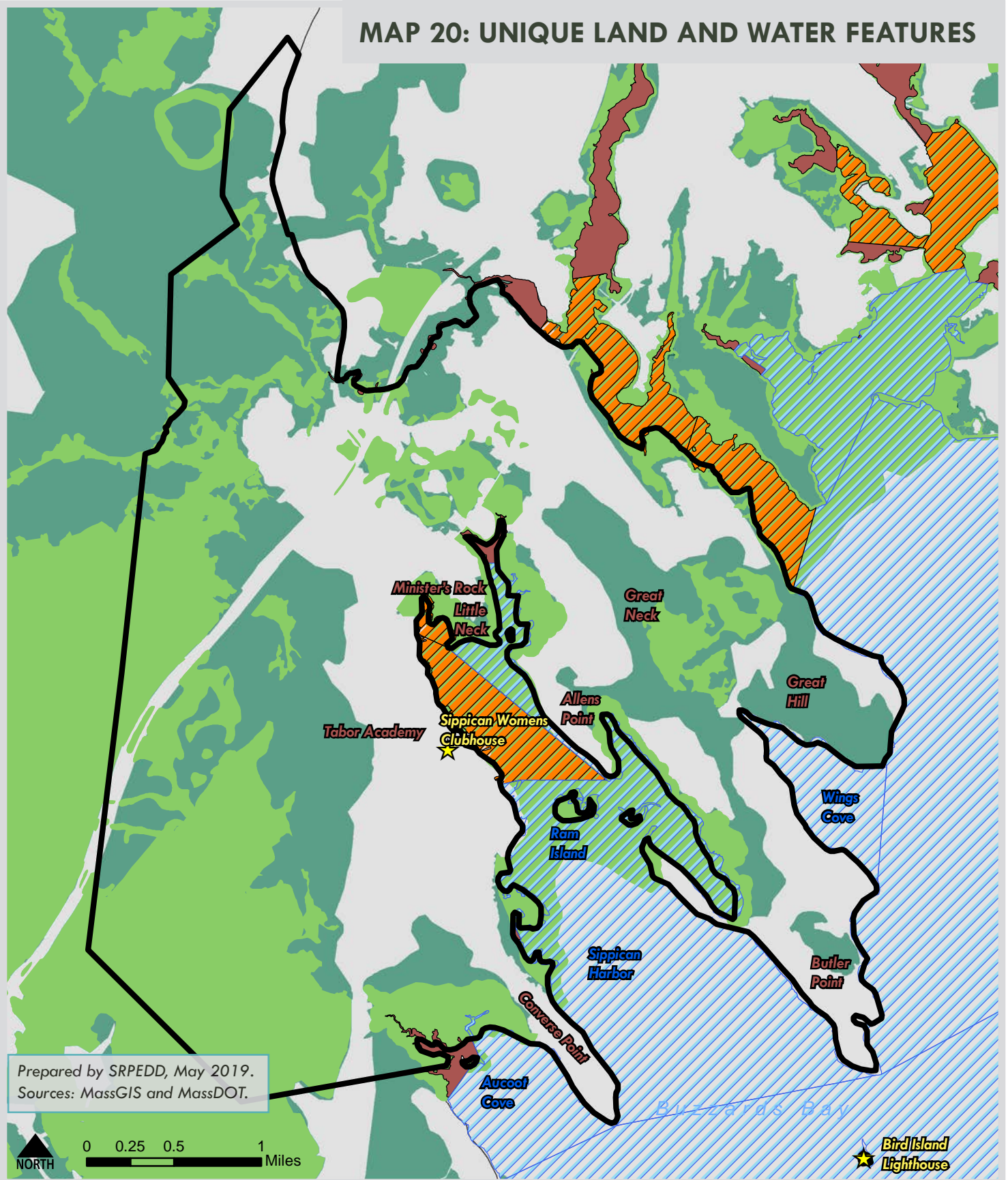
- Adequately Regulated (ADEQUATE REG) - three sites fall into this category, which indicates that release response actions are being conducted following the rules of another state or federal regulatory program.
- DEP or LSP No Further Action (DEPNFA or LSPNFA), - four sites fall into this category, indicating that response actions were conducted and that no further action is needed for the site as determined by either the DEP or a Licensed Site Professional.

MAP 20: UNIQUE LAND AND WATER FEATURES

Marion's unique landscapes derive from its long-standing history of development along the coast of Buzzards Bay. The attributes in this map demonstrate its well-known monuments, historical sites, special habitat areas, and the status of shellfishing waters tied in with its maritime history.

-  **BioMap2 Core Habitat**
-  **BioMap2 Critical Natural Landscape**
-  **Approved Shellfishing Area**
-  **Conditionally Approved Shellfishing Area**
-  **Prohibited Shellfishing Areas (2019)**
-  **Historic Assets with Designation**

MAP 20: UNIQUE LAND AND WATER FEATURES



- Permanent Solution with Conditions (PSC) - one site in Marion falls into this category, indicating that a permanent solution statement has been submitted and the site has achieved a level of no significant risk for the current uses of the property, but additional cleanup or management may be needed for other future uses.
- Permanent Solution with No Conditions (PNSC) - seven sites in Marion have been cleaned to this standard, indicating that a permanent solution statement has been submitted and the site has achieved a level of no significant risk with unrestricted use.
- Response Action Outcome (RAO) - 18 sites in Marion have performed response actions sufficient to achieving a level of no significant risk at the site.
- Tier 1 sites - there are two tier one sites in Marion. One is currently in phase III of the cleanup process, which entails the identification of cleanup options and selection of a cleanup plan. There is one Tier 1D site, where the responsible party has failed to provide a submission to the DEP by a required deadline.

Marion's trash is now transported to the SEMASS facility in Rochester, and is no longer dumped in the town landfill. There is outflow from this dump, but it is filtered as it flows through Bear Swamp, thereby reducing its pollution potential. The landfill has been capped and closed.

EROSION & SEDIMENTATION

Because Marion is generally flat, little damage is caused by precipitation-related erosion. Two beaches are the exception to this: Silvershell Beach and Weweantic Beach-1.

These beaches experience erosion because they are without vegetation and both have stormwater runoff flowing onto them. Erosion is also occurring at Point Road (northwest of Planting Island Causeway) due to foot traffic up this steep hillside. Overall, the presence of swamps and marshes along the shoreline, with their buffering, filtering and absorption qualities, generally help to reduce erosion along Marion's waterfront.

No major sedimentation problems exist due to the general lack of erosion and agricultural land uses other than cranberry bogs. As cranberry bogs are retired, however, a significant consideration should be given to the natural ecological benefits of returning and restoring these areas to a natural wetland state, an option that improves water quality.

FIGURE 6: HAZARDOUS MATERIAL SITES IN MARION

RTN	Site Name Location Aid	Notification Date	Compliance Status	Date	Phase	RAO Class	Chemical Type
4-0016784	MARION HARBOR	01/17/2002	ADEQUATE REG	01/17/2002			Oil
4-0016115	ISLAND WHARF	03/13/2001	ADEQUATE REG	03/13/2001			
4-0015425	LANDFILL	04/10/2000	ADEQUATE REG	04/02/2001			
4-0000731	PROPERTY	07/15/1989	DEPNFA	04/19/1994			
4-0000926	PROPERTY	07/15/1993	LSPNFA	10/17/1997			
4-0000291	PROPERTY	04/15/1987	LSPNFA	10/31/1996			
4-0027505	FORMER CUMBERLAND FARMS GAS STATION	10/22/2018	PSC	02/15/2019		PC	
4-0027667	DIESEL FUEL RELEASE	02/08/2019	PSNC	04/05/2019		PN	
4-0026793	RESIDENCE	07/31/2017	PSNC	09/06/2017		PN	
4-0026660	ROUTE 195 EAST BOUND, MM 33	05/29/2017	PSNC	07/26/2017		PN	
4-0025950	RESIDENTIAL PROPERTY	01/19/2016	PSNC	04/29/2016		PN	
4-0025754	TABOR ACADEMY	08/18/2015	PSNC	10/15/2015		PN	
4-0025600	UTILITY POLE 10/47	05/06/2015	PSNC	06/17/2015		PN	Oil
4-0025011	OFFICE BUILDING	02/21/2014	PSNC	03/02/2015		PN	Oil
4-0023768	CUMBERLAND FARMS	01/19/2012	RAO	05/02/2012		A2	Oil
4-0023231	NEAR 240 COUNTY RD	05/05/2011	RAO	06/08/2011		A2	Oil
4-0022816	0.5 MI WEST OF EXIT 20	08/27/2010	RAO	10/25/2010		A2	Oil
4-0022694	CUMBERLAND FARMS	06/25/2010	RAO	08/26/2010		A2	Oil
4-0020456	NO LOCATION AID	04/20/2007	RAO	02/23/2010	PHASE II	A2	Oil
4-0019546	DEXTER BEACH	01/05/2006	RAO	09/07/2006		A2	Oil
4-0018184	POLE #48/2 AT 73 COUNTY RD	12/18/2003	RAO	12/29/2003		A1	Oil
4-0017097	NO LOCATION AID	06/01/2002	RAO	08/15/2002		A2	Oil
4-0014563	RESIDENCE	02/25/1999	RAO	06/30/1999		A1	Oil
4-0014512	NO LOCATION AID	02/08/1999	RAO	05/10/1999		A2	Oil
4-0012766	RESIDENCE	01/17/1997	RAO	01/16/1998		A2	Oil
4-0012355	PARCEL 41A	07/19/1996	RAO	09/30/1996		A2	Hazardous Material
4-0012081	LOT 30 & 41A	04/05/1996	RAO	09/30/1996	PHASE II	A2	Oil
4-0011439	BURR BROS BOATS, INC	06/20/1995	RAO	08/21/1995		A2	Oil
4-0011118	NO LOCATION AID	02/08/1995	RAO	05/10/1995		A2	Oil
4-0010655	RTE 105 AND NORTH RD EXITS	08/06/1994	RAO	10/24/1994			Hazardous Material

RTN	Site Name Location Aid	Notification Date	Compliance Status	Date	Phase	RAO Class	Chemical Type
4-0010382	NO LOCATION AID	02/28/1994	RAO	06/16/1995		A2	Oil
4-0000701	SUNOCO SERVICE STATION	03/07/1989	RAO	01/17/1997		A2	
4-0011255	NO LOCATION AID	04/03/1995	TIER1D	07/07/2008			Oil
4-0026605	SINGLE FAMILY RESIDENCE	04/13/2017	TIER1	04/12/2018	PHASE II		
4-0027731	SINGLE FAMILY RESIDENCE	04/10/2019	UNCLASSIFIED	04/10/2019			

WATER ISSUES

Much of Marion is within the SFHA, due in part to its fairly flat topography, and low average elevation of 20 feet above sea level. The abundance of salt marshes along Marion's shoreline assists in protecting the town from the destructive energy of a flood-inducing storm, though this may change as storms intensify with climate change.

Over the years, failed septic systems and degraded stormwater runoff have caused isolated areas of shellfish closure. In 1990, 290 acres of shellfishing areas were closed due to bacterial pollution. According to the Marion Harbor Master, there are still seven sites that are closed due to pollution: Northwest end of Aucoot Cove, 50' on either side of the brook around Peckhams Pond, between #57 and #61 Water Street, Holmes Brook, Burr Brothers, the north end of Hammetts Cove, and the Sippican River north of DePina Landing. Seasonal closures occur in Sippican Inner Harbor (closed in summer and part of fall), Upper Weweantic River north of Dexter Beach (closed in spring, summer, and fall), and Lower Weweantic River Dexter Beach south (closed in summer)

Pollution of many Sippican Harbor coves and inlets has been a problem in the past; specifically due to nitrogen and fecal coliform content. High levels of coliform bacteria have been found, especially concentrated in those coves with discharges from roads. Nitrogen pollution tends to be found in coves with restricted openings. These tidally restricted coves are unable to flush out nitrogen as effectively as coves subject to the cleansing effect of the twice-daily tide. This problem is of special concern in the summer, with the added seasonal population. In recent years, Marion has taken steps to reduce the threat of coliform pollution through the purchase of a pump-out station for boats and the explorations of options for planned expansion of the waste water treatment plant collection system.

Currently, approximately 92 acres of shellfishing areas in waterbodies abutting Marion are closed. These areas include Aucoot Cove, Water Street, Hammett Cove, Jobs Cove, Holmes Brook, Burr Brothers and the Sippican River.

Five water bodies are on the state list of water bodies requiring Total Maximum Daily Load (TMDL's) for pathogens: the Weweantic River, Hammett Cove, Aucoot Cove, Sippican Harbor, and Sippican River.

- Aucoot Cove receives the town's wastewater effluent. Town officials are currently reviewing a final draft of the Comprehensive Wastewater Management Plan (CWMP) looking to address systemic issues including inflow and infiltration, capacity, and water quality discharge.
- Hammett's Cove is one of the ten worst sites in Buzzards Bay for nitrogen pollution. Sources of nitrogen include septic systems, fertilizers, and stormwater runoff. Sewer expansion to areas of small lots should be considered in the Hammett's Cove Watershed.
- Sippican Harbor is a major anchorage, but it also is the discharge point for most of the impervious surface storm water discharges in Marion. Open space purchases have been available for the siting of storm water treatment systems and that practice should continue to improve water quality in Sippican Harbor.
- Sippican River is a shared water body with the Town of Wareham. Pathogen sources should be determined to determine the correct strategy for remediation.

SECTION 5: INVENTORY OF LANDS OF CONSERVATION AND RECREATION INTEREST

5A: Definitions

TYPES OF PROTECTED LAND

Open space preservation is critically important. It affords the local population an opportunity to enjoy the benefits of more rural landscapes and associated activities as well as relief from the constraints of excessive urbanization. Relative to its surrounding context and particular characteristics, the general category of open space also serves a vital role as a buffer between land uses, for flood control, community resilience, and as habitats for desirable plant and wildlife species, land protected by coastal wetland restrictions, and owned by NGO's for conservation purposes. Open space includes a variety of land types that provide numerous benefits not only to the Town and its residents, but to the region as a whole. Open space value includes aesthetics, natural resources, recreational opportunities, and economic vitality. It also plays an important part in shaping community identity and enhancing the quality of life.

Protected land includes:

1. Any land that is specifically designated for conservation purposes under MGL Chapter 40, Section 8C (Conservation Commission Act), contains a conservation restriction under MGL Chapter 184, Sections 31-33, or designated for conservation or recreation purposes purchased with LAND grant funds (or former Self Help or Urban Self Help Grant funds funding under MGL Chapter 132A, Sections 2B and the implementing regulations 301CMR7.00).
2. State-owned wildlife habitat land and water department land held for aquifer protection, and recreation land is protected under Article 97 of the Amendments to the Constitution (See Appendix D for information about the interpretation of Article 97 over time, and for a list that is helpful, though not necessarily extensive, in documenting the lands in Marion subject to Article 97). Park land dedicated under MGL Ch. 45, Sections 3 and 7, are also afforded protection under Article 97. All other municipally-owned land is defined as land not committed to conservation purposes, or parks not dedicated under MGL Chapter 45, Sections 3 and 14, and therefore are not protected under Article 97.
3. The majority of land acquired using the aforementioned laws and funding sources consists of municipal and government land holdings and is referred to as "public open space land" in this document. There are private landowners, like land trusts, whose

land is also permanently protected and open to the public. The Sippican Land Trust in Marion is a significant owner and contributor to open space in Marion. This land is referred to as “private open space land” in this document.

4. Private lands can be protected in perpetuity through deed restrictions, or conservation easements (yet some easements only run for a period of 30 years and those lands are therefore not permanently protected open space). These private lands are permanently protected lands if the deed is restricted by a Conservation Restriction, Agricultural Preservation Restriction, Historic Restriction, or Wetlands Restriction. Those restrictions running in perpetuity are protected under Article 97 of the Articles of Amendment to the State Constitution.

Sometimes the term “conservation” land is used when residents are looking for information about wetlands. This is a very common mistake. Conservation land is land that is owned or managed by the Conservation Commission while wetlands describe the physical and biological characteristics of land regulated under the Massachusetts Wetland Protection Act. While some wetlands might be protected as conservation land, not all conservation land contains wetlands.

The distinction between active and passive recreation (defined below) has not always been clear to the public or local officials, but it is very important when dealing with land under the management of the Conservation Commission or under the management of the Recreation Commission. By law, only passive recreation is allowed on land owned or managed by the Conservation Commission.

Passive Outdoor Recreation. Per the Massachusetts Division of Conservation Service’s (DCS) recently revised definition (per 301 CMR 5.00), passive outdoor recreation is any outdoor activity that occurs in a natural setting with minimum disturbance of the natural and cultural resources, and that is consistent with quiet enjoyment of the land.

Passive activities include, but are not limited to, hiking, nature study, outdoor education, cross country skiing, snowshoeing, horseback riding, trail bicycling, hunting, fishing, picnicking, canoeing, ice-skating, community gardening in existing fields, swimming in a natural water body with minimal site development, or informal sports activities on an open natural field. Snowmobiling may be considered passive outdoor recreation for the purposes of eligibility and reimbursement under the above regulations if the municipality determines that it is compatible with other activities. Facilities necessary to support passive recreation with a minimum of disturbance to the natural and cultural resources,

such as natural surface trails and wood roads, and appropriately-scaled parking areas, bathrooms, and nature centers, are considered consistent with passive outdoor recreation. Passive outdoor recreation areas may also be managed for sustainable forestry and farming, including community farms and forests.

Active Outdoor Recreation. The definition of Active Outdoor Recreation has also been revised by DCS (per 301 CMR 5.00) to include any outdoor recreation that occurs in parks and requires significant alteration of the natural landscape to provide playground or active sports facilities, such as: tennis, basketball or other court sports; ballfields; swimming pools or spray pads; paved bike or walking trails; golf courses; marinas; enclosed dog parks; boat rentals; concession stands; community gardens; outdoor skating rinks; bathroom buildings; bleachers or stands, or; other developed facilities needed for active outdoor recreation.

Private lands can be protected in perpetuity through deed restrictions, or conservation easements (yet some easements only run for a period of 30 years and those lands are therefore not permanently protected open space). These private lands are permanently protected lands if the deed is restricted by a Conservation Restriction, Agricultural Preservation Restriction, Historic Restriction, or Wetlands Restriction. Those restrictions running in perpetuity are protected under Article 97 of the Articles of Amendment to the State Constitution.

Conservation Restriction. A conservation restriction is a deed restriction that protects property as open space. Landowners can donate a conservation restriction to a local Conservation Commission; sometimes the development rights can be sold to the Conservation Commission instead. The DCS, acting on behalf of the Executive Office of Energy and Environmental Affairs (EEA), approves the language of the restriction and the owner records the conservation restriction at the Registry of Deeds with the property. Even if the property changes hands the restriction will remain in place. A number of land owners place conservation restrictions on their property to ensure that their family's land will remain in its natural state even after they have passed.

A conservation restriction may be owned by a non-profit land trust or another non-profit organization including the town itself; it does not necessarily have to be held by the owner of the land. In many cases, a land trust may hold a conservation restriction on land that is owned by a private landowner or even on land that is owned by the town or state.

It is not commonly known that land purchased or designated and used for conservation

purposes is not always protected in perpetuity from development. Conservation Restrictions may vary in duration. Some expire after a period of time (often referred to as a “sunset clause”). The best way to ensure a parcel’s perpetual protection is to place language in the deed to that effect. In order to ensure perpetual protection, a permanent conservation restriction should be assigned to the deed and recorded at the Registry of Deeds.

5B: Open Space Inventory

This plan includes an inventory of lands that are important to the Town in terms of their current status as existing open space and/or recreation areas. Some of these sites are permanently preserved tracts, while others currently exist as open space but are not permanently protected and are thus vulnerable to use conversion. Public, non-profit and private sites are included in this set of open space sites as described below.

The owner, map and parcel number, size of the parcel, recreational potential, public and handicapped access, current use of the site, degree of protection, condition, means of purchase (grant source, etc.), and zoning, for each parcel in the inventory, is included in the Inventory of Lands of Conservation Interest in Appendix E of this Open Space and Recreation Plan.

Existing Public and Nonprofit Open Space

The public and nonprofit lands included in the inventory belong to one of the following entities:

Local

- Permanent Conservation Restrictions
- Marion Board of Selectmen
- Marion Conservation Commission
- Marion Marine Resources Commission
- Marion Open Space Acquisition Commission
- Marion Parks Committee
- Marion Recreation Department
- Marion Water and Sewer Commissioners

State

- Department of Fish and Game
- Coastal Wetland Restriction

Nonprofit

- Sippican Lands Trust
- The Trustees
- Wildlands Trust
- Washburn Park Memorial Trust
- Northeast Wilderness Trust

Federal

- Natural Resources Conservation Service

PUBLIC AND NONPROFIT PARCELS

DCS defines protected lands as lands that are public or semi-public parcels that are permanently reserved for conservation purposes, meaning that not all publicly-owned land falls under the category of permanently preserved land.

Unprotected public lands in the inventory consist of the town-owned lands that are unimproved and not committed for conservation purposes. These tracts may include park and recreation land, conservation land, or multi-purpose open space land. Even land that is currently used for conservation and recreation is not always protected and can be developed by the municipality at any time, provide the appropriate legal steps are followed.

Per state law, land that was acquired for the purposes of natural resource protection is subject to greater preservation guarantee. Lands in this category can only be converted to another other use after taking the following actions:

1. The matter must be taken up at Town Meeting or City Council and pass by a 2/3 vote;
2. The city/town must file an Environmental Notification Form (ENF) with EEA's MEPA Unit;
3. The matter must pass by a 2/3 vote of the Massachusetts Legislature; and
4. If the land was acquired with assistance from one of the EEA's Division of Conservation Service's funding programs, the converted land must be replaced with land of equal monetary value and recreational or conservation utility.

These steps are meant to ensure that land acquired for conservation and recreation remains protected. If these steps are adhered to, however, it is possible to change a parcel's designation. It is conceivable that future politics and municipal land use needs may change a city or town's approach to conservation and recreation parcels, and develop them for other purposes.

In other cases, parcels may not have clear deed language, or if they do, their land use status not always known by land planners. Therefore, for the purposes of open space planning, these questionable parcels must be perceived and treated as unprotected land until a thorough deed examination is conducted. The Town should research all publicly owned land to establish its conservation and recreation status. Lands that are not legally protected in perpetuity should have a permanent conservation restriction assigned to their deed and recorded with the Registry of Deeds.

It is important that the Town also be aware of a deed or deeds that invoke the “public trust doctrine.” Deeds invoking the public trust doctrine offer the highest form of land protection. (For more on the public trust Doctrine, see the legal case Tinkham v. Town of Mattapoisett documented in Appendix F). Finally, the Town should continue to work in conjunction with land trusts and other private land conservation organizations to acquire conservation restrictions on all unprotected municipal lands.

PRIVATE PARCELS

Private land in the inventory refers to land enrolled in MGL Chapters 61, 61A, 61B, and other private lands that add significantly to the open space profile of the Town. These undeveloped parcels may provide aesthetic appeal, may contribute to the Town’s rural character, or may be an important part of the Town’s natural resource base.

The unprotected lands in the Town have been divided into six sub-categories:

- park and recreation land;
- conservation land;
- multi-purpose open space land;
- Chapter 61 Forest Lands.
- Chapter 61A Agriculture Land; and,
- Chapter 61B Recreation Lands.

Additional information for each of the Chapter Lands programs is included below. In general, the Chapter 61, 61A, and 61B programs are designed to encourage the preservation of the state’s valuable forested, agricultural, and recreational lands. The programs offer significant local tax benefits to property owners willing to make a long-term commitment to these land uses. The city or town has an option to purchase any classified land whenever the owner plans to sell or convert it to a residential, commercial or industrial use. If the owner plans to sell the land, the city or town has the right to match a bona fide offer to purchase it. If the owner plans to convert the land to another use, the city or town has the right to purchase it at fair market value, as is determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization.

To ensure the continued protection of all Chapter 61 properties, the Town’s Conservation

Commission and the Recreation Department, in cooperation with the Assessor, should conduct an annual review (including possible interviews with owners) of all Chapter 61 properties to assess which properties should be pursued for potential acquisition. By conducting these reviews annually, the town can develop a ranking and prioritization system for potential acquisition. This will provide a rationale and clear direction for the town in its pursuit of securing the funding necessary for land purchases.

Chapter 61

The forest land classification program under Massachusetts General Laws Chapter 61 (MGL CH 61) is designed to encourage the preservation and enhancement of the state's forests. Eligible parcels must consist of at least 10 contiguous acres of land under the same ownership and be managed under a 10-year management plan approved and certified by the State Forester in order to qualify for and retain classification as forest land under Chapter 61. Buildings and other structures located on the parcel, as well as the land on which they are located and any accessory land, do not qualify for classification and continue to be assessed a regular local property tax.

5 MGL Ch. 61 allows landowners to reduce the property tax burden on their woodlands if they are willing to keep the forested land undeveloped and in wood production. Rather than being assessed for its development value, land enrolled in Ch. 61 is assessed for its forestry use. Forestland assessment values are set annually by the Farmland Valuation Advisory Commission, a state-appointed commission, and are based on the estimated market value of the forest products the land is capable of producing. Land certified under Chapter 61 receives a substantial tax reduction. An annually adjusted per-acre valuation is calculated using the land location and productivity level determined by use category and USDA soil rating. This valuation number is multiplied by the Town's annual tax rate.

An approved Forestry Management Plan must be filed with the local board of assessors. To continue in the program, the plan must be renewed every 10 years. As part of the agreement, the town receives a right-of-first refusal option to purchase the property if the owner decides to sell to someone other than a relative. If landowners choose to remove their land from Chapter 61 prior to the 10-year anniversary, they must repay all the taxes which were avoided and a 14 percent interest penalty.

Chapter 61A

The agricultural and horticultural land classification program under MGL Ch. 61A is designed to encourage the preservation of the state's valuable farmland and promote

active agricultural and horticultural land use.

Eligible property must consist of at least 5 contiguous acres of land under the same ownership and be “actively devoted” to agricultural or horticultural land use under Chapter 61A. Land is used for agricultural or horticultural purposes if it is used primarily and directly to raise or grow the following for sale in the regular course of business:

- Animals, including, but not limited to dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees and fur-bearing animals, or products derived from the animals.
- Fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse products.
- Forest products under a forest management plan approved by the State Forester (see Chapter 61 discussion).

For the land to be considered “actively devoted” to a farm use, it must have been farmed for the two fiscal years prior to the year of classification and must have produced a certain amount of sales. The minimum gross sales requirement is \$500 for the first 5 acres of productive land. That amount is increased by \$5 for each additional acre of productive land being classified, unless the additional acreage is woodland or wetland. In that case, the amount is increased by only \$50 for each additional acre.

Buildings and other structures located on the parcel, as well as any land on which a residence is located or regularly used for residential purposes, do not qualify for classification and continue to be assessed a regular local property tax. As part of the agreement, the town receives a right-of-first refusal option to purchase the property if the owner decides to sell to someone other than a relative.

Chapter 61B

The recreational land classification program under MGL Ch. 61B is designed to encourage the preservation of open space and promote recreational land uses. It offers significant local tax benefits to property owners willing to make a long term commitment to preserving land in an undeveloped condition or for use for outdoor activities.

Property must consist of at least 5 contiguous acres of land under the same ownership in order to qualify for and retain classification as recreational land under Chapter 61B. The land must fall into one of the following two categories to qualify:

1. It must be maintained in a substantially natural, wild or open condition or must be maintained in a landscaped condition permitting the preservation of wildlife and natural resources. It does not have to be open to the public, but can be held as private, undeveloped, open space land.
2. It must be used for certain recreational purposes and must be open to the public or members of a non-profit organization. Recreational purposes include land used primarily for any of the following outdoor activities, so long as they do not materially interfere with the environmental benefits of the land: hiking, camping, nature study and observation, boating, golfing, non commercial youth soccer, horseback riding, hunting, fishing, skiing, swimming, picnicking, private non-commercial flying, hang gliding, archery, and target shooting.

Buildings and other structures located on the land, as well as the land on which a residence is located or regularly used for residential purposes, do not qualify for classification and will continue to be assessed a regular local property tax.

Under Chapter 61B, the owner still pays an annual property tax to the city or town in which the classified land is located. However, the tax is based on the commercial tax rate for the fiscal year applied to the value of the land for recreational purposes, rather than its fair market value as would be the case if the land were not classified. The value of the land for recreational purposes is determined annually by the assessors and cannot exceed 25 percent of the fair market value of the land.

MAP 21: OPEN SPACE BY LEVEL OF PROTECTION

The vast majority of open space in Marion has been preserved in perpetuity.

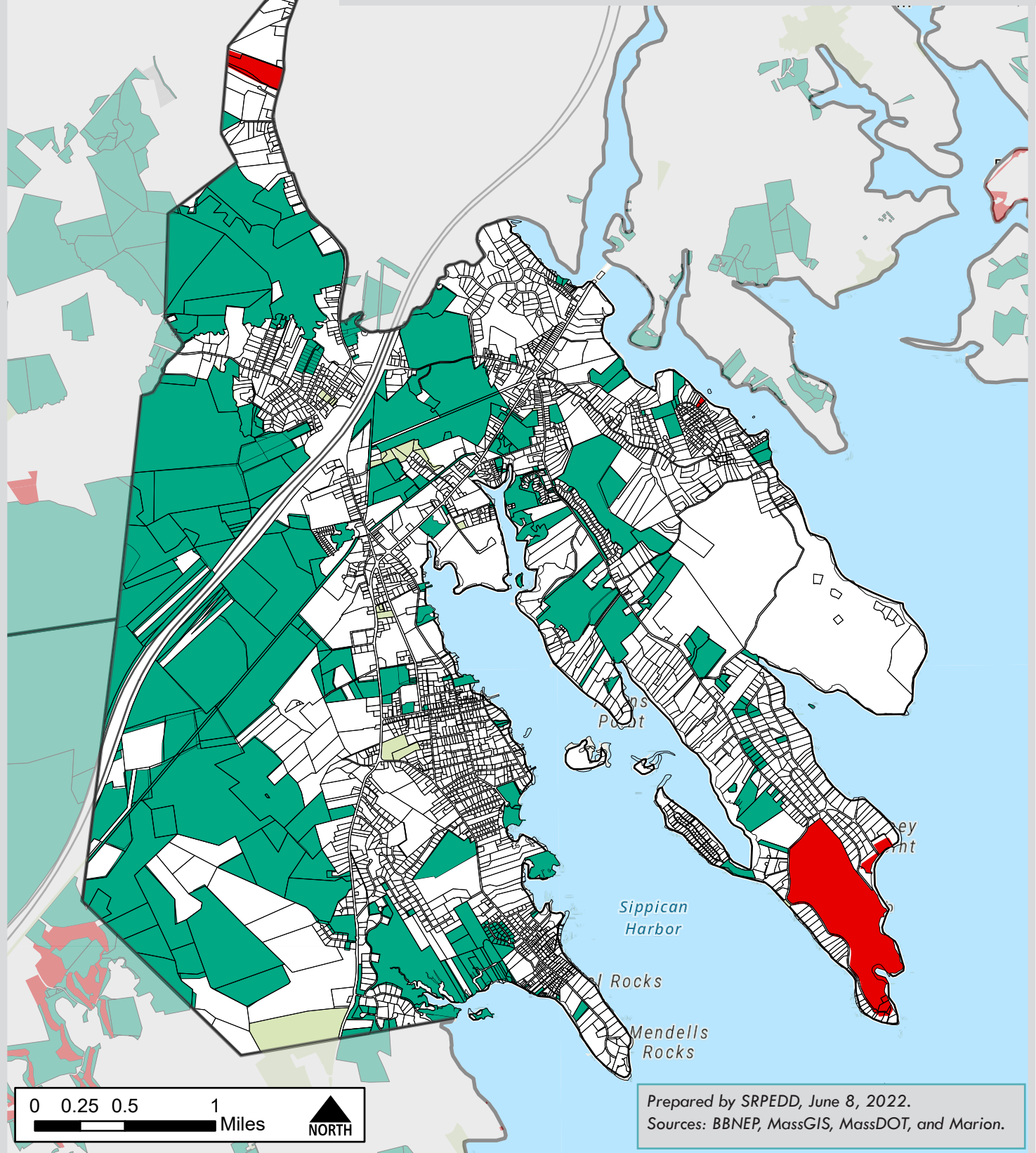
Some of the areas with limited protections via functional use include open space areas that are part of the Old Rochester Regional High School, Evergreen Cemetery, and a pumping station (shown in yellow).

The Kittanset Golf Club is the only area identified as currently providing a recreation space that has no level of dependable long-standing protections into the future.

LEVEL OF PROTECTION

- In Perpetuity
- Limited
- Term Limited
- None (ex: private golf course)
- Developed

MAP 21: OPEN SPACE BY LEVEL OF PROTECTION



5C: Open Space Inventory Mapping

The Maps 21 and 22 show the existing open space in Marion, categorized across two different characteristics. First, the Level of Protection Map shows the relative permanence and degree to which the community can anticipate an existing parcel to remain as recreation or open space land into the future. Some parcels have deed restrictions and other covenants in place to ensure that the parcel cannot be used for any other purpose in perpetuity, whereas other parcels currently function as open space without long-lasting formalized preservation.

Next, the Open Space by Type map uses data organized by members of the Town's SoCOS committee into the classifications of open space used by SoCOS in organizing their thinking and efforts around open space planning. One important open space type highlighted with this methodology is the Coastal Wetland Restriction area. In previous decades, the Massachusetts Department of Environmental Management mapped wetlands and registered these wetlands with restriction orders recorded against property deeds pursuant to the Coastal Wetlands Restriction Act (M.G.L. Chapter 130 Section 105). The restrictions control the types of activities allowed in wetland areas through the Wetlands Protection Act permitting process. In Marion, the Wetland Restriction Act Deed Restrictions have been in place since 1972, and were further strengthened by existing Wetland Protection Act regulations.

MAP 22: OPEN SPACE BY TYPE

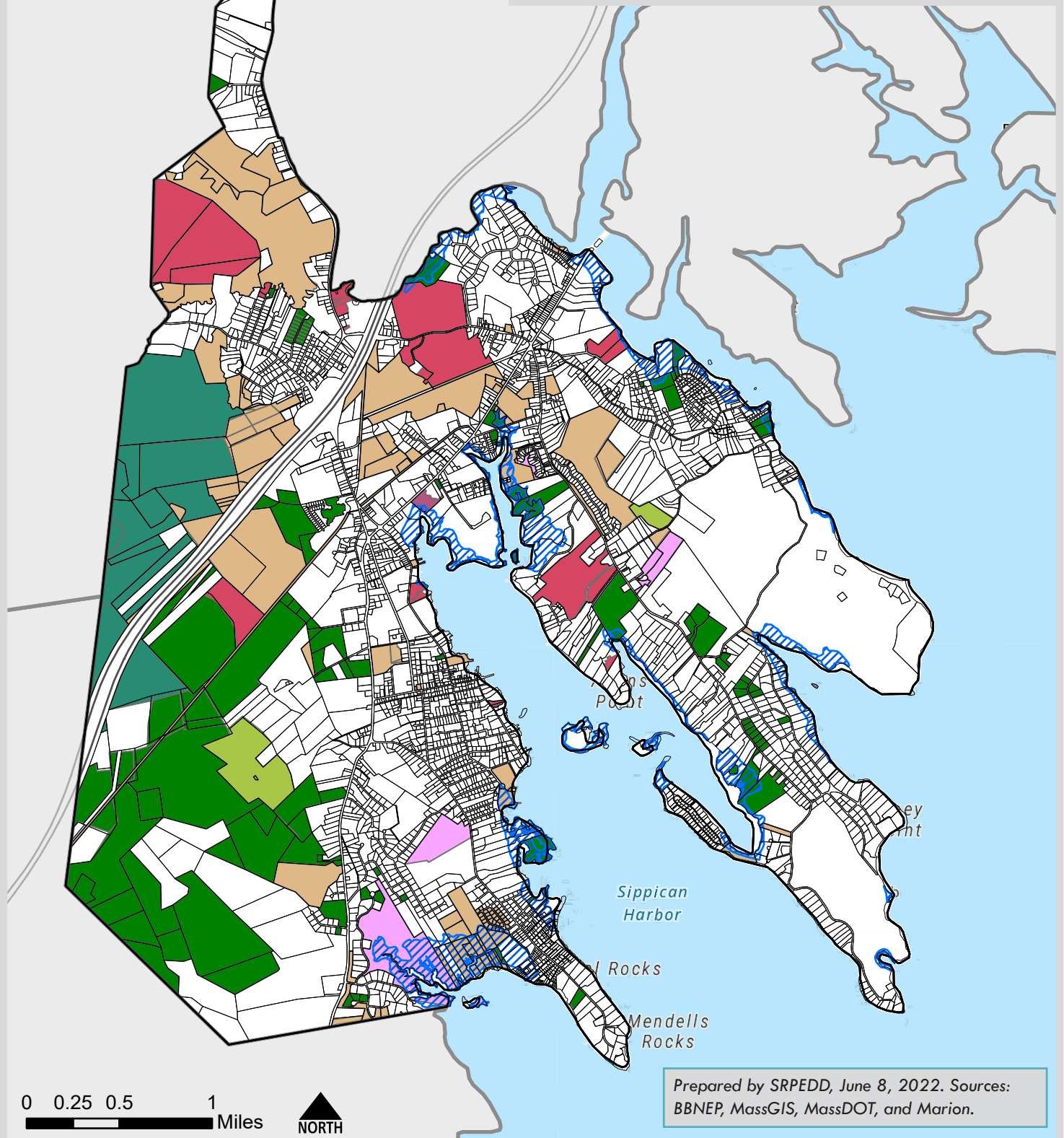
Marion's Stewards of Community Open Space Committee has found the following categorizations of open space helpful in organizing their work program. Parcels are organized by types of ownership, management or regulatory program, whichever attribute is most salient.

The map shows how particular owners or managers have built off their existing holdings to expand the open space network, and how Land Trust Conservation Restrictions are woven in throughout the open space network, filling in vital connections between municipal lands and lands held by non-profits or other levels of government.

OPEN SPACE TYPE

-  **Division of Fish & Wildlife Imposed Conservation Restriction**
-  **USDA Conservation Restriction**
-  **Protected State & Federal Land**
-  **Municipal Conservation Restriction**
-  **Land Trust Conservation Restriction**
-  **Land Trust Properties**
-  **Protected Municipal Lands**
-  **Coastal Wetland Restrictions Area in Marion (BBNEP Source)**

MAP 22: PERMANENTLY PROTECTED OPEN SPACE BY TYPE



SECTION 6: COMMUNITY VISION

6A: The Open Space Planning Process

The open space planning process in Marion involved a flexible outreach approach that provided residents with multiple forums for input. The Stewards of Community Open Space (SoCOS), held an open space and recreation planning public workshop on November 1, 2018 at the Marion Police Station. About thirty residents attended, and the workshop was filmed by local cable and covered by the press.

To capture feedback from residents unable to attend public meetings, but still interested in guiding the open space planning outcomes, MOSAC had previously mailed out two surveys (one to year –round residents of Marion, and one to summer residents of Marion) to ensure that both full-time and seasonal residents had an opportunity to participate. The results of these surveys were tabulated and reported out at the November 1st meeting.

Discussions at the workshop covered a range of topics, based on a number of prompts from workshop facilitators, including:

1. Who are we? (discussion of demographic trends)
2. What do we like to do?
3. What do we need more of?
4. Where do we need upgrades?
5. What are our regional needs?
6. We would pay user fees for _____ (open response)
7. We would use tax dollars to support _____ (open response)
8. We are concerned about water quality and the impacts of _____ (open response)

The answers to these questions revealed both a range of specific action items to pursue related to open space and recreation, as well as some general themes and guiding principles (discussed in section 6B below).

6B: Statement of Open Space and Recreation Goals

While there is overall satisfaction with available recreation and open space facilities and places in Marion, residents see clear ways to enhance this system to fit the needs of the town's population and to better protect the town's essential natural assets, waterways, and coastal heritage and character. The guiding principles that will shape Marion's priority recreation and open space efforts are:

1. Ensure that there are facilities to meet the recreational needs of all town population groups, especially focusing on the needs of Marion's growing senior population.
2. Focus on enhancing the network that connects recreation and open space areas and residential zones, including the development of adequate, unobstructed sidewalks and bike paths that protect pedestrians and cyclists.
3. Consider the position of Marion within regional recreational facilities, such as regional bike paths, in order to leverage the greatest access and benefit possible for Marion residents.
4. Coordinate open space acquisitions that serve to increase town-wide resiliency by buffering the built and natural environments, such as open space that filters stormwater runoff from more sensitive habitats, protects infrastructure from storm surges and sea level rise.
5. Pursue environmental and open space enhancement projects that improve water quality and limit adverse impacts from septic systems and other impactful land uses, and that provide greater access to the waterfront and waterways.

As a community, we envision an open space and recreation network that honors the iconic waterways and lands that are the basis of our community's historical development. We will seek an open space and recreation system that preserves an interconnected mosaic of high quality habitat, protected waterfront, natural lands providing ecosystem services, and meaningful recreational opportunities.

SECTION 7: ANALYSIS OF NEEDS

7A: Resource Protection Needs

The Town of Marion places a high value on its natural resources. Its residents have logged many volunteer hours and invested real dollars in conservation that has helped to maintain town character and quality of life. Though much has been done, the tensions between development and environment, changes in global context, and changes in technology mean that there is more that can be accomplished to continue and enhance the protection of Marion's natural resources. Protecting natural resources that provide nature-based services such as floodwater retention, water and air filtration, and positive mental health outcomes is a significant component of protecting the investments that residents have placed in their homes and properties with their decision to live in Marion.

In reviewing the previous sections and comparing some of the issues raised against the vision articulated in the open space and recreation planning process, several types of actions and opportunities present themselves for aligning town goals and on-the-ground realities.

- Given that a large portion of the town is preserved (36.17% in permanent protection)*, property management should be an equal or even greater priority than property acquisition.
- Protect regionally-significant and productive natural resource habitat areas, such as salt marshes, eelgrass beds, tidal streams, tidal flats, barrier beaches, rocky shores, and subtidal habitats. These areas are crucial to the coastal food web and for absorbing floodwaters and water-borne contaminants, but are also very susceptible to disruption.
- Protect the marine natural resources that are tied to the continued functioning of local economic niches reliant on these resources, including tourism, marine science and marine technology, and fishing and aquaculture. Pursue actions that decrease nutrient and bacterial pollution into Buzzards Bay.
- Examine the natural resource characteristics of properties that are currently used as natural areas and open space, but which are not protected through a permanent preservation mechanism. In addition, have a clear prioritization list for preserving those properties that have the most public natural resource benefit. Properties in the Chapter 61 program (shown in Maps 3 and 7) are of particular interest given the town's right of first refusal when they are transferred.
- Target acquisitions of land that connect larger preserved tracts, and fill in gaps in the

* Source: BBNEP, MassGIS, Land Use Cover 2020, EEA, 2019

open space network.

- Anticipate climate change adaptation needs by using best available data to conserve areas that could provide for future mitigation, such as area identified as likely salt marsh migration zones and floodplains.

7B: Park, Recreation and Community Needs

The Statewide Comprehensive Outdoor Recreation Plan (SCORP), Massachusetts Outdoor 2017, is a five-year plan developed by the Commonwealth's Executive Office of Energy and Environmental Affairs (EEA). The plan is required for state participation in the federal Land and Water Conservation Fund (LWCF) grants programs. The SCORP also provides an overview of the recreational preferences of the citizens of each geographic region of the Commonwealth as determined through a public participation and outreach process. The profile of recreational use afforded by the SCORP also provides municipalities with a planning tool for addressing the future needs and uses of our outdoor recreational resources.

The SCORP's summary of information, collected at both public events and through other methods of survey (online and telephone), showed that people participate in outdoor activities primarily for physical fitness, but also to be close to nature. Despite having access to nearby facilities, lack of time (55%) was the number one reason that people gave for not using these facilities more often. While recreational programs were also important to responders, 88.2% said that it was either somewhat or very important to have more programs for those aged 4 to 12 years, and 91.2% responded similarly regarding programs for teens.

Survey data also indicates that: water based activities, such as boating – canoe, kayak, power boat; fishing; swimming – at beaches, lakes, rivers, pools, paddle boarding, tubing; and, trail-based recreation, such as hiking, biking (on and off-road), cross-country skiing, walking/jogging on trails, and mountain biking, provide the most popular recreational outlets for families in the regions. The SCORP also revealed that the types of projects that respondents would like to see funded in the future are: trails (hiking, biking, paved walkways, trails for people with disabilities); playgrounds (for ages 6 months – 2 years, 2-5, for people with disabilities, for ages 6-12 years), and; water (swimming pool, canoe/

kayak access, and fishing areas).

Finally, it should also be noted that the SCORP also called out the need to recognize and address the needs of under-served populations (citizens with disabilities, teens, and senior citizens) and areas of a community (those lacking facilities, environmental justice neighborhoods) when planning for and designing parks and conservation areas.

SPECIAL USER GROUP NEEDS

Seniors

While some of the SCORP survey data reflects Marion's recreation preferences and goals, Marion is an aging community with a large portion of its population aged 55+. As previously discussed in Section 3 of this plan, a dwindling younger population, coupled with an active, aging population, will increase the need to pursue low-impact recreational opportunities while balancing the needs of youth and teens. Based upon both MOSAC surveys (Year-Round Residents Survey, and the Summer Residents Survey), and feedback at the community meeting, the top choices for the types of recreation facilities that are needed or should be expanded in Marion included:

- Nature, hiking, s and walking trails;
- Sidewalks
- Bike paths, both local and inter-municipal;
- Improved water and beach access;
- Connections that can improve access across the Route 6 corridor that currently divides northern Marion from some of the recreation opportunities to the south; and
- More diverse passive and active recreation programs and facilities for people of all ages and abilities.

Survey respondents and those who attended the SoCOS sponsored public open space and recreation planning meeting, also had several items for which they would be willing to spend tax dollars to support, including:

- Sidewalks; and
- Inter-municipal bike paths.

Participants further stated that they would pay user fees for:

- Dog Park; and
- Inter-municipal bike paths

The Council on Aging (COA) continues to provide numerous education and recreation opportunities and access to existing programs within the south coast area. The Town is also working to develop more biking opportunities for riders of all ages and abilities. The Town currently has limited bikeways and is planning for several additional miles of multi-use paths in conjunction with the South Coast Bikeway Alliance program. In addition to the bikeways, the Town continues to address its facilities accessibility needs as well as work with its partners in the Stewards of Community Open Space, (SoCOS), and in the region, to create additional active and passive open space opportunities for citizens of all ages and abilities.

Citizens with Disabilities

The Town, through a grant from the Massachusetts Office on Disability, is currently in the process of updating its self-evaluation and transition plan for its recreational facilities as required under the Americans with Disabilities Act (ADA; see Appendix G for documentation). These plans are carried out through a municipally appointed ADA Coordinator (in Marion, the Town Administrator is the ADA Coordinator). The Coordinator is responsible for working to bring all municipal services, infrastructure, and buildings into compliance with the Act. The ADA Coordinator is not responsible for privately owned facilities.

The ADA Transition Plan for all municipally owned facilities is currently under development through a Municipal ADA Improvement Planning Grant, obtained from the Massachusetts Office on Disability. The updated plan will contain an inventory of the public open space and recreation facilities of the Town of Marion. The Transition Plan takes inventory of the improvements needed to bring a facility into ADA compliance.

All future park and recreation facilities should be designed with the needs of citizens with disabilities in mind. Particular attention should be paid to site access, physical use, and ability to view/experience events and cultural/scenic landscapes. Site access should include promoting awareness of on-call transit services for citizens with disabilities, such as those provided by the local C.O.A., Southeastern Regional Transit Authority (SRTA) and the Greater Attleboro Taunton Regional Transit Authority (GATRA).

7C: Management Needs and Potential Change of Use

As pointed out in the recent Marion Master Plan, it is critically important that the Town preserve open space that not only serves conservation and recreation purposes, but also functions as part of a green infrastructure network that will make Marion more resilient to the predicted impacts of climate change (increased tidal/coastal flooding, storm surge, heavy precipitation events, rising temperatures, and air quality impacts). The ability to assemble open space in a manner that preserves intact, contiguous habitats and ecosystems is a functional consideration that should be part of the philosophy of open space acquisition and management going forward.

Any significant, Town-owned conservation land that is not currently permanently protected should be placed under protection by the most appropriate means available (transfer to the Conservation Commission; Conservation Restriction, etc.). The appropriate departments or commissions within Town should also research the deeds of the property under their control, including the acquisition history of each. The next step is to identify the parcels that have affirmative Town Meeting Votes stating that the subject property is to be dedicated to either conservation or recreation use, and determine that the deed reflects the purpose of the acquisition. If research reveals that the accompanying deed does not reflect the intent of the acquisition, the situation may be remedied by recording a corrective deed (it is recommended that the authorizing Town Meeting Vote is recorded as an adjunct to the corrective deed). Marion, led by MOSAC, began the research necessary for the corrective deed process several years ago, and has completed a substantial amount of work to date.

In order to address these, and other related matters (as also recommended in the Master Plan), the Board of Selectmen established the Stewards of Community Open Space (SoCOS). The initial member organizations of SoCOS include: Conservation Commission, Tree & Parks Committee, Marine Resources Commission, Recreation Department, Marion Open Space Acquisition Commission, Planning Board, and the Sippican Lands Trust. SoCOS may also request assistance from additional organizations as necessary to address specific issues. The purpose of SoCOS is to develop, maintain and advocate for a comprehensive, integrated open space and recreation plan for the community. SoCOS other activities include, but are not limited to:

- Creating an inventory of publicly and privately owned open space in Marion;
- Documenting the characteristics of open spaces with respect to flora, fauna, active or

passive recreational potential, and environmental value;

- Coordinating open space stewardship to include evaluation and implementation of maintenance plans;
- Promoting public use of open space;
- Working with the Board of Selectmen, Town departments, committees and commissions, and other relevant agencies, to promote safe multimodal (including walking and biking) access to open spaces dedicated to recreational use.

SECTION 8: GOALS & OBJECTIVES

Open Space Goals and Objectives

Rounds of stakeholder and public engagement resulted in the following goals and objectives for enhancing Marion's open space and recreation network:

- 1. Ensure that there are ample facilities to meet the recreational needs of all town population groups, especially focusing on the needs of Marion's growing senior population; make sure that this includes ADA compliant structures and facilities.**
 - a. Address upgrades to courts, fields, and other facilities.
 - b. Address upgrades to Town-owned beach properties.
 - c. Complete and implement bikeway/shared use pathway plans.
 - d. Develop canoe and kayak access, where feasible, on Town-owned land.
 - e. Improve management and maintenance practices at all Town-owned open space and recreation facilities.
- 2. Focus on enhancing the network that connects recreation and open space areas and residential zones, including the development of adequate, unobstructed sidewalks and bike paths that protect pedestrians and cyclists.**
 - a. Address adequate parking and bike racks at Town-owned open space areas where practical and feasible.
 - b. Install sidewalks in areas (Complete Streets, Route 6 Corridor Study, etc.).
 - c. Update the old bike path planning maps.
 - d. Plan and develop local bike paths.
 - e. Install crosswalks where needed to improve access and linkage between town-owned facilities and assets (Route 6 Corridor Study, Complete Streets, etc.).
 - f. Create consistent wayfinding signage for Town-owned open space and facilities.
- 3. Consider the position of Marion within regional recreational facilities, such as the regional bike path, in order to leverage the greatest access and benefit possible for Marion residents.**
 - a. Construct the Marion portion of the town-to-town bikeway (with Mattapoisett and Wareham).
 - b. Develop a system of useable sidewalks and shared-use paths to connect communities

along and across the Route 6 corridor.

- c. Promote the interconnectedness of open space assets.
- d. Prepare online maps and information on the Town website, with links to and from applicable local and regional websites.
- e. Connect the town-to-town bikeway with a bike path to the Village area.

4. Coordinate open space acquisitions that serves to increase town-wide resiliency by buffering the built and natural environments.

- a. Secure and/or enhance open space that protects assets and infrastructure from storm surges and sea level rise.
- b. Assess open space opportunities for resilience capacity as well as aesthetics and recreational potential.
- c. Secure open space that filters stormwater runoff to protect more sensitive habitats.

5. Pursue environmental and open space enhancement projects that improve water quality and limit adverse impacts from septic systems and other impactful land uses, and that provide greater access to the waterfront and waterways.

- a. Address beach nourishment where necessary.
- b. Address stormwater and runoff concerns where documented problems exist (MVP Plan, Master Plan).
- c. Pursue nature based solutions, including the use of open space, to improve nutrient uptake, soil loss/erosion impacts, and other water quality related issues, town-wide (particularly in vulnerable areas and those documented in the Master Plan and MVP Plan)

6. Continue local and regional open space coordination efforts through SoCOS

SECTION 9: ACTION PLAN

Action Plan

The Action Plan items contained in Section 9 are the result of a rigorous public survey process, a public forum, and Committee review. These Actions are not listed in a particular order of priority or in a chronological sequence. The Action Plan is meant to be flexible and responsive, as some of the Actions listed are in the process of being addressed, while others will be addressed as opportunities present themselves.

1	Action: Develop plan to install or repair/upgrade existing sidewalks / share use paths on:	
	a. Front Street b. Point Road c. Converse Road	d. Route 6 e. Delano Road f. in the Village area
	Local Lead / Partners	Local Lead: TCTF TCTF, Selectmen, MassDOT, Public Works, SRPEDD, others as necessary
	Goals / Objectives Addressed	Goal 2, Objective b; Goal 3, Objective b
	Potential Funding Sources	MassDOT, Ch. 90, Complete Streets, local

2	Action: Design and install shared use paths:	
	a. Develop bike and shared use paths that connect existing open space parcels (public and accessible private) as well as to the village area. b. Work with MassDOT to develop the proposed bike/pedestrian features presented in the Route 6 Corridor Study.	
	Local Lead / Partners	Local Lead: TCTF Selectmen, Pathways Committee, Planning, Public Works, South Coast Bikeway Alliance, SRPEDD, MassDOT, others
	Goals / Objectives Addressed	Goal 1, Objective c; Goal 2, Objective c; Goal 3, Objectives a, e
	Potential Funding Sources	MassDOT, DCS, MassTrails, Complete Streets, CPA, local

3	Action: Design and Install Crosswalks on: a. Route 6 b. Front Street at Washburn Park	
	Local Lead / Partners	Local Lead: TCTF Selectmen, Public Works, Planning, MassDOT, SRPEDD, others as necessary
	Goals / Objectives Addressed	Goal 2, Objectives d, f
	Potential Funding Sources	Complete Streets, MassDOT, Ch. 90, local

4	Action: Upgrade tennis courts at Sippican School	
	Local Lead / Partners	Local Lead: Recreation School Dept., Public Works, Selectmen
	Goals / Objectives Addressed	Goal 1, Objective a
	Potential Funding Sources	local, CPA

5	Action: Upgrades to the property at River Road	
	Local Lead / Partners	Local Lead: Recreation Conservation, SoCOS, Selectmen
	Goals / Objectives Addressed	Goal 1, Objectives a, e
	Potential Funding Sources	DCS, CPA, local

6	Action: Complete and implement town-to-town bike/shared use path plans	
	Local Lead / Partners	Local Lead: Pathways Committee South Coast Bikeway Alliance, SRPEDD, MassDOT, Selectmen, Planning, Conservation, Public Works, others as necessary
	Goals / Objectives Addressed	Goal 3, Objectives a, f
	Potential Funding Sources	MassDOT, MassTrails, DCS, CPA

7	Action: Install canoe and kayak launches and signage on Town-owned land at: a. Oakdale Ave b. River Road Beach c. Boatyard Park	
	Local Lead / Partners	Local lead: Recreation SoCOS, Conservation, Recreation, Public Works, Selectmen
	Goals / Objectives Addressed	Goal 1, Objective d
	Potential Funding Sources	DCS, CPA, local, business

8	Action: Install canoe and kayak racks and signage at Sippican River (Ichabod Lane)	
	Local Lead / Partners	Local Co-leads: Select Board/SLT SoCOS, Conservation, Public Works, Recreation
	Goals / Objectives Addressed	Goal 1, Objectives b, d; Goal 2, Objective e
	Potential Funding Sources	CPA, DCS, local, business

9	Action: Prepare online maps and information on the Town website, with links to applicable local and regional environmental and open space websites	
	Local Lead / Partners	Local Lead: Select Board Selectmen, SoCOS, Conservation, Recreation, Pathways Committee, School Dept., Parks and Trees, Historical Commission, Marine Resources Commission, others as necessary
	Goals / Objectives Addressed	Goal 3, Objective d
	Potential Funding Sources	local

10	Action: Develop consistent facility and wayfinding signage for all Town-owned properties, including conservation and recreation properties	
	Local Lead / Partners	Local Lead: Select Board Conservation, Recreation, SoCOS, Historical Commission, Selectmen, Public Works, others as necessary
	Goals / Objectives Addressed	Goal 1, Objective e; Goal 2, Objective e
	Potential Funding Sources	local, CPA, DCS, businesses

11	Action: Address the need for beach nourishment at the Planting Island causeway	
	Local Lead / Partners	Local Lead: Conservation Selectmen, Public Works, others as necessary
	Goals / Objectives Addressed	Goal 1, Objective b; Goal 5, Objective a
	Potential Funding Sources	local, state sources

12	Action: Develop a public education campaign on building resilience in conjunction with partners from various agencies, academia, environmental, economic development, and planning organizations	
	Local Lead / Partners	Local Lead: SoCOS Conservation, Board of Health, Planning, Mattapoissett River Valley Water Supply Advisory Committee, Mass Audubon, The Nature Conservancy (TNC), Buzzards Bay Coalition (BBC), SRPEDD, MA Executive Office of Energy and Environmental Affairs (EEA), EPA, MA Department of Environmental Protection (DEP), Natural Resource Conservation Service (NRCS), MA Dept. of Agricultural Resources (MDAR), SEMAP, Marion Institute, others as necessary
	Goals / Objectives Addressed	Goal 3, Objective d
	Potential Funding Sources	MVP Action Grant, local, BBP, SNEP Network, EPA

13	Action: Encourage acquisition/donation/set aside of land in areas that could provide potential flood hazard mitigation (look for intact/contiguous areas when/where possible)	
	Local Lead / Partners	Local Lead: MOSAC / SLT SoCOS, Conservation, Planning, Selectmen, BBC, BBP, CZM, EEA, TNC, Mass Audubon, Wildlands Trust, others as necessary
	Goals / Objectives Addressed	Goal 4, Objectives b, c, d
	Potential Funding Sources	CPA, MVP Action Grant, DCS, BBC, SNEP

14	Action: Preserve natural areas adjacent to salt marshes to allow for salt marsh migration as sea levels rise	
	Local Lead / Partners	Local Lead: MOSAC / SLT SoCOS Conservation, Planning, Selectmen, BBC, BBP, CZM, TNC, Mass Audubon, others as necessary
	Goals / Objectives Addressed	Goal 4, Objective b
	Potential Funding Sources	CPA, MVP Action Grant, DCS, BBC

15	Action: Continue to promote sound forestry management practices, working with federal, state, local, and regional partners	
	Local Lead / Partners	Local Lead: SoCOS Conservation, Parks and Trees, Board of Health, Public Works, MA Department of Conservation and Recreation (DCR), TNC, Mass Audubon, others as necessary
	Goals / Objectives Addressed	Goal 4, Objective c; Goal 5, Objective c
	Potential Funding Sources	local, DCR, MVP Action Grant, BBC

16	Action: Use conservation restrictions (CR) in a comprehensive approach to retain the natural landscape (green infrastructure) and prevent development in vulnerable or at-risk areas	
	Local Lead / Partners	Local Lead MOSAC/Land Trusts Conservation, SoCOS, Planning, BBC, Wildlands Trust, others
	Goals / Objectives Addressed	Goal 5, Objective c
	Potential Funding Sources	local, state, private

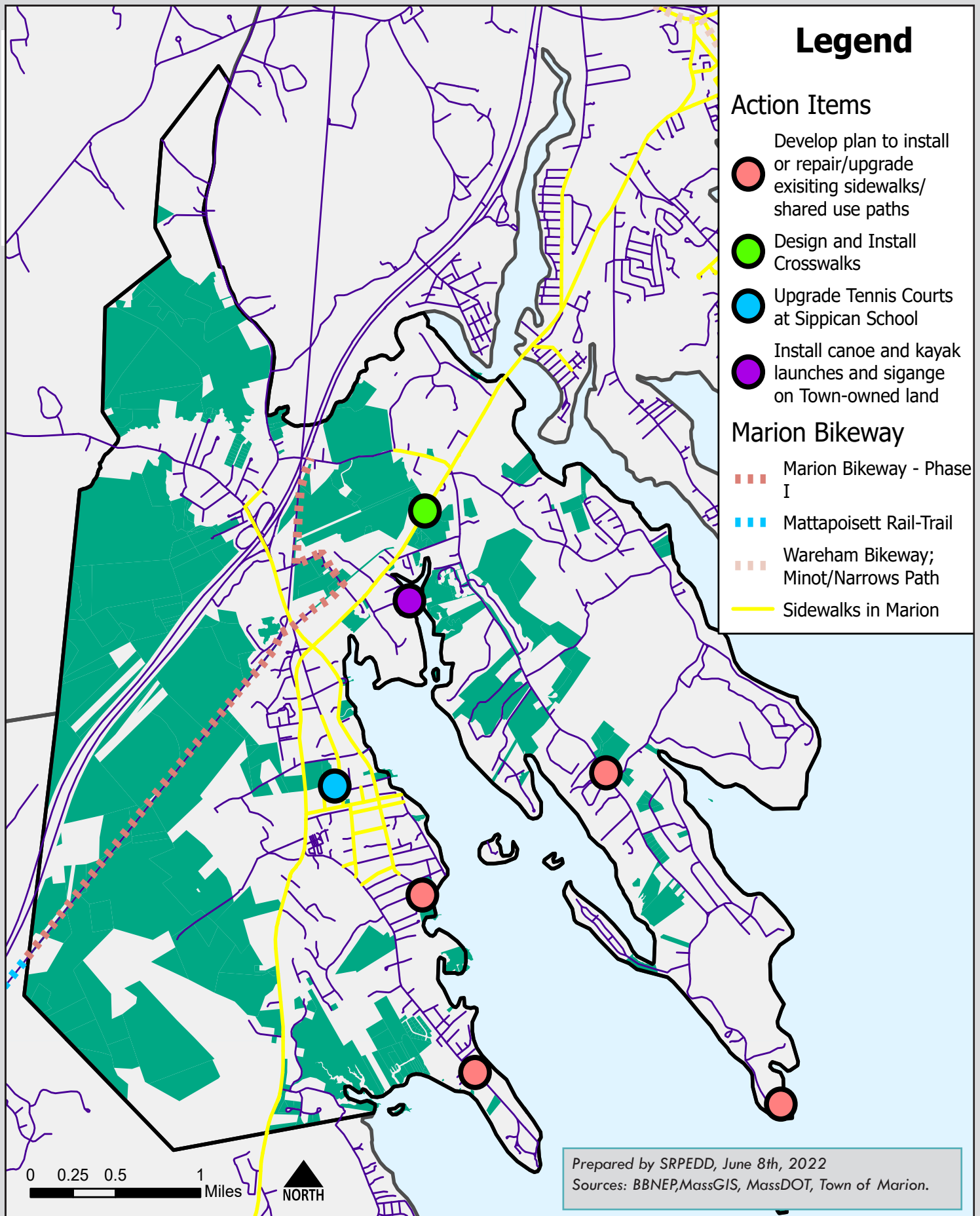
17	Action: Revisit and update existing management plans on Town-owned conservation and recreation holdings	
	Local Lead / Partners	Local Lead: Select board Conservation, Recreation, Selectmen, Capital Improvement Planning, others as required
	Goals / Objectives Addressed	Goal 1, Objective e
	Potential Funding Sources	local, EEA

18	Action: Undertake a comprehensive bylaw review for the addition / retention of open space by various means, including to address compatibility of low impact development, nature based solutions, and climate response solutions consistent with the town's Master Plan, MVP Plan, and Hazard Mitigation Plan	
	Local Lead / Partners	Local Lead: Planning (Codification Committee) Selectmen, Planning, Building Department, Conservation, Board of Health, SoCOS, Mass Audubon, others as required
	Goals / Objectives Addressed	Goal 5, Objective c
	Potential Funding Sources	SNEP Network, MVP Action Grant, BBP

19	Action: Create a comprehensive management plan for the use of Holmes Woods	
	Local Lead / Partners	Local Lead: Tree and Parks Committee Recreation, Selectmen, Conservation, SoCOS, Planning, others as necessary or required
	Goals / Objectives Addressed	Goal 4, Objective c
	Potential Funding Sources	local, DCS

20	Action: Resolve responsibility and funding mechanisms for the maintenance and improvements to Town Owned Open Space	
	Local Lead / Partners	Local Lead: Select Board
	Goals / Objectives Addressed	Goal 1, Objective e
	Potential Funding Sources	local, state, private

MAP 23: ACTION MAP



APPENDICES

10

Appendix A. BioMap2 Summary



Introduction

The Massachusetts Department of Fish & Game, through the Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP), and The Nature Conservancy's Massachusetts Program developed *BioMap2* to protect the state's biodiversity in the context of climate change.

BioMap2 combines NHESP's 30 years of rigorously documented rare species and natural community data with spatial data identifying wildlife species and habitats that were the focus of the Division of Fisheries and Wildlife's 2005 State Wildlife Action Plan (SWAP). *BioMap2* also integrates The Nature Conservancy's assessment of large, well-connected, and intact ecosystems and landscapes across the Commonwealth, incorporating concepts of ecosystem resilience to address anticipated climate change impacts.

Protection and stewardship of *BioMap2* Core Habitat and Critical Natural Landscape is essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts.

What Does Status Mean?

The Division of Fisheries and Wildlife determines a status category for each rare species listed under the Massachusetts Endangered Species Act, M.G.L. c.131A, and its implementing regulations 321 CMR 10.00. Rare species are categorized as Endangered, Threatened or of Special Concern according to the following:

- Endangered species are in danger of extinction throughout all or a significant portion of their range or are in danger of extirpation from Massachusetts.

BioMap2



MA Department of Fish & Game / Division of Fisheries & Wildlife / Species Inventory & Endangered Species Program / The Nature Conservancy

Get your copy of the *BioMap2* report! Download from www.mass.gov/nhesp or contact Natural Heritage at 508-389-6360 or natural.heritage@state.ma.us.

- Threatened species are likely to become Endangered in Massachusetts in the foreseeable future throughout all or a significant portion of their range.
- Special Concern species have suffered a decline that could threaten the species if allowed to continue unchecked or occur in such small numbers or with such restricted distribution or specialized habitat requirements that they could easily become Threatened in Massachusetts.

In addition NHESP maintains an unofficial watch list of plants that are tracked due to potential conservation interest or concern, but are not regulated under the Massachusetts Endangered Species Act or other laws or regulations. Likewise, described natural communities are not regulated by any law or regulations, but they can help to identify ecologically important areas that are worthy of



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phone: 508-389-6360 fax: 508-389-7890



protection. The status of natural communities reflects the documented number and acreages of each community type in the state:

- Critically Imperiled communities typically have 5 or fewer documented sites or have very few remaining acres in the state.
- Imperiled communities typically have 6-20 sites or few remaining acres in the state.
- Vulnerable communities typically have 21-100 sites or limited acreage across the state.
- Secure communities typically have over 100 sites or abundant acreage across the state; however, excellent examples are identified as Core Habitat to ensure continued protection.

In 2005 the Massachusetts Division of Fisheries and Wildlife completed a comprehensive State Wildlife Action Plan (SWAP) documenting the status of Massachusetts wildlife and providing recommendations to help guide wildlife conservation decision-making. SWAP includes all the wildlife species listed under the Massachusetts Endangered Species Act (MESA), as well as more than 80 species that need conservation attention but do not meet the requirements for inclusion under MESA. The SWAP document is organized around habitat types in need of conservation within the Commonwealth. While the original BioMap focused primarily on rare species protected under MESA, *BioMap2* also addresses other Species of Conservation Concern, their habitats, and the ecosystems that support them to create a spatial representation of most of the elements of SWAP.

BioMap2: One Plan, Two Components

BioMap2 identifies two complementary spatial layers, Core Habitat and Critical Natural Landscape.

Core Habitat identifies key areas that are critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth. Protection of Core Habitats will contribute to the conservation of specific elements of biodiversity.

Critical Natural Landscape identifies large natural Landscape Blocks that are minimally impacted by development. If protected, these areas will provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience to natural and anthropogenic disturbances in a rapidly changing world. Areas delineated as Critical Natural Landscape also include buffering upland around wetland, coastal, and aquatic Core Habitats to help ensure their long-term integrity.

The long-term persistence of Massachusetts biological resources requires a determined commitment to land and water conservation. Protection and stewardship of both Critical Natural Landscapes and Core Habitats are needed to realize the biodiversity conservation vision of *BioMap2*.

Components of Core Habitat

Core Habitat identifies specific areas necessary to promote the long-term persistence of rare species, other Species of Conservation Concern, exemplary natural communities, and intact ecosystems.

Rare Species

There are 432 native plant and animal species listed as Endangered, Threatened or Special Concern under the Massachusetts Endangered Species Act (MESA) based on their rarity, population trends, and threats to survival. For





Table 1. Species of Conservation Concern described in the State Wildlife Action Plan and/or included on the MESA List and for which habitat was mapped in *BioMap2*. Note that plants are not included in SWAP, and that marine species such as whales and sea turtles are not included in *BioMap2*.

Taxonomic Group	MESA-listed Species	Non-listed Species of Conservation Concern
Mammals	4	5
Birds	27	23
Reptiles	10	5
Amphibians	4	3
Fish	10	17
Invertebrates	102	9
Plants	256	0
Total	413	62

BioMap2, NHESP staff identified the highest quality habitat sites for each non-marine species based on size, condition, and landscape context.

Other Species of Conservation Concern

In addition to species on the MESA List described previously, the State Wildlife Action Plan (SWAP) identifies 257 wildlife species and 22 natural habitats most in need of conservation within the Commonwealth. *BioMap2* includes species-specific habitat areas for 45 of these species and habitat for 17 additional species which was mapped with other coarse-filter and fine-filter approaches.

Priority Natural Communities

Natural communities are assemblages of plant and animal species that share a common environment and occur together repeatedly on the landscape. *BioMap2* gives conservation

priority to natural communities with limited distribution and to the best examples of more common types.

Vernal Pools

Vernal pools are small, seasonal wetlands that provide important wildlife habitat, especially for amphibians and invertebrate animals that use them to breed. *BioMap2* identifies the top 5 percent most interconnected clusters of Potential Vernal Pools in the state.

Forest Cores

In *BioMap2*, Core Habitat includes the best examples of large, intact forests that are least impacted by roads and development, providing critical habitat for numerous woodland species. For example, the interior forest habitat defined by Forest Cores supports many bird species sensitive to the impacts of roads and development, such as the Black-throated Green Warbler, and helps maintain ecological processes found only in unfragmented forest patches.

Wetland Cores

BioMap2 used an assessment of Ecological Integrity to identify the least disturbed wetlands in the state within undeveloped landscapes—those with intact buffers and little fragmentation or other stressors associated with development. These wetlands are most likely to support critical wetland functions (i.e., natural hydrologic conditions, diverse plant and animal habitats, etc.) and are most likely to maintain these functions into the future.

Aquatic Cores

To delineate integrated and functional ecosystems for fish species and other aquatic





Species of Conservation Concern, beyond the species and exemplary habitats described above, *BioMap2* identifies intact river corridors within which important physical and ecological processes of the river or stream occur.

Components of Critical Natural Landscape

Critical Natural Landscape identifies intact landscapes in Massachusetts that are better able to support ecological processes and disturbance regimes, and a wide array of species and habitats over long time frames.

Landscape Blocks

BioMap2 identifies the most intact large areas of predominately natural vegetation, consisting of contiguous forests, wetlands, rivers, lakes, and ponds, as well as coastal habitats such as barrier beaches and salt marshes.

Upland Buffers of Wetland and Aquatic Cores

A variety of analyses were used to identify protective upland buffers around wetlands and rivers.

Upland Habitat to Support Coastal Adaptation

BioMap2 identifies undeveloped lands adjacent to and up to one and a half meters above existing salt marshes as Critical Natural Landscapes with high potential to support inland migration of salt marsh and other coastal habitats over the coming century.

The conservation areas identified by *BioMap2* are based on breadth and depth of data, scientific expertise, and understanding of Massachusetts' biodiversity. The numerous sources of information and analyses used to

Legal Protection of Biodiversity

BioMap2 presents a powerful vision of what Massachusetts would look like with full protection of the land most important for supporting the Commonwealth's biodiversity. While *BioMap2* is a planning tool with *no regulatory function*, all state-listed species enjoy legal protection under the [Massachusetts Endangered Species Act \(M.G.L. c.131A\)](#) and its implementing regulations ([321 CMR 10.00](#)). Wetland habitat of state-listed wildlife is also protected under the [Wetlands Protection Act Regulations \(310 CMR 10.00\)](#). The *Natural Heritage Atlas* contains maps of [Priority Habitats](#) and [Estimated Habitats](#), which are used, respectively, for regulation under the Massachusetts Endangered Species Act and the Wetlands Protection Act. For more information on rare species regulations, and to view Priority and Estimated Habitat maps, please see the [Regulatory Review](#) page at <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>.

***BioMap2* is a conservation planning tool that does not, in any way, supplant the Estimated and Priority Habitat Maps which have regulatory significance. Unless and until the *BioMap2* vision is fully realized, we must continue to protect our most imperiled species and their habitats.**

create Core Habitat and Critical Natural Landscape are complementary, and outline a comprehensive conservation vision for Massachusetts, from rare species to intact landscapes. In total, these robust analyses define a suite of priority lands and waters that, if permanently protected, will support Massachusetts' natural systems for generations to come.





Understanding Core Habitat Summaries

Following the Town Overview, there is a descriptive summary of each Core Habitat and Critical Natural Landscape that occurs in your city or town. These summaries highlight some of the outstanding characteristics of each Core Habitat and Critical Natural Landscape, and will help you learn more about your city or town's biodiversity. You can find out more information about many of these species and natural communities by looking at specific fact sheets at www.mass.gov/nhesp.

Additional Information

For copies of the full *BioMap2* report, the Technical Report, and an [interactive mapping tool](#), visit the *BioMap2* [website](#) via the Land Protection and Planning tab at www.mass.gov/nhesp. If you have any questions about this report, or if you need help protecting land for biodiversity in your community, the Natural Heritage & Endangered Species Program staff looks forward to working with you.

Contact the Natural Heritage & Endangered Species Program

By phone 508-389-6360
By fax 508-389-7890
By email natural.heritage@state.ma.us
By Mail 100 Hartwell Street, Suite 230
West Boylston, MA 01583

The GIS datalayers of *BioMap2* are available for download from MassGIS at www.mass.gov/mgis.





Town Overview

Marion lies on the border of the Bristol Lowland/Narragansett Lowland and the Cape Cod and Islands Ecoregions. The Bristol Lowland/Narragansett Lowland Ecoregion is an area of flat, gently rolling plains. Forests are mostly central hardwoods and some elm-ash-red maple and red and white pine. There are numerous wetlands, some cropland/pasture, and many cranberry bogs. Many rivers drain this area. The Cape Cod and Islands Ecoregion was formed by three advances and retreats of the Wisconsin Ice Sheet. The resulting terminal moraines, outwash plains, and coastal deposits characterize the area with their sandy beaches, grassy dunes, bays, marshes, and scrubby oak-pine forests. There are numerous kettle hole ponds, swamps, and bogs. Much of the surface water is highly acidic.



Marion at a Glance

- Total Area: 9,036 acres (14.1 square miles)
- Human Population in 2010: 4,907
- Open space protected in perpetuity: 2,948 acres, or 32.6% percent of total area*
- BioMap2 Core Habitat: 2,882 acres
- BioMap2 Core Habitat Protected: 1,494 acres or 51.8%
- BioMap2 Critical Natural Landscape: 5,429 acres
- BioMap2 Critical Natural Landscape Protected: 2,598 acres or 47.8%.

BioMap2 Components

Core Habitat

- 4 Exemplary or Priority Natural Community Cores
- 2 Forest Cores
- 12 Wetland Cores
- 4 Aquatic Cores
- 30 Species of Conservation Concern Cores**
 - 2 reptiles, 1 amphibian, 1 insect, 5 plants

Critical Natural Landscape

- 4 Landscape Blocks
- 6 Wetland Core Buffers
- 4 Aquatic Core Buffers
- 14 Coastal Adaptation Areas
- 8 Tern Foraging Areas

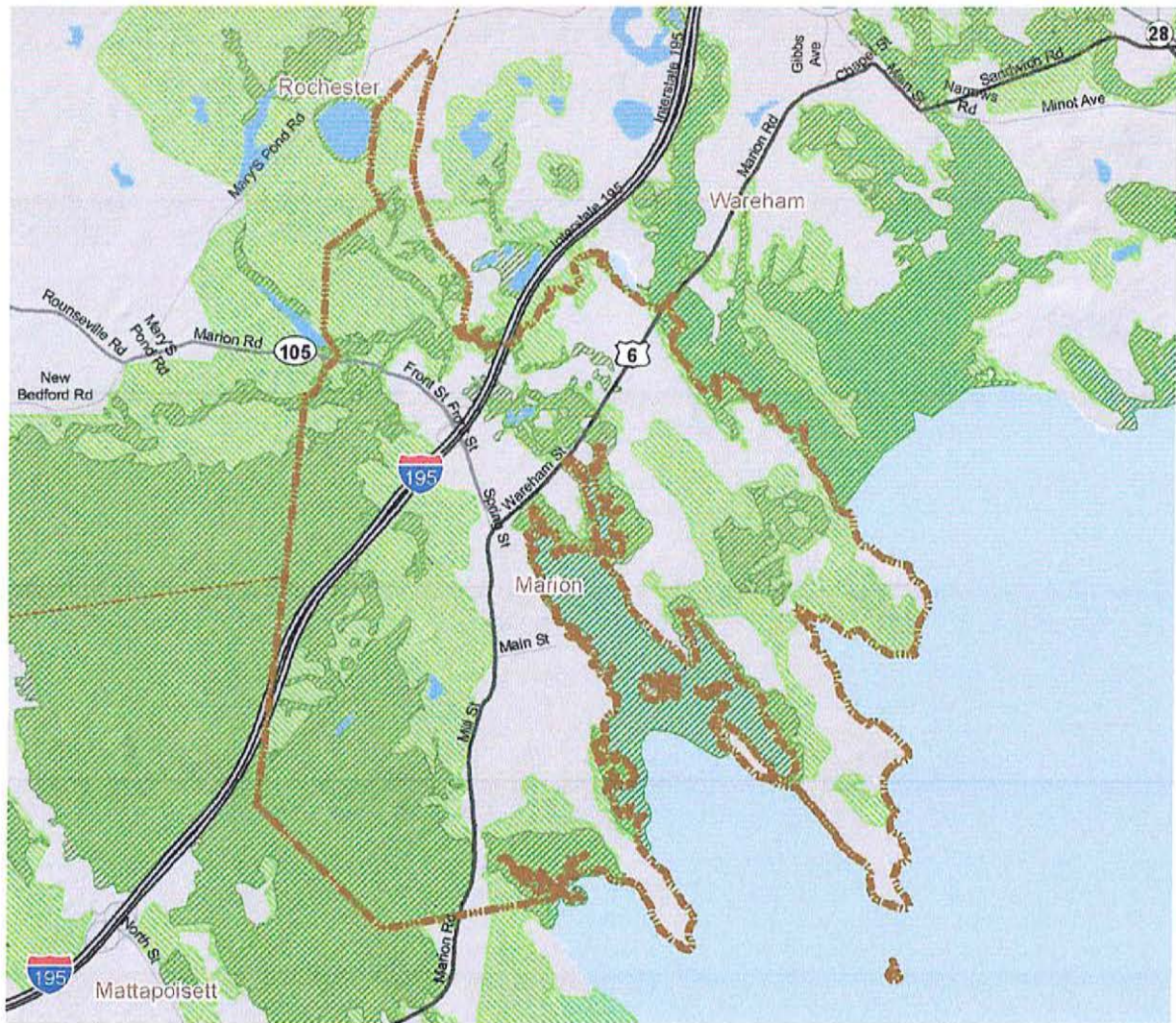
* Calculated using MassGIS data layer "Protected and Recreational Open Space—March, 2012".



** See next pages for complete list of species, natural communities and other biodiversity elements.



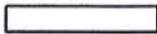


BioMap2 Core Habitat and Critical Natural Landscape in Marion



-  BioMap2 Core Habitat
-  BioMap2 Critical Natural Landscape

1 Mile



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**Species of Conservation Concern, Priority and Exemplary Natural Communities,
and Other Elements of Biodiversity in Marion**

Insects

Moths

[Water-willow Stem Borer](#), (*Papaipema sulphurata*), T

Amphibians

[Four-toed Salamander](#), (*Hemidactylium scutatum*), Non-listed SWAP

Reptiles

[Diamond-backed Terrapin](#), (*Malaclemys terrapin*), T

[Eastern Box Turtle](#), (*Terrapene carolina*), SC

Plants

[Pygmyweed](#), (*Crassula aquatica*), T

[Mattamuskeet Panic-grass](#), (*Dichanthelium dichotomum* ssp. *mattamuskeetense*), E

[Philadelphia Panic-grass](#), (*Panicum philadelphicum* ssp. *philadelphicum*), SC

[Long-leaved Panic-grass](#), (*Panicum rigidulum* ssp. *pubescens*), T

[Northern Gama-grass](#), (*Tripsacum dactyloides*), E

Priority Natural Communities

[Sea-Level Fen](#), S1

[Estuarine Intertidal: Brackish Tidal Marsh](#), S1

[Coastal Plain Pondshore](#), S2

[Coastal Forest/Woodland](#), S3

Other BioMap2 Components

[Forest Core](#)

[Aquatic Core](#)

[Wetland Core](#)

[Landscape Block](#)

[Aquatic Core Buffer](#)

[Wetland Core Buffer](#)

[Coastal Adaptation Area](#)

[Tern Foraging Area](#)

E = Endangered

T = Threatened

SC = Special Concern

S1 = Critically Imperiled communities, typically 5 or fewer documented sites or very few remaining acres in the state.

S2 = Imperiled communities, typically 6-20 sites or few remaining acres in the state.

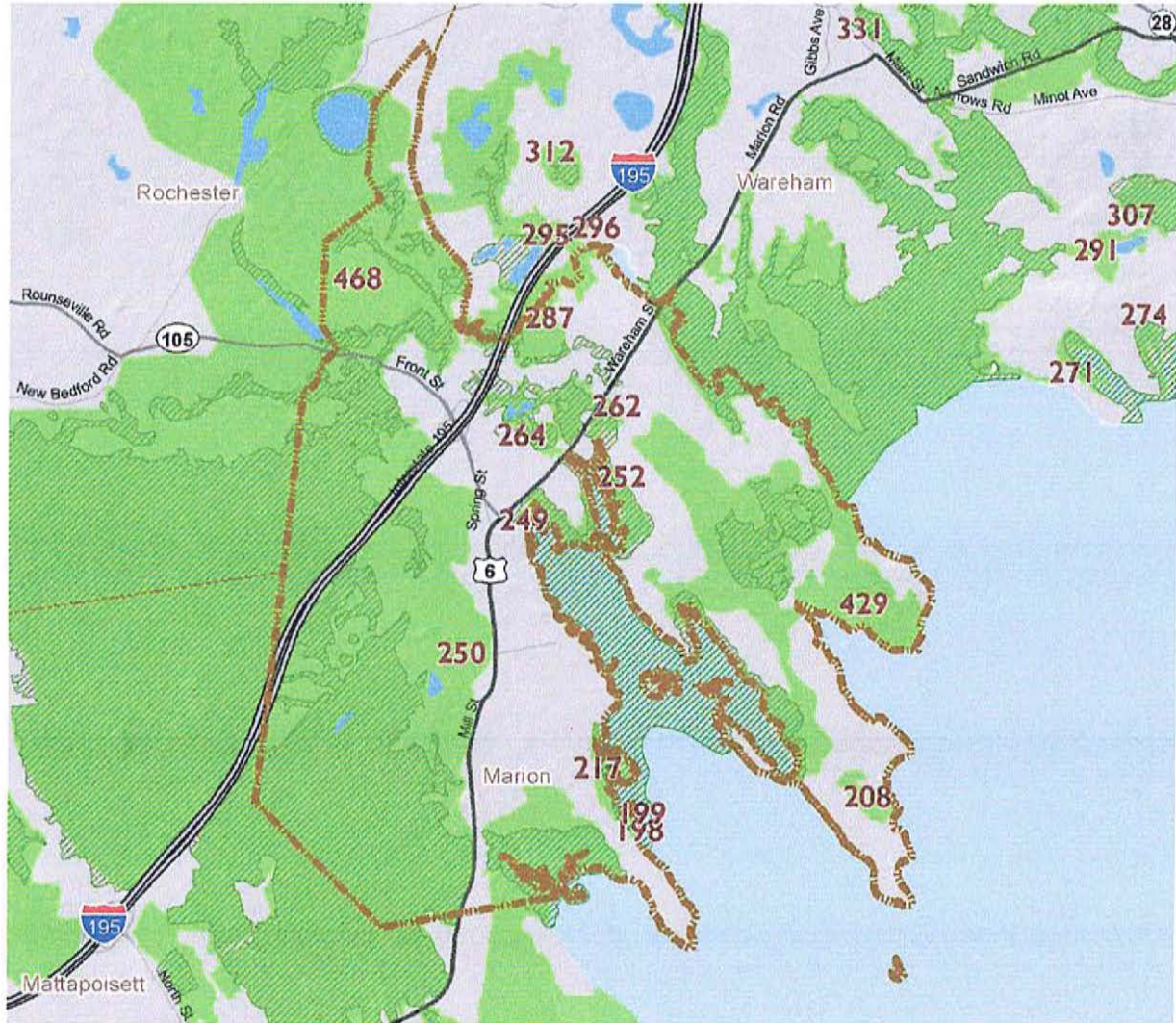
S3 = Vulnerable communities, typically have 21-100 sites or limited acreage across the state.







BioMap2 Critical Natural Landscape in Marion

Critical Natural Landscape IDs correspond with the following element lists and summaries.



 BioMap2 Core Habitat
 BioMap2 Critical Natural Landscape

1 Mile



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Appendix B. Mattapoissett River Valley Water Supply Protection

10



15-YEAR STATUS REPORT (2001-2016)

MATTAPOISETT RIVER VALLEY LAND PROTECTION PARTNERSHIP

BUZZARDS BAY COALITION • MATTAPOISETT RIVER VALLEY WATER SUPPLY PROTECTION
ADVISORY COMMITTEE • TOWNS OF MARION, ROCHESTER, MATTAPOISETT AND FAIRHAVEN

THE CHALLENGE

Protecting our drinking water in the Mattapoisett River Valley

The Mattapoisett River Valley, spanning from Snipatuit Pond in Rochester to the Harbor in Mattapoisett, is one of southeastern Massachusetts' most important water resources. The river itself supports outdoor recreation, an historically active herring run and a number of rare and threatened plants and animals. But the river valley is just as important for what you can't see – the underlying aquifer that is the regional drinking water supply for more than 24,000 people living in the towns of Fairhaven, Mattapoisett, Marion and Rochester. Over the past 15 years, the Buzzards Bay Coalition has worked in close partnership with these towns to proactively preserve the forests and wetlands along the Mattapoisett forever.

The towns of Fairhaven and Mattapoisett get all of their public drinking water from a series of wells within the Mattapoisett River Valley. The towns manage this water supply along with the towns of Marion (60% of town water) and Rochester who also withdraw water from the valley. It is a clean, dependable source of drinking water, but protections for the area from inappropriate land development are limited.

The most critical portion of this river valley is the 6,000 acres of land closest to the wells from which we withdraw water – the recharge area designated by the MA Department of Environmental Protection as the "Zone II". Protection of undeveloped lands within the Zone II is one of the best and most cost effective ways to preserve the quality of drinking water. Yet, 72% of land within the critical Zone II area around the wells, remains unprotected from uses that might pollute the water supply.

OUR STRATEGY

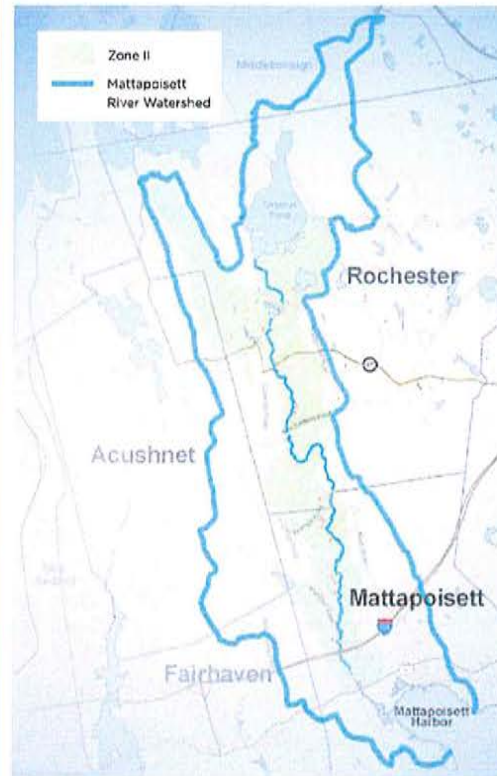
Back in 2000, the status of open space protection within the Mattapoisett River Valley was exceptionally weak for such an important public water supply. Despite some early land purchases by the Fairhaven, Mattapoisett and Marion Water Departments immediately around their well sites, only 8% of the land within the Mattapoisett River Valley watershed was permanently protected from residential development which could harm the water supply.

Nevertheless, land protection opportunities in the Mattapoisett River Valley were strong. Much of the remaining undeveloped land exists in large parcels that have been passed down for generations within local families with solid land ethics and community ties. Forests and wetlands continued to define the landscape and held the promise of a water supply that could continue to safely supply these growing communities for generations to come. The work ahead was in how best to get these lands into permanent conservation.

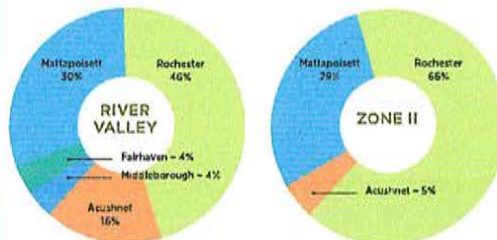
Having already organized into the Mattapoisett River Valley Drinking Water Supply Protection Advisory Committee with representatives from each of the four communities withdrawing water from the valley, the towns joined forces with the nonprofit Buzzards Bay Coalition which had already begun work to protect land in the area for water resource protection. Together the Coalition, the Advisory Committee and town water officials began strategizing how to accelerate the pace and amount of land being protected each year in the valley.

Fifteen years later, this report documents the outstanding success of this partnership model. Since negotiating our first deals in 2001, the Partnership has completed 27 separate real estate transactions resulting in the permanent protection of 1,468 acres of Mattapoisett River Valley Water Supply lands – a rate of nearly 100 acres each year.

THE MATTAPOISETT RIVER VALLEY & ZONE II DRINKING WATER SUPPLY AREAS



RIVER VALLEY STATS



The Mattapoisett River Valley (also called its Drainage Basin or Watershed) contains 18,381 acres in five communities. The Mattapoisett River Zone II (6,000 acres) lies entirely within the River Valley. While all activities on the land within the valley have the potential to harm our drinking water, those occurring within the MA DEP-designated Zone II are most critical to protect. This is the primary area where rainwater soaks into the ground to recharge the underlying aquifer from which we draw our drinking water.

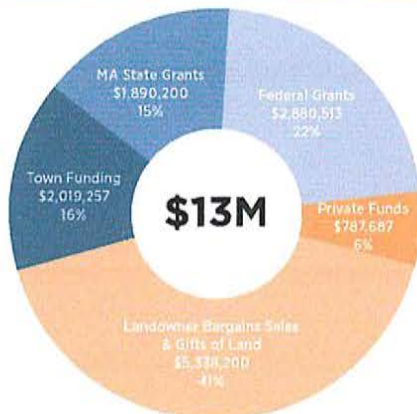
1,468 ACRES PROTECTED

BETWEEN 2001-2016

98 ACRES PER YEAR - Doubled The Amount Of Protected Land
AS A RESULT, TODAY: 28% OF ZONE II PROTECTED
17% OF RIVER VALLEY PROTECTED

THE RESULTS

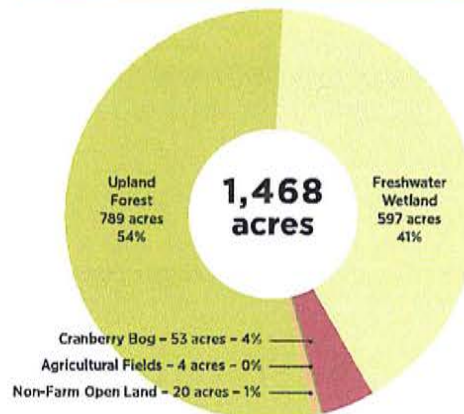
Between 2001-2016, the Mattapoissett River Valley Land Protection Partnership permanently protected 1,468 acres of land to maintain the quality and quantity of our region's drinking water supply. Four charts tell the story best.



Funding to acquire the lands and Conservation Restrictions featured in this 15-year report was split nearly equally between government grant (53%) and private (47%) sources. The largest source of support came from generous local landowners who agreed to sell their land for less than its Fair Market Value in order to see the land protected. These 'bargain sales' of land totaled \$5,338,000 in donated value. The Buzzards Bay Coalition also raised \$787,687 in gifts from individuals, families and foundations concerned about clean water.

On the government side, funding was divided almost equally between local, state and federal sources. Town funding primarily came in the form of contributions from the Mattapoissett River "Water Supply Protection Fund" which collects approximately \$75,000 each year as a user fee of one penny per one hundred gallons used. Since 2010, these local funds have been supplemented with Community Preservation Funds in the towns of Fairhaven, Mattapoissett and Marion.

The Buzzards Bay Coalition coordinated State and Federal Grant applications, usually in close partnership with a municipal applicant. Most notable among these programs were MA DEP Drinking Water Supply Protection Grants and the US Department of Agriculture's Wetland Reserve Program.

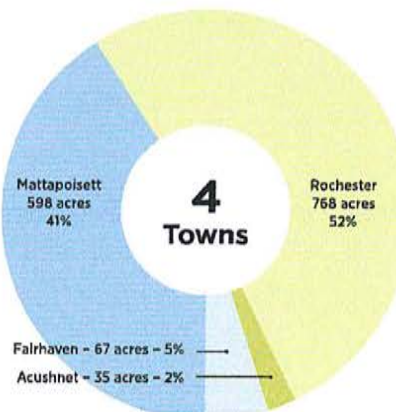


In selecting lands for protection, first priority was placed on properties within the Zone II Recharge Area for the Mattapoissett River Valley municipal wells system. These areas have been determined to most directly recharge the groundwater around the wells so their protection is most important to maintaining both water quality and quantity. Second priority was granted to forest and wetlands. These areas are powerful pollution filters, help maintain soil and water temperatures, reduce stormwater runoff and encourage groundwater recharge, and provide wildlife habitat. The cranberry bogs acquired are immediately adjacent to two important wells and were removed from cultivation in order to prevent potential pollution from fertilizers, pesticides and herbicides and restore natural water flows both of which further support the maintenance of healthy drinking water.



Between 2001-2016, the Mattapoissett River Valley Land Protection Partnership completed 27 separate real estate transactions with landowners willing to sell or donate their land for conservation. All participation by landowners was entirely voluntary.

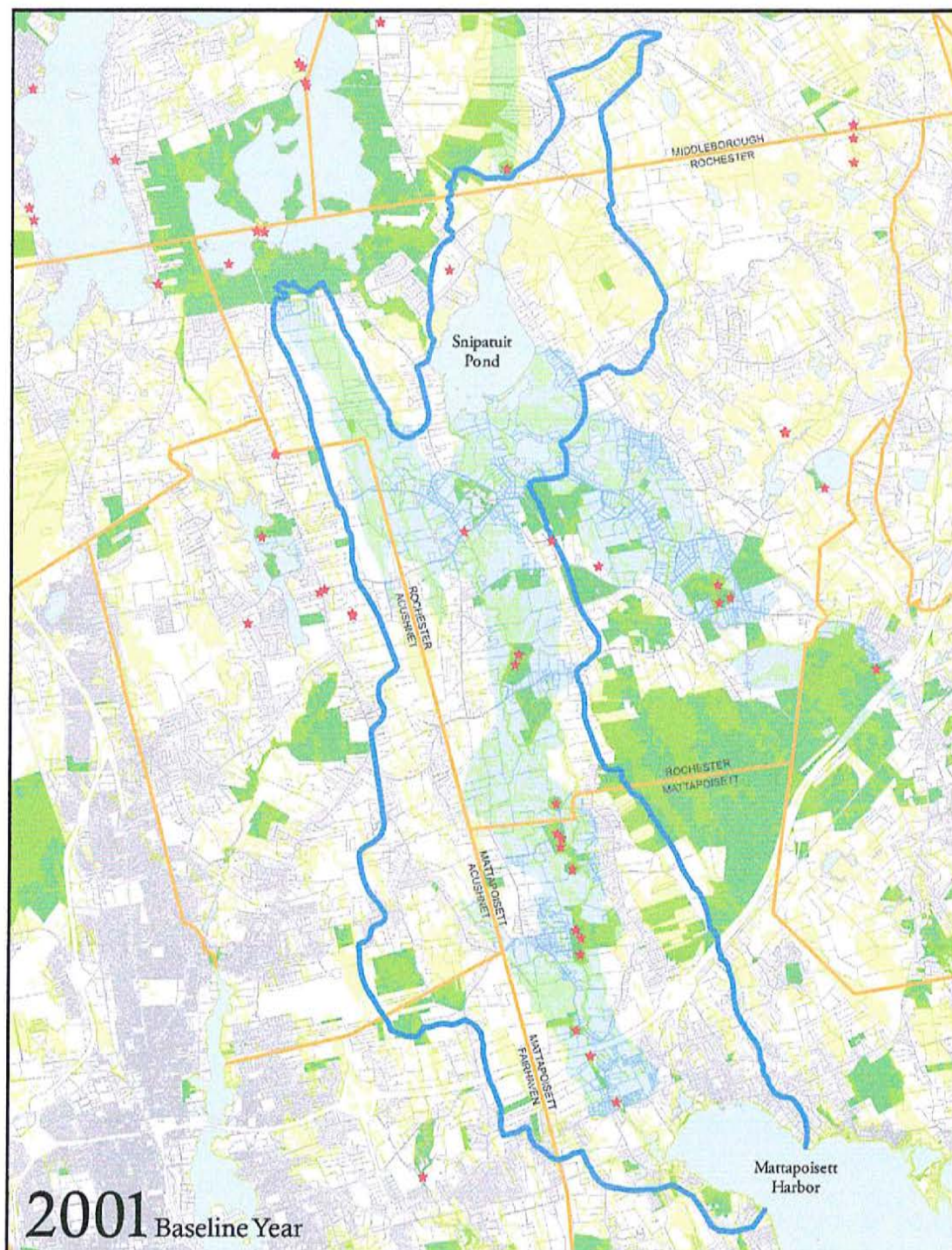
In selecting deals to pursue, land immediately adjacent to wells was considered a priority for outright acquisition to allow for the highest level of protection of the water supply. Adjacent lands were considered suitable for protection through Conservation Restrictions (CR). A CR is a permanent agreement between a conservation nonprofit like the Buzzards Bay Coalition or a town conservation commission or water department which prevents development of land while allowing it to remain in private ownership.



The Mattapoissett River Valley straddles five communities - Mattapoissett, Rochester, Fairhaven, Acushnet and Middleborough - but the vast majority of the Valley and its critical Zone II lies in Rochester and Mattapoissett. Therefore, the lands protected over the past fifteen years have mirrored this distribution. As a regional water resource, what town boundary a parcel of land might fall within matters much less than how that land contributes to the overall protection of the water supply. As a result, many deals saw voters in Marion, Mattapoissett and Fairhaven voting to spend their own town funds on lands in other communities - a testament to the strength of this truly regional water supply.

THE DEALS

Beyond the planning and fundraising, the day-to-day work of the Mattapoissett River Valley Land Protection Partnership has been with the landowners and families of this landscape - many of whom have owned these lands for generations. The maps on the following pages show how these deals unfolded between 2001-2016. Behind the labels and colors on the map are many of the foundation families of Old Rochester - the Rounsevilles, Churches, and Tinkhams - and relative "newcomers" like the Decas Cranberry Company, and the McIntire and Keeler families. It has been our privilege to work with all of them to preserve not only the waters but the rural character and beauty of the Mattapoissett River Valley.



- ★ DEP-Approved Public Water Supply Wells
- Mattapoisett River Valley Watershed
- Municipal Boundaries
- DEP Core Wetland Resources
- Existing Protected Lands
- DEP Drinking Water Zone II
- Assessors' Parcels



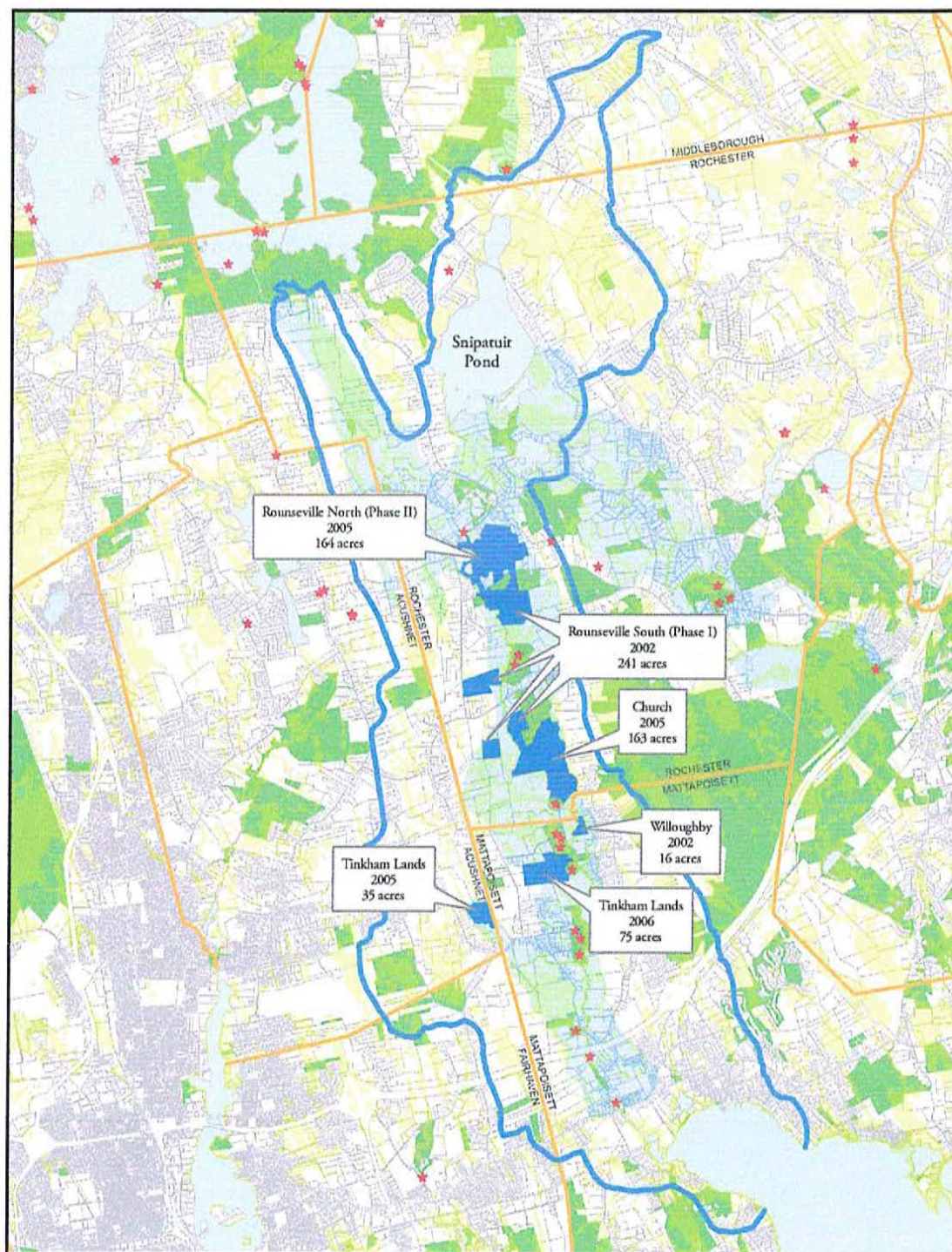
Data Sources: MassGIS & Buzzards Bay National Estuary Program

2006

15-YEAR STATUS REPORT (2001-2016)

MATTAPOISETT RIVER VALLEY LAND PROTECTION PARTNERSHIP

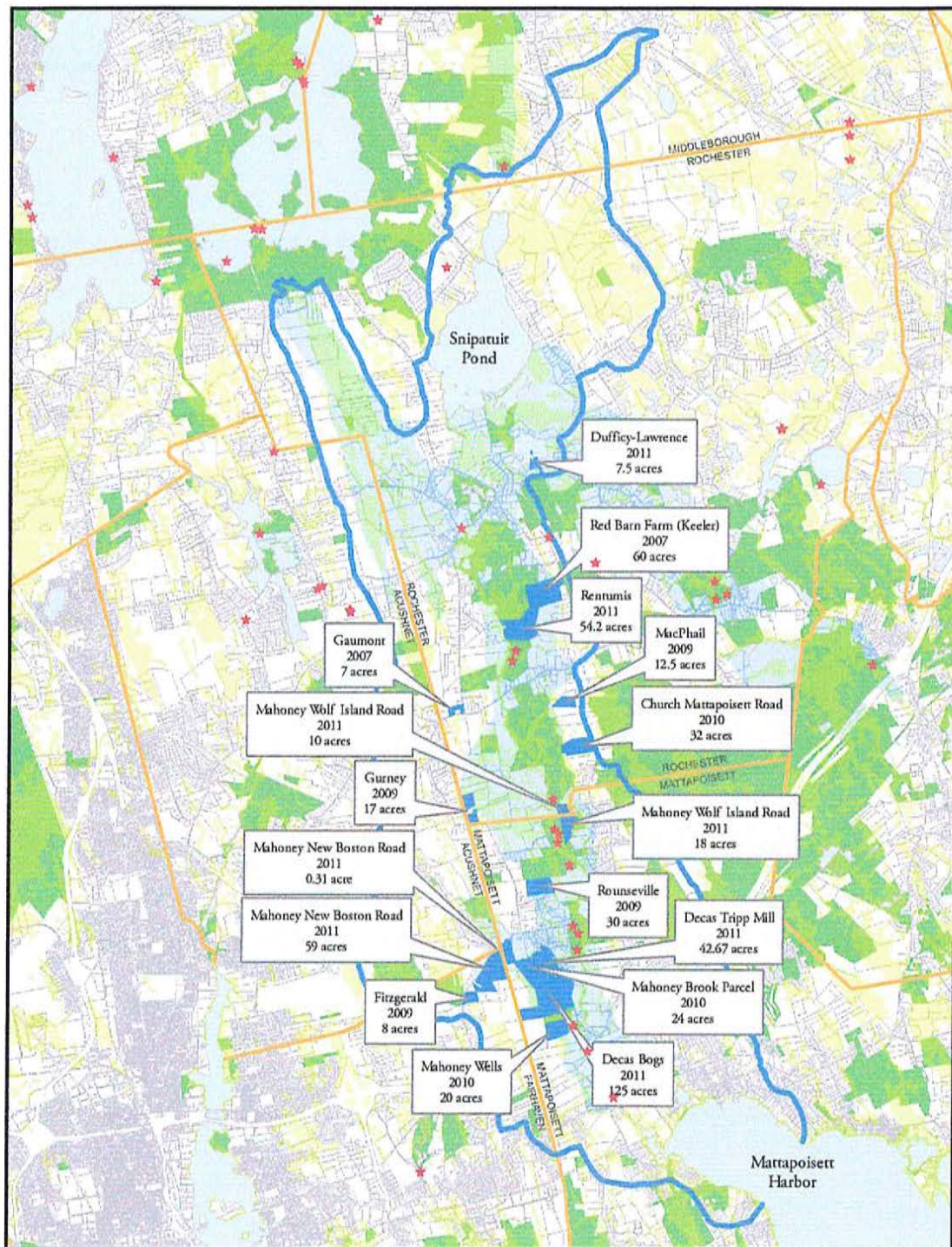
BUZZARDS BAY COALITION & MATTAPOISETT RIVER VALLEY WATER SUPPLY PROTECTION ADVISORY COMMITTEE



- ★ DFP-Approved Public Water Supply Wells
- Mattapoisett River Valley Watershed
- Municipal Boundaries
- BBC Partnership Projects
- DEP Core Wetland Resources
- Existing Protected Lands
- DEP Drinking Water Zone II
- Assessors' Parcels



Data Sources: MassGIS & Buzzards Bay National Estuary Program



- ★ DFP-Approved Public Water Supply Wells
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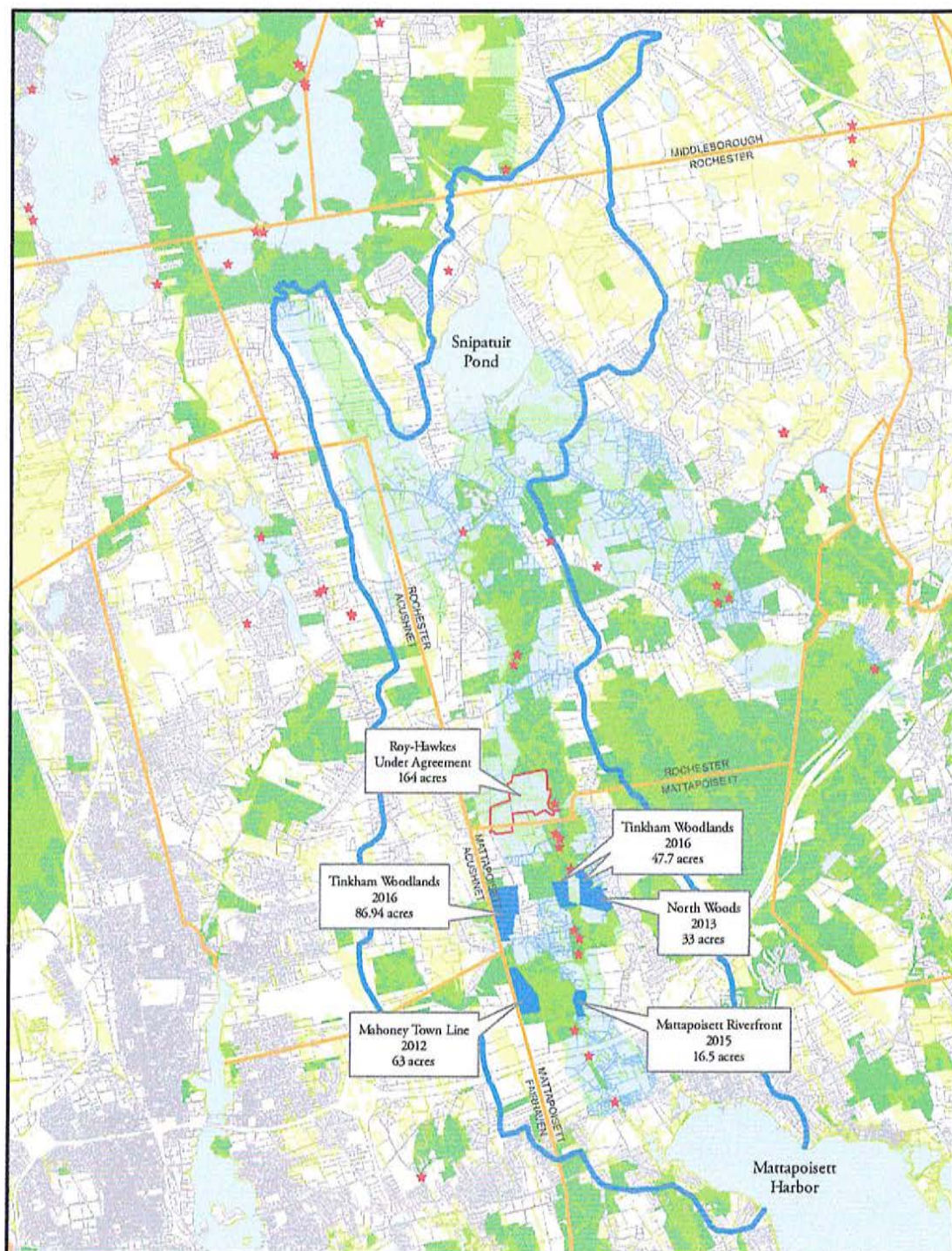


Data Sources: MassGIS & Buzzards Bay National Estuary Program

2016 15-YEAR STATUS REPORT (2001-2016)

MATTAPOISETT RIVER VALLEY LAND PROTECTION PARTNERSHIP

BUZZARDS BAY COALITION & MATTAPOISETT RIVER VALLEY WATER SUPPLY PROTECTION ADVISORY COMMITTEE



- ★ DFP-Approved Public Water Supply Wells
- Mattapoisett River Valley Watershed
- Municipal Boundaries
- BBC Partnership Projects
- DEP Core Wetland Resources
- Existing Protected Lands
- DEP Drinking Water Zone II
- Assessors' Parcels



Data Sources: MassGIS & Buzzards Bay National Estuary Program

THE PROJECTS

YEAR	PROJECT NAME	TOWN	TOTAL ACRES	LAND PROTECTION OUTCOME	
				OWNERSHIP	CONSERVATION RESTRICTION HOLDER(S)
2002	Willoughby	Mattapoisett	16	Mattapoisett Conservation Commission	
2002	Rouseville Homestead South	Rochester	241	Private	Rochester Land Trust & Marion Water Department
2005	Tinkham Pond lands	Acushnet	35	Fairhaven-Acushnet Land Preservation Trust	
2005	Rouseville Homestead North	Rochester	164	Private	Wildlands Trust & Rochester Conservation Commission
2005	Church Homestead	Rochester	163	MA Division of Fish & Game	
2006	Tinkham Lands	Mattapoisett	75	Mattapoisett Water Department	
2007	Gaumont Farm	Rochester	7	Private	Buzzards Bay Coalition & Rochester Land Trust
2007	Red Barn Farm	Rochester	60	Private	Buzzards Bay Coalition & Rochester Land Trust
2009	Fitzgerald	Fairhaven	8	Fairhaven Conservation Commission	Buzzards Bay Coalition
2009	Rouseville woodlot	Mattapoisett	30	Mattapoisett Water Department	
2009	MacPhail	Rochester	12.5	Private	Buzzards Bay Coalition & Rochester Land Trust
2009	Gurney	Rochester/Mattapoisett	17	Private	Buzzards Bay Coalition & Rochester Land Trust
2010	Mahoney Brook Parcel	Mattapoisett	24	Buzzards Bay Coalition	Mattapoisett Conservation Commission CR
2010	Mahoney Wells	Mattapoisett	20	Mattapoisett Water Department	
2010	Church Mattapoisett Road	Rochester	32	Rochester Land Trust	
2011	Mahoney New Boston Road	Acushnet	0.31	Buzzards Bay Coalition	
2011	Mahoney New Boston Road	Fairhaven	59	Fairhaven Conservation Commission	Buzzards Bay Coalition
2011	Mahoney Wolf Island Road	Mattapoisett	18	Mattapoisett Water Department	Fairhaven Water Department
2011	Decas Tripps Mill	Mattapoisett	42.67	Mattapoisett Conservation Commission	Buzzards Bay Coalition
2011	Decas Bogs	Mattapoisett	125	Buzzards Bay Coalition	USDA Natural Resources Conservation Service
2011	Rentunis	Rochester	54.2	Marion Water Department	Buzzards Bay Coalition
2011	Mahoney Wolf Island Road	Rochester	10	Rochester Conservation Commission	Fairhaven Water Department
2011	Dufficy-Lawrence	Rochester	7.5	Private	Buzzards Bay Coalition & Rochester Land Trust
2012	Town Line Lots	Mattapoisett	63	Buzzards Bay Coalition	Mattapoisett Conservation Commission
2013	North Woods	Mattapoisett	33	Mattapoisett Conservation Commission	Buzzards Bay Coalition
2015	Mattapoisett Riverfront	Mattapoisett	16.6	Mattapoisett Conservation Commission	Buzzards Bay Coalition
2016	Tinkhamtown Woodlands I	Mattapoisett	115.3	Mattapoisett Water Department	Buzzards Bay Coalition, Fairhaven Water and Marion Water Dept.
2016	Tinkhamtown Woodlands II	Mattapoisett	19.3	Buzzards Bay Coalition	
			1,468		

Depending on the characteristics of the land, wishes of landowners, and available funding sources, each deal resulted in slightly different land protection outcomes. Lands destined for walking trail networks, hunting and fishing, and canoe access were prioritized for ownership by the Buzzards Bay Coalition who committed to manage the land for responsible public use into the future. Lands close to wells were acquired by town Water Departments, and private lands were protected with Conservation Restrictions (CRs). This flexible approach to each individual deal has been one of the hallmarks of this partnership and will continue in the years ahead. What is common to every transaction, however, is that the land is protected from development forever – usually through multiple reinforcing land ownership and CR agreements.

THE BENEFITS

Protecting Water Quality

The forests and wetlands of Mattapoisett River Valley work together to shield the river and the valley aquifer from excess nitrogen and other pollutants. When development and urbanization threaten the natural spaces that filter out pollutants and prevent them from entering the water supply, the overall quality of the water in the valley can be degraded. This manifests through an increase in contaminants entering the watershed, which can include wastewater from residential septic systems, pesticides and fertilizers from lawns and gardens, road salts, and heavy metals. Permanent protection of this land sustains the essential natural areas that protect against contamination, safeguarding clean drinking water for more than 24,000 people and ensuring that the Mattapoisett River Valley drinking water supply will remain healthy for generations to come.

Maintaining Water Quantity

In the Mattapoisett River Valley, the aquifer is maintained as water soaks into the ground after rainfall. The area in which this occurs is known as the recharge area, or Zone II (See map on page 1). However, 72% of land in Zone II is not currently protected from development, which threatens the pervious surfaces that allow water to soak into the ground in the recharge area. Housing developments, driveways and roads are all examples of impervious surfaces resulting from development that decrease the base flow reaching the aquifer. Protecting land around the Mattapoisett River Valley recharge area safeguards against the construction of impervious surfaces, ensuring that the base flow sustaining the aquifer will be protected and that there will be an adequate supply of clean water for all.

Expanding Outdoor Recreation

Protecting land in the Mattapoisett River Valley does more than safeguard against ecological threats—it also provides additional recreational spaces and opportunities for local residents. On much of the land that has been protected in the valley, the public is welcome to explore the preserved areas and engage in passive recreation opportunities. Depending on the site, visitors can enjoy miles of walking trails, fish, birdwatch, cross-country ski, hunt, and more. Preserving land around the Mattapoisett River Valley affords residents the chance to get outdoors and enjoy the natural beauty of the South Coast—just steps from their homes, offices, and schools. It also ensures that their children and grandchildren will be able to experience the unspoiled magnificence of the area.

Preserving Fish and Wildlife

Preserving open space also benefits the animals and plants that call the Mattapoisett River Valley home. Much is at stake—the Mattapoisett River has historically been home to one of the largest herring populations on Buzzards Bay with thousands of herring migrating up the river to spawn each year. Other species, such as shad, sturgeon, and Atlantic salmon are entirely gone from the region. On land, the valley is home to a number of rare and threatened species of plants and animals with much of the area mapped by the state as Priority Habitat. Therefore, it is imperative to preserve large, contiguous areas of open space in the Mattapoisett River Valley to protect the well-being of keystone species threatened by habitat degradation and fragmentation.



PHOTOS: THIS PAGE - TIM SYLVIA, FRONT - SHIPCAN WEEK


In Closing,

In the past fifteen years, the Buzzards Bay Coalition, working in close partnership with the Mattapoisett River Valley Water Supply Protection Advisory Committee, has made extraordinary progress toward the permanent protection of our drinking water. 1,468 acres of land were preserved around our wells between 2001-2016. The model created for this work leveraged local government funding for drinking water supply protection by six times, making it possible to protect land in the Mattapoisett River Valley at a rate of nearly 100 acres per year. This critical work continues today with much more land in need of protection around our wells.



114 Front St. New Bedford, MA 02740
(508) 999-6363 | www.buzzardsbay.org

Dedicated to the restoration, protection and sustainable use and enjoyment of our irreplaceable Bay and its watershed.



MATTAPOISETT RIVER VALLEY
WATER SUPPLY
PROTECTION ADVISORY COMMITTEE

P.O. Box 1055 | Mattapoisett, MA 02739 | www.mrvwspac.org

Managing Water Resources For Our Future and Protecting the Angler for Fairhaven, Marion, Mattapoisett & Rochester



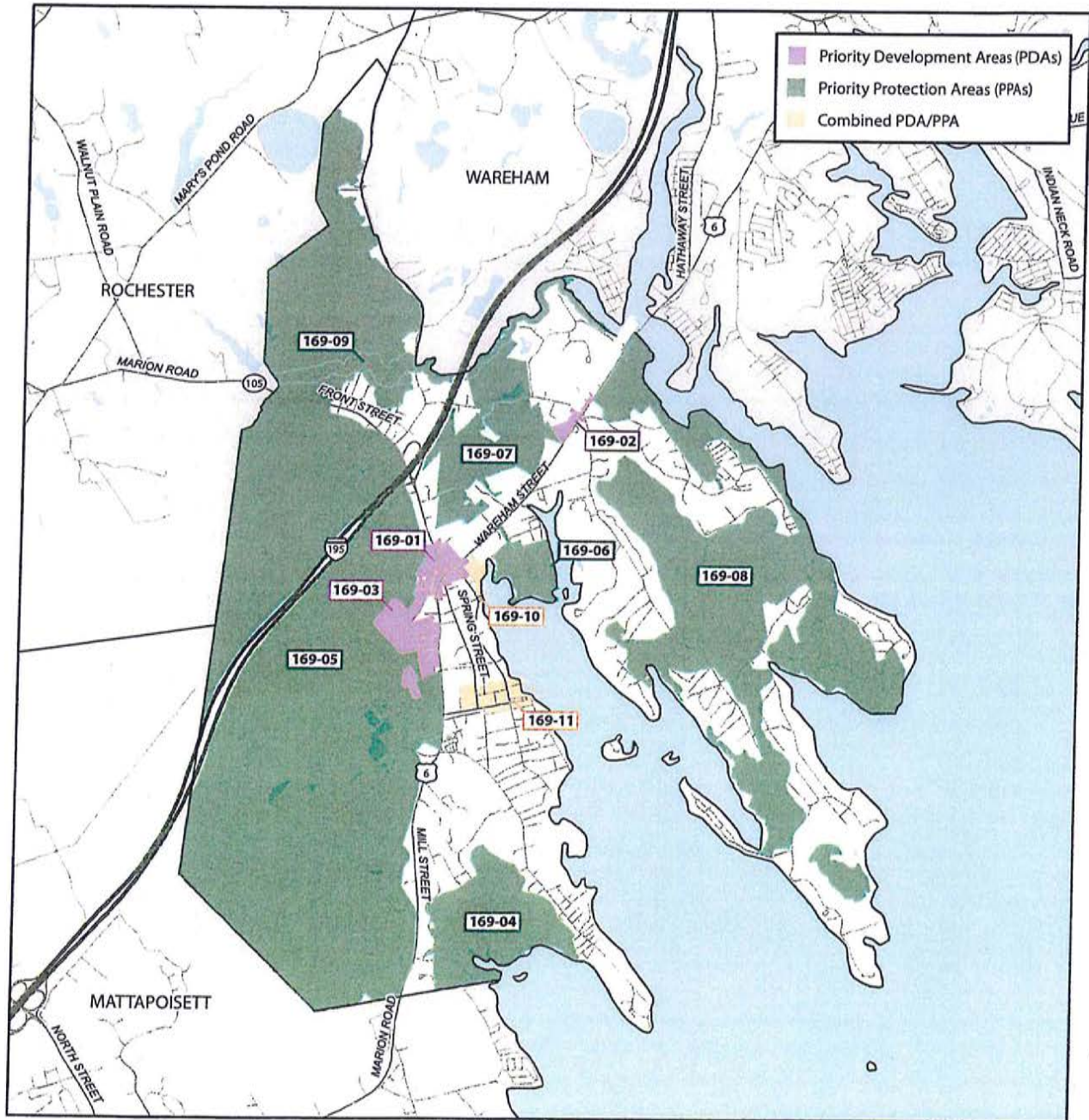
Appendix C. Marion 2013 Priority Development Area and Priority Protection Area Summary

10

South Coast Rail Corridor Plan

Five-Year Update of Community Priority Areas

Marion



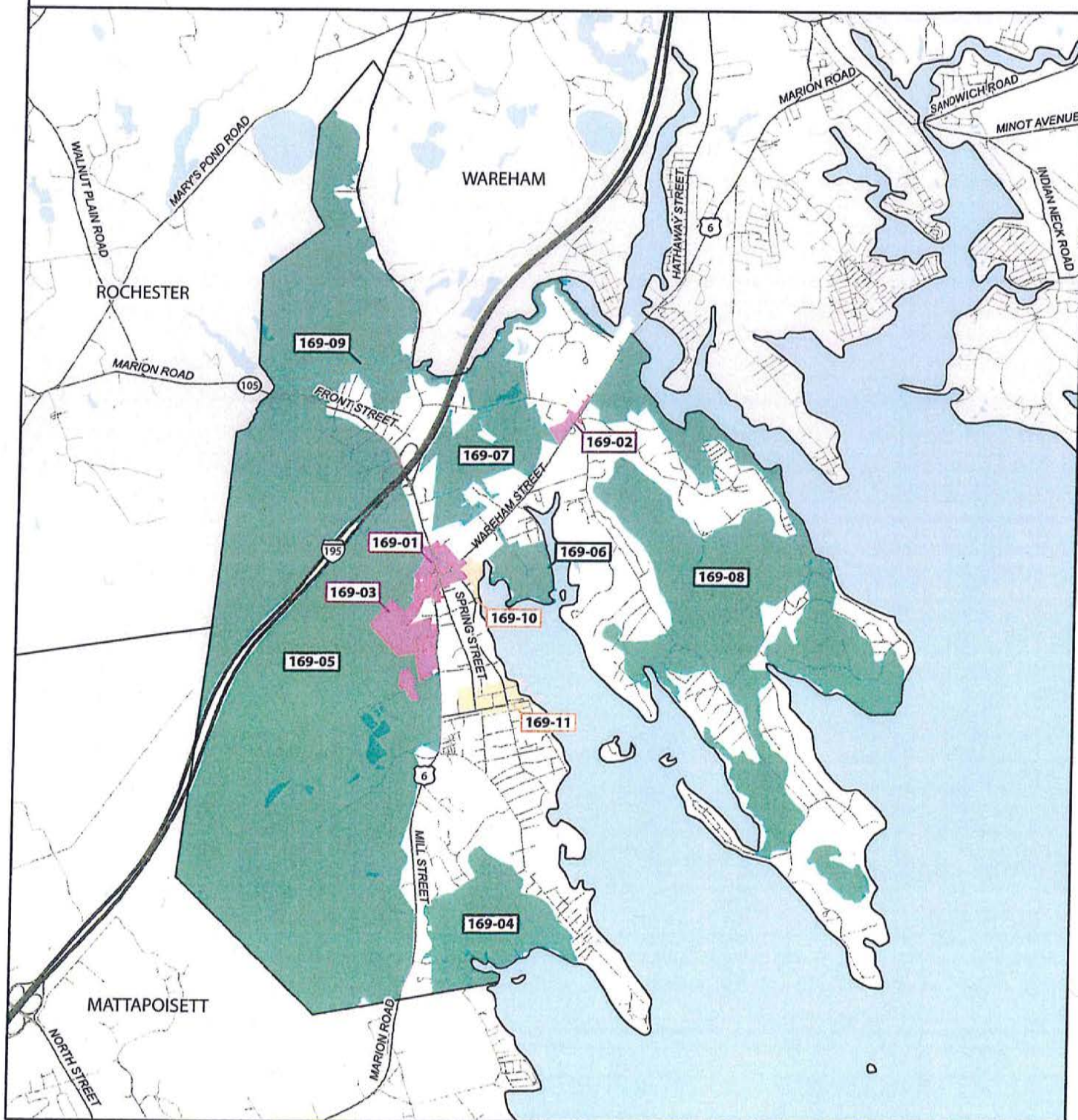
2013 Marion Community Priority Area List

ID Number	Name	Type	Acres
169-01	Route 6 and Route 105 Crossroads General Business District	Development	44.31
169-02	Point Road General Business District	Development	15.37
169-03	Route 6 Light Industry	Development	80.09
169-04	Aucoot Cove	Protection	310.08
169-05	Haggerty, Haskell, and Bear Swamps Water Resource Protection	Protection	3,472.70
169-06	Little Neck	Protection	75.57
169-07	Washburn Park and Point Road Bogs	Protection	287.79
169-08	Weweantic River, Great Hill Point, and Sippican Neck	Protection	1,265.37
169-09	Sippican River Protection Overlay District	Protection	114.03
169-10	Old Landing Marine Business	Combined	14.44
169-11	Village Center	Combined	46.30

Town of Marion Community Priority Areas, 2013

- Priority Development Areas (PDAs)
- Priority Protection Areas (PPAs)
- Combined PDA/PPA
- Interstates
- Arterials and Collectors
- Local Roads
- Water

This map is for the sole purpose of aiding regional planning decisions and is not warranted for any other use. June 2013



TOWN OF MARION

SOUTH COAST RAIL CORRIDOR PLAN

PRIORITY DEVELOPMENT & PROTECTION AREAS FIVE-YEAR UPDATE

INTRODUCTION

This report presents the updated Priority Development Areas (PDAs) and Priority Protection Areas (PPAs) in the town of Marion. This community-driven land use planning exercise first took place in 2008, when three Regional Planning Agencies, SRPEDD, MAPC, and OCPC, worked alongside local residents, business owners, officials, and organizations to designate the areas that were most important for development or preservation in each community. All thirty-one (31) South Coast Rail (SCR) Corridor communities participated in this project in 2008 and again in 2013.

In 2013, the three Regional Planning Agencies (RPAs) revisited these 31 communities to review and update the 2008 designations. Updates took into account new data that became available over the last five years as well as new municipal priorities. The “Five-Year Update” process was an opportunity to confirm choices made during the 2008 process, to revise previous designations, and to make new choices that acknowledged new conditions. During this review process, the SRPEDD website provided current information to the public, including a calendar of SCR Five-Year Update meetings and a resource library of relevant information sheets and maps.

What are Priority Development Areas (PDAs)?

Priority Development Areas (PDAs) are areas that are appropriate for increased development or redevelopment due to several factors including good transportation access, available infrastructure (primarily water and sewer), an absence of environmental constraints, and local support. PDAs can range in size from a single parcel to many acres. Potential development ranges from small-scale infill to large commercial, industrial, residential, or mixed-use projects. Town and village centers, Chapter 40R Districts, industrial parks, and proposed commuter rail station sites are typical examples of PDAs.

What are Priority Protection Areas (PPAs)?

Priority Protection Areas (PPAs) are areas that are important to protect due to the presence of significant natural or cultural resources, including endangered species habitats, areas critical to water supply, historic resources, scenic vistas, and farms. Like PDAs, the PPAs can vary greatly in size. Sites may be candidates for protection through acquisition or conservation restrictions.

What are Combined Priority Development and Priority Protection Areas (Combined Areas)?

In Combined Priority Development and Priority Protection Areas, communities welcome development; however, the development is expected to be sensitive to its site and the surrounding area. This may include development that complements the older structures within a historic district or low impact development that protects nearby water resources or biodiversity.

What do PDAs and PPAs do for my city or town?

A community's Priority Area designations can guide municipal decisions about zoning revisions, infrastructure investments, and conservation efforts. For example, some communities choose to incorporate these designations into their Master Plan. Also, municipalities are implementing these designations using technical assistance available through State funding programs such as the South Coast Rail Technical Assistance and District Local Technical Assistance (DLTA).

In addition, the Community Priority Areas serve as the foundation for developing Regional and State Priority Area designations. Lastly, through Executive Order 525 (see below), the Patrick Administration asked certain state agencies to consider priority areas when making funding commitments.

Regional and State Priority Areas

The Community Priority Areas are essential to the process of determining the Regional and State Priority Area Maps. Local designations determined to be of regional significance through a regional screening process, including public input received at regional public workshops, make up the Regional Priority Areas map. In turn, the Community and Regional Priority Areas are the basis for the State Priority Area Map.

Executive Order 525 (E.O. 525)

In fall 2010, Gov. Patrick issued Executive Order 525 (E.O. 525) providing for the implementation of the South Coast Rail Corridor Plan and Corridor Map (Corridor Plan) through state agency actions and investments. The Executive Order calls for state investments to be consistent with the Corridor Plan's recommendations to the maximum extent feasible. These state actions have the potential to leverage local and private investments in the priority areas. The Executive Order also directs state agencies to conduct a retrospective analysis to determine how consistent their actions and investments in the region have been with the Corridor Plan goals.

PRIORITY AREA REVIEW PROCESS

SRPEDD staff worked with cities and towns to review their Priority Areas identified in 2008. Amendments to Priority Areas included delineating more precise boundaries using Geographic Information Systems (GIS) data. RPAs used interactive GIS maps to present over forty layers of information including, but not limited to ortho photography, parcel lines, zoning districts, state program areas (such as Growth District Initiative and Chapter 40R sites), and designated resource areas (such as high-yield aquifers, Zone II aquifers, BioMap 2 Core Habitats, and rivers and streams with their associated wetlands). Communities also worked to clarify the stated purpose for each Priority Area.

The process included a series of three meetings:

#1: Introductory meeting: A Regional Planning Agency staff member visited with Boards of Selectmen and Mayors to reintroduce the land use planning process that took place in 2008 and the reasons for conducting the Five-Year Update of Priority Area designations.

#2: Preliminary Meeting: SRPEDD staff facilitated a 2-3 hour working session with municipal staff and/or board and committee/commission members to review each priority area. Staff incorporated interactive GIS maps depicting various data layers (see Appendix) to inform discussions and decision-making. This preliminary process of updating the 2008 Priority Area designations had the following general guiding principles in mind:

- Incorporating changes in municipal priorities, needs, and desires
- Understanding updated state policies such as Executive Order 525
- Refining priority area boundaries to be exact and “rational” (coterminous with other map layers such as roadways, zoning boundaries, designated resource areas, etc.)
- Making clear and strategic statements about the stated purpose for and desired character of priority areas

For the few SRPEDD communities without town staff, SRPEDD did this preliminary review at a public meeting in the community; then, using the criteria outlined by meeting participants, SRPEDD made the remaining changes and returned revised maps and a narrative description of the revisions to the municipality for their review prior to the workshop with the general public. SRPEDD staff used the input from the preliminary meetings to generate a “before” and “after” map to present to the public for their feedback and input.

#3: Public Meeting Review: Each community held a public meeting, at which time RPAs and local meeting participants reviewed each community's priority areas and identified desired changes. Some communities incorporated this into a Board of Selectmen meeting, others

during a Planning Board meeting, and some communities held a public meeting held specifically for this purpose.

TOWN OF MARION RESULTS

On December 18, 2013, SRPEDD staff met with the Board of Selectmen (BOS) to re-introduce the Priority Area planning exercise. The BOS designated the Town Administrator, Paul F. Dawson, as the contact person for this work. The preliminary municipal meeting was held on March 12, 2013 at the Marion Town House. Participants reviewed the purpose and the boundaries of each 2008 Priority Area. In discussions, they clarified the purpose of each and adjusted the respective boundaries to coincide with the stated purpose.

The town of Marion held a public meeting to seek input from town residents on the revisions recommended by the municipal representatives on May 16, 2013 at Town House. Two revisions were requested for two of the priority areas and one new priority area was designated from existing Zoning. The consensus of the meeting attendees was that, with the noted revisions, the 2013 Priority Area map depicts the boundaries of areas deemed to be priorities for development and for preservation. The result of this work is the 2013 Marion Community Identified Priority Area Map, which can be found on page 2 of this document.

PRIORITY AREA ADJUSTMENTS

As stated above, the 2013 Priority Areas (PAs) are based upon the PA designations identified in 2008. Many of these PAs still represent municipal growth priorities today. In most cases, revisions made to the PAs simply transition them from the "general designations" of the 2008 process to more "exact designations" (both in terms of their boundaries and their stated purposes) using current Geographic Information Systems data and updated local input. In some cases, communities added new PAs or removed previous designations because (1) municipal priorities changed over time, (2) the purposes for designations were achieved or new ones arose, or (3) designations were incorporated into other PAs identified for the same purpose. The text below lists the updated 2013 PAs along with their related 2008 designations, describes their boundaries, and details their stated purposes in both 2008 (where applicable) and 2013.

PRIORITY DEVELOPMENT AREAS

Route 6 and Route 105 Crossroads General Business District [169-01]

Purpose: General infill and business redevelopment within selected parcels in the General Business, Light Industry, and Residential E Zoning Districts at the intersection of Route 6 and Route 105.

Boundaries: Boundaries correspond to selected parcels immediately around the intersection of Route 105 and Route 6. The designation contains OpenCape Broadband infrastructure.

Changes from 2008: In 2008, this PA was called Crossroads. Community representatives renamed this area in order to more clearly describe its purpose and location. Community representatives also altered its boundaries to more clearly follow parcel lines.

Point Road General Business District [169-02]

Purpose: General infill and business redevelopment within selected parcels in the General Business Zoning Districts with frontage on Route 6.

Boundaries: Boundaries correspond to selected parcels in the General Business Zoning Districts with frontage on Route 6. The designation contains OpenCape Broadband infrastructure.

Changes from 2008: In 2008, this PA was called Point Road Rte. 6. Community representatives renamed this area in order to more clearly describe its purpose. Community representatives also altered its boundaries to more clearly follow parcel lines and zoning districts.

Route 6 Light Industry [169-03]

Purpose: Continued economic development within selected, previously disturbed parcels in the Light Industry Zoning District.

Boundaries: Boundaries correspond to selected parcels within the Light Industry Zoning District. The designation contains OpenCape Broadband infrastructure.

Changes from 2008: In 2008, this PA was called Atlas Park Sippican Corp. Community representatives renamed this area in order to more clearly describe its purpose and location. Community representatives also altered its boundaries to more clearly follow parcel lines and zoning districts.

PRIORITY PROTECTION AREAS

Aucoot Cove [169-04]

Purpose: To preserve habitats and coastal resources associated with Aucoot Cove, including BioMap 2 Core Habitats and Critical Natural Landscapes.

Boundaries: Boundaries correspond to BioMap 2 Core Habitats and Critical Natural Landscapes.

Changes from 2008: This priority area is new in 2013.

Haggerty, Haskell, and Bear Swamps Water Resource Protection [169-05]

Purpose: To preserve habitats and water resources associated with these wetland areas including BioMap 2 Core Habitats and DEP Zone II Aquifers.

Boundaries: Boundaries correspond to a combination of the Town's Aquifer Protection Zoning District, Water Resource Protection District, and BioMap 2 Core Habitats and Critical Natural Landscapes in western Marion. Boundaries exclude those areas already designated by the Sippican River Protection Overlay District PPA.

Changes from 2008: In 2008, this PA consisted of three separate designations: Haggerty's Brook, Benson's Brook, and Borden's Brook. Community representatives renamed this area in order to more clearly describe the locations. Community representatives also expanded its boundaries to more clearly follow designated resource areas and zoning districts and to designate a larger, contiguous protection corridor.

Little Neck [169-06]

Purpose: To preserve habitats and coastal resources associated with Sippican Harbor, including BioMap 2 Core Habitats.

Boundaries: Boundaries correspond to selected undeveloped and lightly developed parcels along Little Neck.

Changes from 2008: Community representatives altered boundaries to more clearly follow parcel lines.

Washburn Park and Point Road Bogs [169-07]

Purpose: To preserve open space, passive and active recreation, and active agriculture within Town.

Boundaries: Boundaries correspond to selected undeveloped and lightly developed parcels along Point Road and south to Washburn Park. Boundaries exclude those areas already designated by the Sippican River Protection Overlay District PPA.

Changes from 2008: This priority area is new in 2013.

Weweantic River, Great Hill Point, and Sippican Neck [169-08]

Purpose: To preserve farmland, open space, and natural resources associated with these areas and the Weweantic River and Buzzards Bay, including BioMap 2 Core Habitats and Critical Natural Landscapes.

Boundaries: Boundaries correspond to a combination of BioMap 2 Core Habitats and Critical Natural Landscapes.

Changes from 2008: In 2008, this PA consisted of three separate designations: Weweantic River, Great Swamp, and Sippican Neck. Community representatives renamed this area in order to more clearly describe one of the locations. Community representatives also expanded its boundaries to more clearly follow designated resource areas to designate a larger, contiguous protection corridor.

Sippican River Protection Overlay District [169-09]

Purpose: To preserve habitats and riparian resources associated with the Sippican River, including BioMap 2 Core Habitats and Critical Natural Landscapes.

Boundaries: Boundaries correspond to Sippican River Protection Overlay Zoning District.

Changes from 2008: This priority area is new in 2013.

COMBINED PRIORITY AREAS

Old Landing Marine Business (2013) [169-10]

Purpose: Continued Marine Business opportunities with limited impact on Sippican Harbor and its associated natural resources.

Boundaries: Boundaries correspond to parcels within the Marine Business Zoning District containing the existing Old Landing.

Changes from 2008: This priority area is new in 2013.

Village Center [169-11]

Purpose: Mixed-use redevelopment and infill, housing options, and historic preservation. Proposed redevelopment will acknowledge and complement the existing historic character of the waterfront and village.

Boundaries: Boundaries correspond to select parcels within the Limited Business, Residential B, and Residential C Zoning Districts centered on the intersections of Main Street and Spring Street and Main Street and Front Street.

Changes from 2008: In 2008, this PA was called Harbor Village. Community representatives renamed this area in order to more clearly describe its purpose. They also altered its boundaries in order to more clearly follow parcel lines within the Village.

DELETED PRIORITY AREAS

Little Neck Housing PDA: Community representatives chose to remove this PA because its purpose had been achieved in the form of a housing development.

Converse Road and Rte. 6 Combined PDA/PPA: Community representatives chose to remove this PA because it no longer represented a priority.

Appendix D. Additional information on the interpretation of Article 97

The following documents are included in this Appendix:

- EOEa Article 97 Land Disposition Policy, 1998
- An Act Preserving Open Space in the Commonwealth (updating Chapter 97 land disposition regulations), 2022
- A letter from Attorney Jonathan Witten on the applicability of Article 97 of the Massachusetts Constitution to various parcels of land within the Town of Marion, May 12, 2009

NOTE: The letter provides some helpful clarification in documenting the properties in Marion that are subject to Article 97. However, it is important to note that this letter is a snapshot in time, and as it says at the conclusion of paragraph 3, this listing of parcels contained therein is not exclusive.

**EOEA ARTICLE 97 LAND DISPOSITION POLICY
FEBRUARY 19, 1998**

I. Statement of Policy

It is the policy of EOEA and its agencies to protect, preserve and enhance all open space areas covered by Article 97 of the Article of Amendment to the Constitution of the Commonwealth of Massachusetts. Accordingly, as a general rule, EOEA and its agencies shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of this policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions. Exceptions shall be governed by the conditions included in this policy. This policy supersedes all previous EOEA Article 97 land disposition policies.

An Article 97 land disposition is defined as a) any transfer or conveyance of ownership or other interests; b) any change in physical or legal control; and c) any change in use, in and to Article 97 land or interests in Article 97 land owned or held by the Commonwealth or its political subdivisions, whether by deed, easement, lease or any other instrument effectuating such transfer, conveyance or change. A revocable permit or license is not considered a disposition as long as no interest in real property is transferred to the permittee or licensee, and no change in control or use that is in conflict with the controlling agency's mission, as determined by the controlling agency, occurs thereby.

II. Conditions for Disposition Exceptions

EOEA and its agencies shall not support an Article 97 land disposition unless EOEA and its agencies determine that exceptional circumstances exist. A determination of "exceptional circumstances" is subject to all of the following conditions being met:

1. all other options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternatives exist (monetary considerations notwithstanding).

Note: The purpose of evaluating alternatives is to avoid using/affecting Article 97 land to the extent feasible. To that end, the scope of alternatives under consideration shall be commensurate with the type and size of the proposed disposition of Article 97 land, and must be performed by the proponent of the disposition to the satisfaction of EOEA and its agencies. The scope of alternatives extends to any sites that were available at the time the proponent of the Article 97 disposition first notified the controlling agency of the Article 97 land, and which can be reasonably obtained: (a) within the appropriate market area for private proponents, state and/or regional entities; or (b) within the appropriate city/town for municipal proponents.

2. the disposition of the subject parcel and its proposed use do not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation), as determined by EOEA and its agencies;

3. as part of the disposition, real estate of equal or greater *fair market value* or *value in use of proposed use*, whichever is greater, and significantly greater resource value as determined by EOEA and its agencies, are granted to the disposing agency or its designee, so that the mission and legal mandate of EOEA and its agencies and the constitutional rights of the citizens of Massachusetts are protected and enhanced;
4. the minimum acreage necessary for the proposed use is proposed for disposition and, to the maximum extent possible, the resources of the parcel proposed for disposition continue to be protected;
5. the disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EOEA and its appropriate department or division; and
6. the disposition of a parcel is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests therein to the Commonwealth.

III. Procedures for Disposition

Although legislation can be enacted to dispose of Article 97 land without the consent of an EOEA agency, it is the policy of EOEA to minimize such occurrences. To that end, and to ensure coordination, EOEA agencies shall:

1. develop an internal review process for any potential Article 97 land disposition to ensure that, at a minimum, the conditions in Section II above are met;
2. develop, through the Interagency Lands Committee, a joint listing of all requests, regardless of their status, for the disposition of Article 97 land;
3. notify the Interagency Lands Committee of any changes to the Article 97 land disposition list;
4. monitor all legislation that disposes of Article 97 land, and communicate with legislative sponsors regarding their intent;
5. recommend to the Secretary that the Governor veto any legislation that disposes of Article 97 land, the purchase, improvement, or maintenance of which involved state funds, on and for which the EOEA agency has not been consulted and received documentation (including information on title, survey, appraisal, and a MEPA review, all at the proponent's expense);
6. obtain the concurrence of the Secretary of EOA for any proposed Article 97 land disposition decision prior to finalizing said decision;
7. if recommending an Article 97 disposition, attach to all Article 97 legislative recommendations and TR-1 forms a justification of the disposition and an explanation of how it complies with this policy, signed by the EOEA agency head;
8. ensure that any conditions approved by EOEA and its agencies to any Article 97 land disposition are incorporated within the surplus declaration statement submitted to and published by DCPO as required by M.G.L. C. 7, §40F and 40F1/2 and throughout the disposition process, and if such conditions are not incorporated in said statement throughout the disposition process, the EOEA agency head shall recommend to the Secretary that the Governor veto any resulting legislation;
9. recommend to the Secretary that the Governor veto legislation that disposes of Article 97 land of which the agency disapproves; and

10. ensure that any Article 97 land disposition is authorized by enacted legislation and approved by all municipal, state and federal agencies, authorities, or other governmental bodies so required and empowered by law prior to conveyance.

IV. Applicability of the Policy to Municipalities

To comply with this policy, municipalities that seek to dispose of any Article 97 land must:

1. obtain a unanimous vote of the municipal Conservation Commission that the Article 97 land is surplus to municipal, conservation and open space needs;
2. obtain a unanimous vote of the municipal Park Commission if the land proposed for disposition is parkland;
3. obtain a two-thirds Town Meeting or City Council vote in support of the disposition;
4. obtain two-thirds vote of the legislature in support of the disposition, as required under the state constitution;
5. comply with all requirements of the Self-Help, Urban Self-Help, Land and Water Conservation Fund, and any other applicable funding sources; and
6. comply with EOEA Article 97 Land Disposition Policy [note: the municipality must also file an Environmental Notification Form with EOEA's MEPA office].

After the effective date of this policy, any municipality that proposes, advocates, supports or completes a disposition of Article 97 land without also following the terms of this policy, regardless of whether or not state funds were used in the acquisition of the Article 97 land, shall not be eligible for grants offered by EOEA or its agencies until the municipality has complied with this policy. Compliance with this policy by municipalities shall be determined by the EOEA Secretary, based on recommendations by the EOEA Interagency Lands Committee.

*Trudy Coxe, Secretary
Executive Office of Environmental Affairs*

PUBLIC LAND PROTECTION
Article 97 of the Constitution
Opinion of the Attorney General 1973

The House of Representatives, by H. 6085, has addressed to me several questions regarding Article 97 of the Articles of Amendment to the Constitution of Massachusetts. Establishing the right to a clean environment for the citizens of Massachusetts, Article 97 was submitted to the voters on the November 1972 ballot and was approved. The questions of the House go to the provision in the Article requiring that acts concerning the disposition of, or certain changes in, the use of certain public lands be approved by a two-third roll-call vote of each branch of the General Court.

Specifically, your questions are as follows:

1. Do the provisions of the last paragraph of Article XCVII of the Articles of the Amendments to the Constitution requiring a two thirds vote by each branch of the general court, before a change can be made in the use or disposition of land and easements acquired for a purpose described in said Article, apply to all land and easements held for such a purpose, regardless of the date of acquisition, or in the alternative, do they apply only to land and easements acquired for such purposes after the effective date of said Article of Amendments?
2. Does the disposition or change of use of land held for park purposes require a two thirds vote, to be taken by the yeas and nays of each branch of the general court, as provided in Article XCVII of the Articles of the Amendments to the Constitution, or would a majority vote of each branch be sufficient for approval?
3. Do the words "natural resources" as used in the first paragraph of Article XCVII of the Articles of the Amendments to the Constitution include ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds; wild mammals and game; sea and fresh water fish of every description; forests and all uncultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits, as formerly set out in the definition of the words "natural resources" in paragraph two of section one of chapter twenty-one of the General Laws?
4. Do the provisions of the fourth paragraph of Article XCVI I of the Articles of the Amendments to the Constitution apply to any or all of the following means of disposition or change in use of land held for a public purpose: conveyance of land; long-term lease for inconsistent use; short-term lease, two years or less, for an inconsistent use; the granting or giving of an easement for an inconsistent use; or any agency action with regard to land under its control if an inconsistent use?

The proposed amendment to the Constitution as agreed to by the majority of the members of the Senate and the House of Representatives, in joint session, on August 5, 1969 , and again on May 12, 1971, and became part of the Constitution by approval by the voters at the state election next following, on November 7, 1972. The full text of Article 97 is as follows:

Art. XCVII. Article XLIX of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural scenic, historic, and aesthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.

The general court shall have the power to enact legislation necessary or expedient to protect such rights.

In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefor, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.

Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the general court.

1. The first question of the House of Representatives asks, in effect, whether the two-thirds roll-call vote requirement is retroactive, to be applied to lands and easements acquired prior to the effective date of Article 97, November 7, 1972. For the reasons below, I answer in the affirmative.

The General Court did not propose this Amendment nor was it approved by the voting public without a sense of history nor void of a purpose worthy of a constitutional amendment. Examination of our constitutional history firmly establishes that the two-thirds roll-call vote requirement applies to public lands wherever taken or acquired.

Specifically, Article 97 annuls Article 49, in effect since November 5, 1918. Under that Article the General Court was empowered to provide for the taking or acquisition of lands, easements and interests therein "for the purpose of securing and promoting the proper conservation, development, utilization and control" (of) "agricultural, mineral, forest, water and other natural resources of the commonwealth." Although inclusion of the word "air" in this catalog as it appears in Article 97 may make this new article slightly broader than the supplanted Article 49 as to purposes for which the General Court may provide for the taking or acquisition of land, it is clear that land taken or acquired under the earlier Article over nearly fifty years is now to be subjected to the two-thirds vote requirement for changes in use or other dispositions. Indeed all land whenever taken or acquired is now subject to the new voting requirement. The original draftsmen of our Constitution prudently included in Article 10 of the Declaration of Rights a broad constitutional basis for the taking of private land to be applied to public uses, without limitation on what are "public uses." By way of acts of the Legislature as well as through generous gifts of many of our citizens, the Commonwealth and our cities and towns have acquired park land and reservations of which we can be justly proud. To claim that new Article 97 does not give the same care and protection for all these existing public lands as for lands acquired by the foresight of future legislators or the generosity of future citizens would ignore public purposes deemed important in our laws since the beginning of our commonwealth.

Moreover, if this amendment were only prospective in effect, it would be virtually meaningless. In our Commonwealth, with a life commencing in the early 1600s and already cramped for land, it is most unlikely that the General Court and the voters would choose to protect only those acres hereafter added to the many thousands already held for public purposes. The comment of our Supreme Judicial Court concerning the earlier Article 49 is here applicable: "It must be presumed that the convention proposed and the people approved and ratified the Forty-ninth Amendment with reference to the practical affairs of mankind and not as a mere theoretical announcement." Opinion of the Justices, 237 Mass. 598, 608.

2. In its second question the House asks, in effect, whether the two-thirds roll-call vote requirement applies to land held for park purposes, as the term "park" is generally understood. My answer is in the affirmative, for the reasons below.

One major purpose of Article 97 is to secure that the people shall have "The right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and aesthetic qualities of their environment." The fulfillment of these rights is uniquely carried out by parkland acquisition. As the Supreme Judicial Court has declared,

"The healthful and civilizing influence of parks in or near congested areas of population is of more than local interest and becomes a concern of the State under modern conditions. It relates not only to the public health in its narrow sense, but to broader considerations of exercise, refreshment, and enjoyment." Higginson v. Treasurer and School House Commissioners of Boston, 212 Mass. 583, 590; see also Higginson v. Inhabitants of Nahant, 11 Allen 530, 536.

A second major purpose of Article 97 is "the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources." Parkland protection can afford not only the conservation of forests, water and air but also a means of utilizing these resources in harmony with their conservation. Parkland can undeniably be said to be acquired for the purposes in Article 97 and is thus subject to me two-thirds roll-call requirement.

This question as to parks raises a further practical matter in regard to implementing Article 97 which, warrants further discussion. The reasons the Legislature employs to explain its actions can be of countless levels of specificity or generality and land might conceivably be acquired for general recreation purposes or for very explicit uses such as the playing of baseball, the flying of kites, for evening strolls or for Sunday afternoon concerts. Undoubtedly, to the average man, such land would serve as a park but at even a more legalistic level it clearly can also be observed that such and was acquired, in the language of Article 97, because it was a "resource" which could best be "utilized" and "developed" by being "conserved" within a park. But it is not surprising that most land taken or acquired for public use is acquired under the specific terms of statutes which may not match verbatim the more general terms found in Article 10 of the Declaration of Rights of the Constitution or in Articles 39, 43, 49, 51 and 97 of the Amendments. Land originally acquired for limited or specified public purposes is thus not to be excluded from the operation of the two-thirds roll-call vote requirement for lack of express invocation of the more general purposes of Article 97. Rather the scope of the Amendment is to be very broadly construed, not only because of the greater broadness in "public purpose," changed from "public uses" appearing in Article 49, but also because Article 97 establishes that the protection to be afforded by the Amendment is not only of public uses but of certain express rights of the people.

Thus, all land, easements and interests therein are covered by Article 97 if taken or acquired for the protection of the people in their right to the conservation, development and utilization of the "agricultural, mineral, forest, water, air and other natural resources" as these terms are broadly construed. While small greens remaining as the result of constructing public highways may be excluded, it is suggested that parks, monuments, reservations, athletic fields, concert areas and playgrounds clearly qualify. Given the spirit of the Amendment and the duty of the General Court, it would seem prudent to classify lands and easements taken or acquired for specific purposes not found verbatim in Article 97 as nevertheless subject to Article 97 if reasonable doubt exists concerning their actual status.

3. The third question of the House asks, in effect, how the words "natural resources," as appearing in Article 97, are to be defined.

Several statutes offer assistance to the General Court, all without limiting what are "natural resources." General Laws Ch. 21, § defines "natural resources," for the purposes of Department of Natural Resources jurisdiction, as including "ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds, wild mammals and game; sea and fresh water fish or every description; forests and all uncultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits."

In addition, G.L. Ch. 12, § 11D, establishing a Division of Environmental Protection in my Department, uses the words "natural resources" in such a way as to include "air, water, rivers, streams, flood plains, lakes, ponds or other surface or subsurface water resources" and "seashores, dunes, marine resources, wetlands, open spaces, natural areas, parks or historic districts or sites." General Laws Ch. 214, s. 10A, the so-called citizen-suit statute, contains a recitation substantially identical. To these lists Article 97 would add only "agricultural" resources.

It is safe to say, as a consequence, that the term "natural resources" should be taken to signify at least these cataloged items as a minimum. Public lands taken or acquired to conserve, develop or utilize any of these resources are thus subject to Article 97.

It is apparent that the General Court has never sought to apply any limitation to the term "natural resources" but instead has viewed the term as an evolving one which should be expanded according to the needs of the time and the term was originally

inserted in our Constitution for just that reason. See Debate of the Constitutional Convention 1917-1918, p. 595. The resources enumerated above should, therefore, be regarded as examples of and not delimiting what are "natural resources."

4. The fourth question of the House requires a determination of the scope of activities which is intended by the words: "shall not be used for other purposes or otherwise disposed of."

The term "disposed" has never developed a precise legal meaning. As the Supreme Court has noted, "The word is nomen generalissimum, and standing by itself, without qualification, has no technical signification." Phelps vs. Harris, 101 U.S. 370, 381 (1880). The Supreme Court has indicated, however, that "disposition" may include a lease. U.S. v. Gratiot, 39 U.S., 526 (1840). Other cases on unrelated subjects suggest that in Massachusetts the word "dispose" can include all forms of transfer no matter how complete or incomplete. Rogers v. Goodwin, 2 Mass. 475s; Woodbridge v. Jones, 183 Mass. 549; Lord v. Smith, 293 Mass. 555. In this absence of precise legal meaning, Webster's Third New International Dictionary is helpful. "Dispose of" it is defined as to transfer into new hands or to the control of someone else." A change in physical or legal control would thus prove to be controlling.

I, therefore, conclude that the "dispositions" for which a two-thirds roll-call vote of each branch of the General Court is required to include: transfers of legal or physical control between agencies of government, between political subdivisions, and between levels of government, of lands, easements and interests therein originally taken or acquired for the purposes stated in Article 97, and transfers from public ownership to private. Outright conveyance, takings by eminent domain, long-term and short-term leases of whatever length, the granting or taking of easements and all means of transfer or change of legal or physical control are thereby covered, without limitation and without regard to whether the transfer be for the same or different uses or consistent or inconsistent purposes.

This interpretation affords a more objective test, and is more easily applied, than "used for other purposes." Under Article 97 that standard must be applied by the Legislature, however, in circumstances which cannot be characterized as a disposition - that is, when a transfer or change in physical or legal control does not occur. Within any agency or political subdivision any land, easement or interest therein, if originally taken or acquired for the purposes stated in Article 97, may not be "used for other purposes" without the requisite two-thirds roll-call vote of each branch of the General Court.

It may be helpful to note how Article 97 is to be read with the so-called doctrine of "prior public use," application of which also turns on changes in use. That doctrine holds that "public lands devoted to one public use cannot be diverted to another inconsistent public use without plain and explicit legislation authorizing the diversion." Robbins v. Department of Public Works, 355 Mass. 328, 330 and cases there cited.

The doctrine of "prior public use" is derived from many early cases which establish its applicability to transfers between corporations granted limited powers of the Commonwealth, such as eminent domain, and authority over water and railroad easement; e.g., Old Colony Railroad Company v. Framingham Water Company, 153 Mass. 561; Boston Water Power Company v. Boston and Worcester Railroad Corporation, 23 Pick. 360; Boston and Main Railroad v. Lowell and Lawrence Railroad Company, 124 Mass. 368; Eastern Railroad Company v. Boston and Main Railroad, 111 Mass. 125, and Housatonic Railroad Company v. Lee and Hudson Railroad Company, 118 Mass. 391. The doctrine was also applied at an early date to transfers between such corporations and municipalities and counties; e.g., Boston and Albany Railroad Company v. City Council of Cambridge, 166 Mass. 224 (eminent domain taking of railroad land); Eldredge v. County Commissioners of Norfolk, 185 Mass. 186 (eminent domain taking of railroad easement); West Boston Bridge v. County Commissioners of Middlesex, 10 Pick. 270 (eminent domain taking of turnpike land), and Inhabitants of Springfield v. Connecticut River Railroad Co., 4 Cush. 63 (eminent domain taking of a public way).

The doctrine of "prior public use" has in more modern times been applied to the following transfers between governmental agencies or political subdivisions; a) a transfer between state agencies, Robbins v. Department of Public Works, 355 Mass. 328 (eminent domain taking of Metropolitan District Commission wetlands), b) transfers between a state agency and a special state authority, Commonwealth v. Massachusetts Turnpike Authority, 346 Mass. 250 (eminent domain taking of MDC land) and see Loschi v. Massachusetts Port Authority, 354 Mass. 53 (eminent domain taking of parkland), c) a transfer between a special state commission and special state authority, Gould v. Greylock Reservation Commission, 350 Mass. 410 (lease of portions of Mount Greylock), d) transfers between municipalities, City of Boston v. Inhabitants of Brookline, 156 Mass. 172 (eminent domain taking of a water easement) and Inhabitants of Quincy v. City of Boston, 148 Mass. 389 (eminent domain taking of a public way), e) transfers between state agencies and municipalities, Town of Brookline v. Metropolitan District Commission, 357 Mass. 435

(eminent domain taking of parkland) and City of Boston v. Massachusetts Port Authority, 356 Mass. 741 (eminent domain taking of a park), f) a transfer between a special state authority and a municipality, Appleton v. Massachusetts Parking Authority, 340 Mass. 303 (1960) (eminent domain, Boston Common), g) a transfer between a state agency and a county, Abbot v. Commissioners of the County of Dukes County, 357 Mass. 784 (Department of Natural Resources grant of navigation easement), and h) transfers between counties and municipalities, Town of Needham v. County Commissioners of Norfolk, 324 Mass. 293 (eminent domain taking of common and park lands) and Inhabitants of Easthampton v. County Commissioners of Hampshire, 154 Mass. 424 (eminent domain taking of school lot).

The doctrine has also been applied to the following changes of use of public lands within governmental agencies or within political subdivisions: a) intra-agency uses, Sacco v. Department of Public Works, 352 Mass. 670 (filling a portion of a Great Pond), b) intramunicipality uses, Higginson v. Treasurer and School House Commissioners of Boston, 212 Mass. 583 (erecting a building on a public park), and see Kean v. Stetson, 5 Pick. 492 (road built adjoining a river), and c) intracounty uses, Bauer v. Mitchell, 247 Mass. 522 (discharging sewage upon school land).

The doctrine may also possibly reach de facto changes in use; e.g., Pilgrim Real Estate Inc. v. Superintendent of Police of Boston, 330 Mass. 250 (parking of cars on park area) and may be available to protect reservation land held by charitable corporations; e.g., Trustees of Reservations v. Town of Stockbridge, 348 Mass. 511 (eminent domain).

In addition to these extensions of the doctrine, special statutory protections, codifying the doctrine of "prior public use," are afforded local parkland and commons by G. L. c. 45 and public cemeteries by G. L. c. 114, ss. 17, 41. As to changes in use of public lands held by municipalities or counties, generally, see G. L. c. 40, s. 15A and G. L. c. 214, s. 3 (11).

This is the background against which Article 97 was approved. The doctrine of "prior public use" requires legislative action, by majority vote, to divert land from one public use to another inconsistent public use. As the cases discussed above indicate, the doctrine requires an act of the Legislature regardless whether the land in question is held by the Commonwealth, its agencies, special authorities and commissions, political subdivisions or certain corporations granted powers of the sovereign. And the doctrine applies regardless whether the public use for which the land in question is held in a conservation purpose.

As to all such changes in use previously covered by the doctrine of "prior public use" the new Article 97 will only change the requisite vote of the Legislature from majority to two-thirds. Article 97 is designed to supplement, not supplant, the doctrine of "prior public use."

Article 97 will be of special significance, though, where the doctrine of "prior public use" has not yet been applied. For instance, legislation and a two-thirds roll-call vote of the Legislature will now for the first time be required even when a transfer of land or easement between governmental agencies, between political subdivisions, or between levels of government is made with no change in the use of the land, and even where a transfer is from public control to private.

Whether legislation pending before the General Court is subject to Article 97, or the doctrine of "prior public use," or both, it is recommended that the legislation meet the high standard of specificity set by the Supreme Judicial Court in a case involving the doctrine of "prior public use":

"We think it is essential to the expression of plain and explicit authority to divert (public lands) to a new and inconsistent public use that the Legislature identify the land and that there appear in the legislation not only a statement of the new use but a statement or recital showing in some way legislative awareness of the existing public use. In short, the legislation should express not merely the public will for the new use but its willingness to surrender or forego the existing use." (Footnote omitted.) Robbins v. Department of Public Works, 355 Mass. 328, 331.

Each piece of legislation which may be subject to Article 97 should, in addition, be drawn so as to identify the parties to any planned disposition of the land.

Conclusions

Article 97 of the Amendments to the Massachusetts Constitution establishes the right of the people to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment. The protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water,

air and other natural resources is declared to be a public purpose. Lands, easements, and interests therein taken or acquired for such public purposes are not to be disposed of or used for other purposes except by two-thirds roll-call vote of both the Massachusetts Senate and House of Representatives.

Answering the questions of the House of Representatives I advise that the two-thirds roll-call vote requirement of Article 97 applies to all lands, easements and interests therein **whenever** taken or acquired for Article 97 conservation, development or utilization purposes, even prior to the effective date of Article 97, November 7, 1972. The Amendment applies to land, easements and interests therein held by the Commonwealth, or any of its agencies or political subdivisions, such as cities, towns and counties.

I advise that "natural resources" given protection under Article 97 would include at the very least, without limitation: air, water, wetlands, rivers, streams, lakes, ponds, coastal, underground and surface waters, flood plains, seashores, dunes, marine resources, ocean, shellfish and inland fisheries, wild birds including song and insectivorous birds, wild mammals and game, sea and fresh waterfish of every description, forests and all uncultivated flora, together with public shade and ornamental trees and shrubs, land, soil and soil resources, minerals and natural deposits, agricultural resources, open spaces, natural areas, and parks and historic districts or sites.

I advise that Article 97 requires a two-thirds roll-call vote of the Massachusetts Senate and House of Representatives for all transfers between agencies of government and between political subdivisions of lands, easements or interests therein originally taken or acquired for Article 97 purposes, and transfers of such land, easements or interests therein from one level of government to another, or from public ownership to private. This is so without regard to whether the transfer be for the same or different uses or consistent or inconsistent purposes. I so advise because such transfers are "dispositions" under the terms of the new Amendment, and because "disposition" includes any change of legal or physical control, including but not limited to outright conveyance, eminent domain takings, long and short-term leases of whatever length and the granting or taking of easements.

I also advise that intra-agency changes in uses of land from Article 97 purposes, although they are not "dispositions," are similarly subject to the two-thirds roll-call vote requirement.

Read against the background of the existing doctrine of "prior public use," Article 97 will thus for the first time require legislation and a special vote of the Legislature even where a transfer of land between governmental agencies, between political subdivisions or between levels of government results in no change in the use of land, and even where a transfer is made from public control to private. I suggest that whether legislation pending before the General Court is subject to Article 97, or the doctrine of "prior public use," or both, the very highest standard of specificity should be required of the draftsmen to assure that legislation clearly identifies the locus, the present public uses of the land, the new uses contemplated, if any, and the parties to any contemplated "disposition" of the land.

In short, Article 97 seeks to prevent government from ill-considered misuse or other disposition of public lands and interests held for conservation, development or utilization of natural resources. If land is misused a portion of the public's natural resources may be forever lost, and no less so than by outright transfer. Article 97 thus provides a new range of protection for public lands far beyond existing law and much to the benefit of our natural resources and to the credit of our citizens.

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2831) of the House Bill preserving open space in the Commonwealth (House, No. 851), reports recommending passage of the accompanying bill (House, No. 5381). November 8, 2022.

10

Ruth B. Balser	Sal N. DiDomenico
James J. O'Day	James B. Eldridge
Susan Williams Gifford	

HOUSE No. 5381

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act preserving open space in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 3 of the General Laws is hereby amended by inserting after section
2 5 the following section:-

3 Section 5A. (a) In order to use for another purpose or otherwise dispose of land, an
4 easement or other real property interest subject to Article XCVII of the Amendments to the
5 Constitution of the Commonwealth, a public entity, which for the purposes of this section shall
6 include the commonwealth, any agency, authority, board, bureau, commission, committee,
7 council, county, department, division, institution, municipality, officer, quasi-public agency,
8 public instrumentality or any subdivision thereof shall: (i)(A) notify the public and the secretary
9 of energy and environmental affairs and conduct an alternatives analysis demonstrating that all
10 other options to avoid or minimize said Article XCVII disposition or change in use have been
11 explored and no feasible or substantially equivalent alternative exists; and (B) submit the
12 analysis to the secretary of energy and environmental affairs and make the analysis public; (ii)
13 identify replacement land or an interest in land, which is not already subject to said Article
14 XCVII, in a comparable location and that is of equal or greater natural resource value, as

determined by the secretary of energy and environmental affairs, and acreage and monetary value, as determined by an appraisal of the fair market value or value in use, whichever is greater; and (iii) take, acquire or dedicate the replacement land or interest in said land identified pursuant to clause (ii) in perpetuity for said Article XCVII purposes. Upon request of a public entity seeking to use for another purpose or otherwise dispose of land, an easement or another real property interest subject to said Article XCVII, the secretary of energy and environmental affairs may waive or modify the replacement land requirement pursuant to clauses (ii) and (iii) of the first sentence if: (A) the disposition involves only the transfer of legal control between public entities as described in this subsection and does not involve any other change, including, but not limited to, a change allowing the land to be used for another purpose; or (B) the transfer is of a parcel that is of insignificant natural resource and recreation value and is less than 2,500 square feet in area and the transfer serves a significant public interest.

(b)(1) Notwithstanding clause (iii) of subsection (a), a public entity seeking to change the use of or otherwise dispose of land subject to Article XCVII of the Amendments to the Constitution of the Commonwealth may provide funding in lieu of replacement land, or a combination of funding and replacement land or an interest in land, if the secretary of energy and environmental affairs has reported to the legislature an explicit finding that: (i) the proposed change in use or disposition serves a significant public interest; (ii) the proposed change in use or disposition will have no adverse impacts on an environmental justice population, as defined in section 62 of chapter 30 of the General Laws; (iii) the alternatives analysis required by said subsection (a) has been submitted to the secretary of energy and environmental affairs and subjected to public notice and comment and said analysis demonstrates that all other options to avoid or minimize the disposition or change in use have been explored and no feasible or

substantially equivalent alternative exists for reasons specifically stated; and (iv) it is not feasible to contemporaneously designate replacement land that satisfies the requirements of said subsection (a).

(2) If a public entity provides funding in lieu of or in combination with replacement land, the following conditions shall be met: (i) the amount of funding provided shall be not less than 110 per cent of the fair market value or value in use of the Article XCVII land, whichever is greater, as determined by the secretary of energy and environmental affairs after an independent appraisal; (ii) the funding provided to change the use of or otherwise dispose of: (A) municipal land shall be held in the municipality's Community Preservation Fund and dedicated solely for the acquisition of land for Article XCVII purposes or another already established municipal account for land preservation purposes or, if the municipality lacks such a fund, in a segregated account and dedicated solely for the acquisition of land for Article XCVII purposes; and (B) commonwealth land shall be held in a fund for acquiring Article XCVII land; and (iii) the funds shall be used within 3 years to acquire replacement land in a comparable location and dedicated in perpetuity for Article XCVII purposes; provided, however, that replacement lands acquired with in lieu funds shall be of equal or greater natural resource value, as determined by the secretary of energy and environmental affairs, and acreage and monetary value, as determined by an independent appraisal of the fair market value or value in use, whichever is greater.

(3) The secretary of energy and environmental affairs shall annually issue a report of all of the instances in which funding was provided in lieu of replacement land in exchange for a change in the use of or disposition of an interest in land taken, acquired or designated for purposes pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth including the amount of funds provided, the account into which the funds were

61 deposited, whether the funds were expended to acquire replacement land and, if so, a description
62 of the land that was acquired. Said report shall be submitted annually not later than December
63 15th to the clerks of the senate and house of representatives and made available on the executive
64 office of energy and environmental affairs' website.

65 (c) A petition to the general court to authorize the use for another purpose or other
66 disposition of land, an easement or another real property interest subject to Article XCVII of the
67 Amendments to the Constitution of the Commonwealth shall be accompanied by: (i) an
68 alternatives analysis conducted pursuant to subsection (a); (ii) a description of the replacement
69 land or interest in land to be dedicated pursuant to said subsection (a), if not waived pursuant to
70 said subsection (a); (iii) a copy of the appraisal required by said subsection (a); (iv) a copy of any
71 waiver or modification granted pursuant to said subsection (a); and (v) if applicable, a copy of
72 the report of the findings of the secretary of energy and environmental affairs required by
73 paragraph (1) of subsection (b).

74 SECTION 2. The secretary of energy and environmental affairs shall promulgate
75 regulations to implement subsections (a) and (b) of section 5A of chapter 3 of the General Laws
76 within 18 months after effective date of this act.

DALEY AND WITTEN, LLC
ATTORNEYS AT LAW

PATRICIA DALEY
JONATHAN WITTEN

P.O. BOX 1885
COTUIT, MASSACHUSETTS 02635
(508) 420-4511
(508) 420-7223 (FACSIMILE)
EMAIL: patty@daleyandwitten.com

156 DUCK HILL ROAD
DUXBURY, MASSACHUSETTS 02332
(781) 934-0084
(781) 934-2666 (FACSIMILE)
EMAIL: jon@daleyandwitten.com

May 12, 2009

Paul Dawson,
Town Administrator
Town House
2 Spring Street
Marion, MA 02738

RE: The Applicability of Article 97 of the Massachusetts Constitution to various parcels of land within the Town of Marion

Dear Paul:

I have been asked for my opinion as to whether the constraints imposed by Article 97 of the Massachusetts Constitution applies to the various parcels within the Town of Marion listed below.

It is my opinion, based upon both case law and prior opinion from the Attorney General's Office on this subject in general, that given the terms and conditions upon which the following parcels have been acquired, the following parcels are subject to the constraints and limitations imposed by Article 97, that being, that any sale or conversion to non-conservation purposes regarding the following parcels, must, in addition to obtaining the affirmative votes of the Conservation Commission and Town Meeting, obtain a two-thirds vote of the Massachusetts Legislature.

The following listing of parcels in the Town of Marion that are subject to Article 97 of the Massachusetts Constitution is not exclusive.

1. Marion Rail Trail, as described in Plan 24, lot 30 and Plan 25, lot 32 and Plan 27, lot 13 and recorded in Plymouth County Registry of Deeds, Book 27539, Page 320.
2. Oakdale Avenue Beach, as described in Plan 12, lot 14A, and recorded in Plymouth County Registry of Deeds, Book 2700, Page 177.
3. Wings Cove, as described in Plan 2, lot 1C Book 99, Page 159 (Land Court Certificate of Title 19959).
4. Aucoot Cove parcels, as described in Plan 18, lots 22, 23, 29, 31A, 32, 33, 34, 74-84, 97-103, 105-116 and recorded in Plymouth County Registry of Deeds, Book 5412, Page 213 (Lots 22, 23, 31A, 32 and 34), Book 13558, Page 293 (Lot 29), Land Court Book 337, Page 75 (Land Court Certificate of Title 67475) (Lots 33, 74-84, 97-103, 105-116).

5. Holmes Woods as described in Plan 14, lot 11, and Will of Barnabas Holmes, Plymouth County Probate number 22336 (shown on the "Plan of Marion Park, Marion, Mass.," by T.A. Churbuck, C.E., dated July, 1911) Plymouth County Registry of Deeds, Book 1457, page 189 (Hellier to Town of Marion, further shown on the plan "Plan of Holmes Memorial Woods, Marion, Mass.," surveyed for town of Marion, Samuel H. Corse Surveyor, Rochester Mass., December 29, 1949.) and conveyances of Emma J. Waters to the Town of Marion, and Town of Marion to Emma J. Waters, (Plymouth Registry of Deeds, Book 1936, pages 588 and 589), except for that portion of lot 11 that is used for the police and fire station and those portions of the lot that, following the preparation of a plan and detailed title examination, were intended for or used as, non conservation purposes.
6. Holmes Lane shown on Plan 14, and in the Will of Barnabas Holmes, Plymouth County Probate number 22336. My understanding is that no plan of record for this parcel exists and, if correct, suggest the commissioning of an accurate survey plan for recording purposes.
7. Planting Island Cove Access Road described in Plan 2 lot 19G and as shown on the plan "Area for Access to Blankenship's Cove, Marion, Mass." by Samuel H. Corse, Surveyor, Rochester, Mass., dated January 12, 1954." (for chain of title see Plymouth County Registry of Deeds, Book 2108, page 239 and Book 2484, pages 4 & 5)

Please let me know if you have any questions regarding the above opinion.

Very truly yours,

DALEY AND WITTEN, LLC

Jonathan D. Witten

Appendix E. OSRP Land Inventory

10

Lands of Conservation & Recreation Interest – General Categories

Private Parcels

Forest lands under Chapter 61
Agricultural Lands under Chapter 61A
Recreational Lands under Chapter 61B
Wetland Restrictions
Farms not under APR or Chapter 61A
Major Institutional Holdings
Private Recreation Facilities
Private Water Access/Beaches
Private Water Access/Dockage
Association Owned Private Open Space
Conservation Restrictions

Public and Private Non-profits

Public Conservation and Recreation Resources (includes cemeteries)
Open Space Associated with Schools
Semi-Public Lands

NOTE: The information compiled below is a combination of two data sources: BBNEP Marion Open Space GIS data, and Marion 2021 Assessors Parcel Data.

A. Private Parcels

(Parcels in this section are categorized by a letter and number code: CR-conservation restriction, PR-private recreation, PS-private school, PB-private beach, PWA-private water access, POS-private open space.)

i. Forest Lands Under G.L. Chapter 61 - Forest land that has entered the Chapter 61 program has a minimal degree of protection. The intent of Chapter 61 is not to protect open space, but to encourage sound forest management practices. To qualify for Chapter 61, the property must be at least 10 acres and a forestry plan must be approved by the Department of Environmental Management. The land may be sold at any time if the seller is willing to pay a transfer fee to the town (the transfer fee amount is dependent upon the selling price and taxes avoided). Or the seller may simply wait until the forestry plan expires. Forestry plans last 10 years. The following is a list of land under Chapter 61 in Marion.

Owner	Map and Parcel ID	Acres	Location	Zoning	Public Access	CR
Coolmar	006_031G	2.41	592 POINT RD	RD	none	

Coolmar	006_031F	2.29	590 POINT RD	RD	none	
Coolmar	006_031E	2.45	588 POINT RD	RD	none	
Coolmar	006_031D	3.34	586 POINT RD	RD	none	
Coolmar	006_031L	2.72	POINT RD	RD	none	
Coolmar	006_013	10.85	POINT RD	RD	none	
Great Hill	005_021	220.73	DELANO RD	RD	none	
Great Hill	004_001	312.3193	214 DELANO RD	RD	none	
Great Hill	004_002	29.2974	1 NORTH GREAT HILL DR	RD	none	
Great Hill	006_012	73.06	POINT RD	RD	none	
Hambly	021_006C	9.57	COUNTY RD	RD	none	
Hambly	021_006E	9.6	COUNTY RD {OFF}	RD	none	
Hawes	028_018	14.2	RIDGE HILL RD {REAR}	RD	none	
Hawes	028_013	0.5	MILL ST	RD	none	
Hawes	028_012A	0.44	MILL ST	RD	none	
Hawes	028_012	6.26	MILL ST	RD	none	
Hawes	028_009	76.6	MILL ST	RD	none	
Hawes	028_011	38.4	MILL ST {OFF}	RD	none	
Hawes	028_010	30.7	MILL ST {OFF}	RD	none	
Hawes	028_001	49.2	MILL ST {OFF}	RD	none	
Hawes	027_007	18.41	OLD TRAIL	RD	none	
Hawes	027_017	30.5	OLD TRAIL	RD	none	
Hawes	027_006	11.5	OLD TRAIL	RD	none	
Hawes	027_008	24.17	OLD TRAIL	RD	none	
Hodess	007_058	1.55	DELANO RD	RC	none	
Hodess	007_057	1.74	DELANO RD	RC	none	
Hodess	007_043	9.1974	618B DELANO RD	RC	none	
Rockwell	009_006	20.8974	1171 POINT RD	RD	none	Partial - 8.15 ac
Trumbull	012_028A	69.4374	34 HERMITAGE RD	RD	none	
Total acres in Ch. 61:		1,082				

ii. Agricultural Lands Under G.L. Chapter 61A - Land is offered protection from taxation under Chapter 61A if it is used as farmland. The minimum area protected is 5 acres and it must produce a crop worth \$500 or over each year. Land under this law is assessed and taxed according to the income producing ability of the crop. Although there are provisions for a penalty if there is an "early withdrawal" from the program, the requirement for a yearly application makes these provisions virtually useless as a means of preventing loss of the property to development if that is the intent of the owner. In Marion, the following properties seek tax relief under the provisions of Chapter 61A.

Owner	Map and Parcel ID	Acres	Location	Zoning	Public Access	CR
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Merrow	017_25C	57.49	160 CONVERSE RD	RD / RC	none	Partial – 29.07 ac
Sippican Lands Trust	027_016	10.74	OLD TRAIL	RD	none	Full parcel
Sippican Lands Trust	026_008	57.82	OLD TRAIL	RD	none	Full parcel
Sippican Lands Trust	026_009	8.54	OLD TRAIL	RD	none	Full parcel
Sippican Lands Trust	027_009	13.2	RR ROW {OFF}	RD	none	Full parcel
Sippican Lands Trust	025_008	2.5	ROUTE 195 {REAR}	RD	none	Full parcel
Sippican Lands Trust	025_007	21.9	ROUTE 195 {REAR}	RD	none	Full parcel
Briggs	023_052	23.5174	FRONT ST	RD	none	
Eagle Holt	011_032D	5.9	POINT RD {REAR}	RC	none	Full parcel
Eagle Holt	011_032E	4.83	POINT RD	RC	none	Partial – 3.4 ac
Eagle Holt	022_002	0.92	TOWN LINE	RD	none	
Tweedy & Barnes	009_016	66.86	POINT RD	RD	none	Full parcel
Total Acres in Chapter 61A:		274				

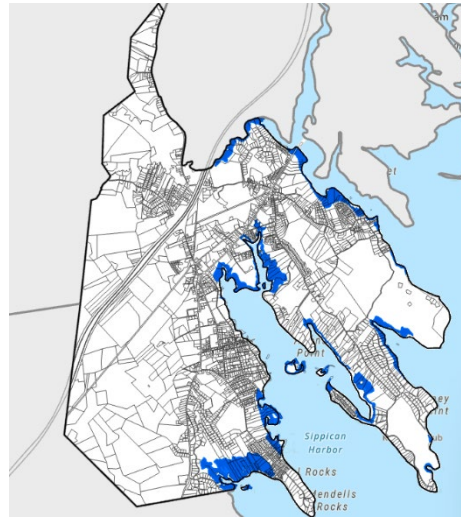
iii. Recreation Lands Under Chapter 61B - Land may be placed under Chapter 61B and receive a 75% real estate tax deduction for land over five acres in size. Land in this program is subject to a tax penalty if sold for other than open space or recreation purposes. The Town has the right of first refusal as with Chapters 61 & 61A.

Owner	Map and Parcel ID	Acres	Location	Zoning	Recreation Type	CR
Costa	011_018	9.5174	2 WASHBURN PARK RD	RC	Unlisted	
Kittansett Club	001_032	1.9774	POINT RD	RD	Golfing	
Kittansett Club	001_008B	0.8953	POINT RD	RD	Golfing	
Kittansett Club	001_001	186.5152	11 POINT RD	RD	Golfing	
Marion Harbor East Trust	006_018	61.6076	10 SOUTH DR	RD	Golfing	Full parcel
Piney Point Beach Club	002_001A	3.6574	BAY RD BEACH	RC	Swimming Areas	
Piney Point Beach Club	002_046	4.0674	96 PINEY POINT RD	RC	Swimming Areas	
Total Acres in Chapter 61B		268				

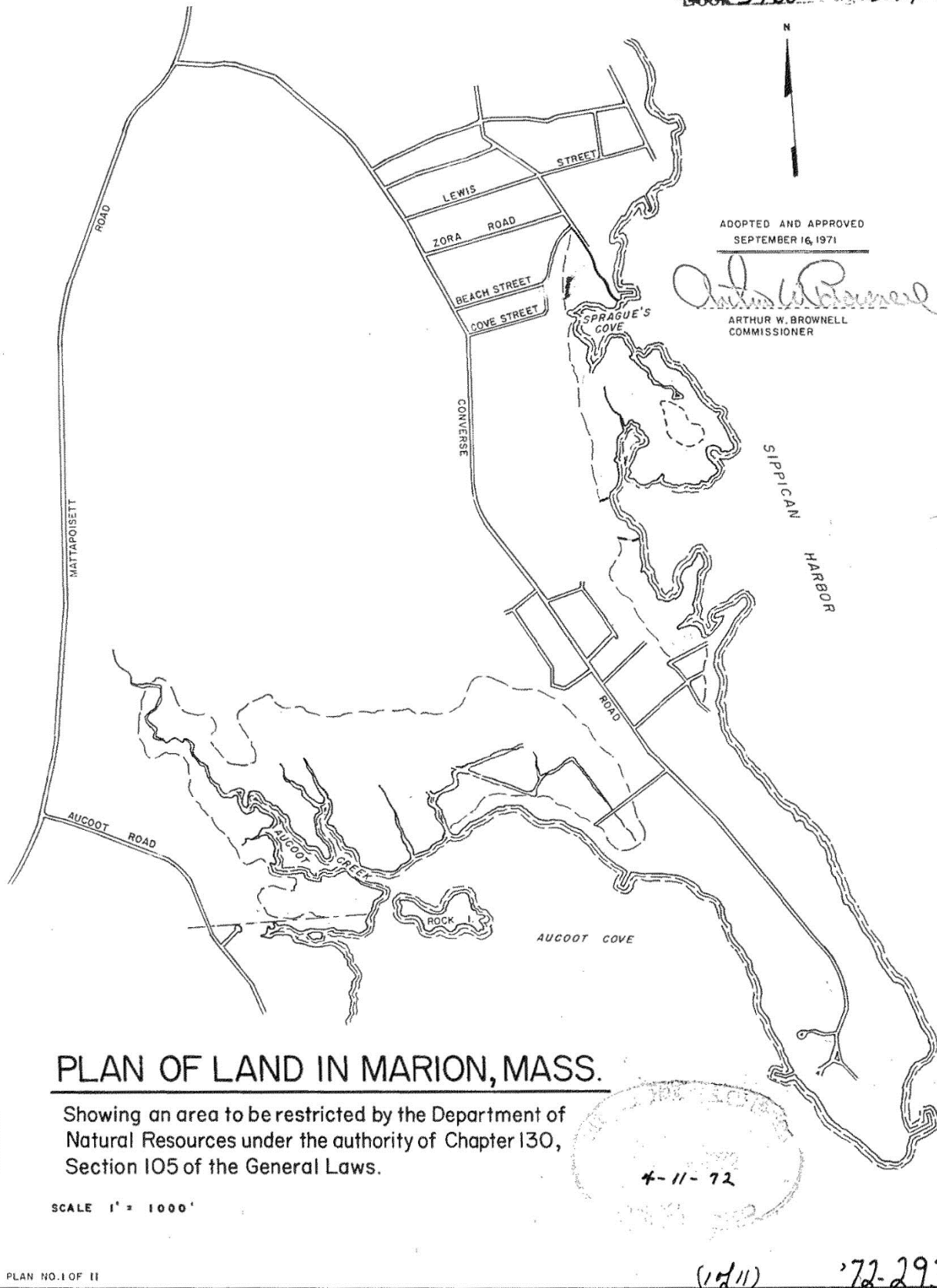
iv. Wetland Restrictions on saltmarshes pursuant to G.L Chapter 130, section 105

Below is a list of areas with Wetland Restrictions on saltmarshes and adjacent areas pursuant to G.L. Chapter 130, section 105. This program was incorporated prior to the strict provisions of the Coastal Regulations of the Wetlands Protection Act. It was thought at the time of restriction that this program would add to the protection provided by the WPA in the protection of the Commonwealth's saltmarshes. Subsequent wetland regulations have turned this into a forgotten protection strategy. The restriction was placed in 1972. At that time, there were 250 landowners affected. No particular Assessor's parcels are labeled on the maps at the Plymouth County Registry of Deeds, but the sites protected are in the following areas:

- Aucoot Cove
- Jobs Cove & Sprague's Cove
- Hammett's Cove & Sippican Harbor
- Blankenship Cove
- Meadow Island
- Ram Island & Planting Island
- Planting Island Cove
- Kittansett Have & Sedge Cove
- Weweantic River
- Wings Cove
- Sippican River



A copy of the restriction order covering these areas is included in the images below.



10

COMMONWEALTH OF MASSACHUSETTS
 DEPARTMENT OF NATURAL RESOURCES
 LEVERETT SALTONSTALL BUILDING
 100 CAMBRIDGE STREET, BOSTON 02202

PLYMOUTH, SS

768-71-4

ORDER UNDER G.L. c.130 §105Plan
#293

See Bk. 3982

Lessee Pg. 726

See Bk. 3982

Fisher Pg. 728

Dexter See Bk. 3982

Pg. 730

1. The Commissioner of Natural Resources, acting pursuant to G.L. c.130 §105, for the purposes of promoting public safety, health and welfare and protecting public and private property, wildlife and marine fisheries, hereby adopts this order regulating and restricting coastal wetlands in the Town of Marion, County of Plymouth, Commonwealth of Massachusetts, as delineated in red on plans entitled "Plan of Land in Marion", dated September 16, 1971 and numbered Section 1 through Section 10 inclusive, which plans are recorded herewith and incorporated herein.
2. This order does not grant any property rights; it does not authorize any person to trespass or injure the property of another; it does not excuse any person from complying with other applicable laws, regulations, by-laws or ordinances.
3. The following uses are permitted on land affected by this order, if otherwise permitted by law:
 - A. The construction and maintenance of catwalks, wharves, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, foot bridges, observation decks and shelters; provided that said structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the marsh;
 - B. The cultivation and harvesting of shellfish, and worms for bait, including such reasonable excavation of the flats as is necessary;
 - C. Commercial and non-commercial outdoor recreation activities including hiking, boating, trapping, hunting, fishing, golf, horseback riding, skeet and trap shooting, and shooting preserves; provided that no structure shall be constructed except in accordance with Paragraph 3A;
 - D. The cultivation and harvesting of agricultural or horticultural products; grazing and haying;
 - E. The installation of floats upon said coastal wetlands.

4. The Commissioner shall permit the following uses, after written application by the owner and submission of detailed plans, and after consultation with the Marion Board of Selectmen, in accordance with such reasonable conditions as he may deem appropriate to protect the public interest. A certificate evidencing any such permission shall be filed in the Registry of Deeds and indexed under the name of the owner of the land:

- A. The construction and maintenance of a driveway of minimum legal and practical width where alternative means of access from a public way to unrestricted land of the same owner is unavailable;
- B. The enlargement to minimum legal and practical width and the maintenance of raised roadways which exist on the effective date of this order;
- C. The installation and maintenance of underground utilities provided the surface of the marsh is restored substantially to its original condition;
- D. The excavation of a small boat mooring slip for non-commercial uses by the owner of the land, provided no spoil is placed upon the marsh.

5. The Commissioner, in his sole discretion, with the approval of the Board of Natural Resources, may permit the following uses after written application by the owner and submission of detailed plans, and after consultation with the Marion Board of Selectmen, if he determines the proposed work to be consistent with the purposes of this act; he may impose such conditions as he deems necessary to protect the public interest. A certificate evidencing any such permission shall be filed in the Registry of Deeds and indexed under the name of the owner of the land:

- A. The excavation of boat channels of a size sufficient for single family use, wildlife management impoundments and other such excavations, provided that no fill or other material shall be placed upon the marsh except as may be necessary to construct the retention structure and provide access thereto, and to provide bank stabilization;
- B. The construction of other single lane driveways and paths, including excavation and filling incidental thereto;

-3-

- C. The excavation and construction of areas for the cultivation of shellfish and other marine foods;
 - D. The construction and maintenance of beaches and boat launching ramps.
6. Except where otherwise authorized in paragraphs 3 through 5 above:
- A. No person shall fill, place or dump on said coastal wetlands any soil, loam, peat, sand, gravel, rock or other mineral substance, refuse, trash, rubbish, or debris;
 - B. No person shall drain or excavate or dredge said coastal wetlands, or remove therefrom loam, peat, sand, gravel, soil, or other mineral substance;
 - C. No person shall perform any act or use said coastal wetland in a manner which would destroy the natural vegetation of the coastal wetland, substantially alter existing patterns of tidal flow, or otherwise alter or permit the alteration of the natural and beneficial character of the coastal wetland.
7. As used herein, the word "person" shall include corporations, societies, associations, partnerships, governments and subdivisions and authorities thereof, except where exempted by statute.
8. Any person aggrieved by this Order who has a recorded interest in any portion of the land so affected, within ninety days of receipt of notice thereof, may petition the Superior Court of Plymouth County to determine whether this Order so restricts the use of this property as to constitute a taking without compensation. A list of the assessed owners of the land so affected is attached hereto and incorporated herein.

WITNESS my hand and seal this 16th day of Sept. 1971

Richard W. Brownell
 Commissioner

APPROVED

Thomas G. Sullivan
Arthur W. Brownell
Arnold E. Hansen
Fredrick J. Cooney Jr.
James H. [illegible]
 THE BOARD OF NATURAL RESOURCES

Commonwealth of Massachusetts

September 16, 1971

Then personally appeared the said Arthur W. Brownell,
 Commissioner of Natural Resources and acknowledged the fore-
 going to be his free act and deed, before me.

My commission expires

Aug. 6, 1976

Salvo Ferrante
 Notary Public

10

COASTAL WETLANDS RESTRICTION
MARION LANDOWNERS

Page 1
55 Regular ----- 1 Land Court

Page 2
33 Regular ----- 1 Land Court

Page 3
15 Regular ----- 7 Land Court

Page 4
23 Regular ----- 20 Land Court

Page 5
48 Regular

Page 6
55 Regular

Page 7
18 Regular ----- 1 Land Court

TOTAL

247 Regular ----- 30 Land Court

MARION MAP #1

James F. Arne	Walter D. Wilkinson
Heirs of John Blackmar	Albert O. Winters
Stanford G. Blankinship	John H. Wisner, Jr.
Dorothy M. Boardman	Agrippino Zinbone
William R. Boardman	Evelyn M. Zinbone
Farland D. Briggs	Joseph P. Zora
Jean E. Briggs	Glenna M. Zora
Musetta Brownell	
Francis E. Carlson	
Marquerite M. Carlson	
Patricia Chernoff (L.C. 30489) ^{NEW} (Heath)	
Patricia O. Chernoff	
Katherine H. Church	
Nancy A. Clark	
Paul T. Clohisy	
John J. Curtin, Jr.	
Agnes C. Curtin	
Hellen Y. Daller	
Howard J. Daller	
Lema F. Fearing	
Rodney M. Ford	
Isabel W. Ford	
Carlton C. Gifford	
George W. Gifford	
Jean A. Gifford	
Estate of Fannie Harcovitz	
James F. Hartley	
Royal J. Haskell, Jr.	
Mortimer C. Hill	
Minetta F. Holmes	
Indian Cove Trust	
Donald F. Jenkins	
Eunice W. Jenkins	
Walter A. Kmiec	
Joseph Kmiec	
Landmark Realty Trust	
Edna Lovell	
Francis M. Mead	
Mary F. Mead	
Howard L. Metcalf	
Irene Metcalf	
Felma Pratt	
Catherine R. Rice	
Edward E. Richardson	
Meredith F. Richardson	
Sippican Lands Assoc., Inc.	
Ellen C. Smith	
Norma R. Stephens	
Harvey E. Weir	

v. Farms not under APR or Chapter 61A

Owner	Map and Parcel ID	Acres	Location	Zoning	CR
Sippican Lands Trust (bog)	027_015A	133.13	OLD TRAIL	RD	Full parcel
Pires	011_035	1.16	RR ROW {OFF}	RC	
Pires	011_034	1.4	RR ROW {OFF}	RC	
Briggs	011_028A	1.93	POINT RD	RC	
Briggs	011_028	2.89	POINT RD	RC	
Beatons Inc (bog)	022_010	23.51	ROCHESTER RD	RD	Full parcel
Beatons Inc (bog)	022_008	72.98	ROCHESTER RD {OFF}	RD	Full parcel
Beatons Inc (bog)	022_007	56.61	ROCHESTER RD {OFF}	RD	Full Parcel
Total Acres:		294			

vi. Major Institutional Holdings

PS1 Tabor Academy

Plan 13, lots 13, 14, & 44-46, 65, 66, 668, & 67, plan 14, lots 1-10, 25, 25A, 27, 71, 72, 73A, & 74.

Location/Access: Between Sippican Inner Harbor and Route 6. Acres: 57. Ownership: Tabor Academy. Management: Same. Usage: Fields are used by the students at Tabor; skating rink is periodically open to the public. Activities/Facilities: Athletic fields, track, tennis courts, squash courts, basketball courts, and skating rink along with waterfront facilities of pier, boat house, and small boat launching facility. The Tabor Summer Program is open to day students and utilizes all Tabor facilities.

Comments/Improvements: Since Tabor Academy and the Town of Marion have mutual interests in preserving the scenic beauty of Sippican Harbor, they should continue a dialogue on future plans. The Tabor campus provides a visually attractive scenic overlook along the harbor. Zoning is RC.

vii. Private Recreation Facilities

Key: T-tennis, WA-water access, P-pier, BR-boat ramp, CH-club house

Owner	Map and Parcel ID	Acres	Location	Zoning	Type	CR
KITTANSETT CLUB INC	001_008A	1.8374	11 POINT RD	RD	Golf Courses	
KITTANSETT CLUB INC	001_008	0.6832	11 POINT RD	RD	Golf Courses	
ISLAND ASSOC OF MARION INC	003_075	1.6674	BEACH RESERVATION	RC	Beach	
SIPPICAN TENNIS CLUB	016_129	2.0474	20 HOLMES ST	RC	Tennis, CH	
BEVERLY LAND TRUST BY TRS	016_180	0.8187	99 WATER ST	RC	Yacht Club	
CAMP HADLEY TRUST TRUSTEES	021_009	2.6974	COUNTY RD	RD	Youth Summer Camp	

CAMP HADLEY TRUST TRUSTEES	021_010	16.6374	COUNTY RD	RD	Youth Summer Camp	
CAMP HADLEY TRUST TRUSTEES	021_011	2.2474	449 COUNTY RD	RD	Youth Summer Camp	
		29				

viii. Private Water Access/Beaches

Key: T-tennis, P-pier, CH-club house

Owner	Acres	Linear Feet beach	Use	Zoning
PB 1 Piney Point Beach Club	7.75	1100	T, CH	RC
PB2 Commodore Trust	0.4	50	None	RD
PB3 The Moorings	0.6	400	P	RD
PB4 Sippican Lands Assoc.	0.7	100	None	RA
PB5 Seaside Park	1.0	750	None	RA
PB6 Dexter Beach	0.75	250	P	RC
PB7 Beach on Planting Island	1.67	730	None	RC
PB8 Meadow Island	5	3000	None	RD
PB9 Planting Island	3	2000	None	RC
Total Acres	21			

PB2 Commodore Trust

Plan 5, lot 2. Location/Access: Delano Road. Acres: 0.4. Ownership: Commodore Trust Management: Same. Usage: swimming, picnicking and launching small boats. Activities/Facilities: Provides access to beach. Comments/Improvements: 50 feet of beach front adjacent to Sippican Lands Trust property. Restrictions: Provides access to the Weweantic River to residents of the Cross Neck Road subdivision.

PB3 The Moorings

Plan 20, lot 15. Location/Access: Converse Point Acres: 0.6. Ownership: Moorings Breakwater Trust Management: Same. Usage: Private anchorage and beach. Activities/Facilities: Old stone pier and 400 feet of beach. Comments/Improvements: None. Restrictions: Provides beach access, tender float and anchorage to residents of the Moorings.

PB4 Sippican Lands Association Beach

Plan 19, lot 49A Location/Access: End of Kabeyun Road. Acres: 0.7. Ownership: Sippican Lands Association. Management: Same. Usage: Private beach. Activities/Facilities: Swimming, sunbathing, and picnicking. Comments/Improvements: None. Restrictions: Provides beach access to 100 feet of shoreline on Aucoot Cove to residents of the Kabeyun Road area.

PB5 Seaside Park

Plan 19, lot 282. Location/Access: End of Seaside Lane, south to The Moorings. Acres: 1. Ownership: Unknown. Management: None. Usage: Private beach used by residents of Seaside Lane, Taunton Avenue, and Spinnaker Lane. Activities/Facilities: Swimming, sunbathing, and picnicking. Comments/Improvements: Provides beach access to 750 feet of shoreline on Sippican Harbor to residents of the area.

PB6 Dexter Beach

Plan 5A, lots 6, 6A, & 12. Location/Access: Dexter Beach Road. Acres: 0.75. Ownership: Dexter Beach Association. Management: Same. Activities/Facilities: Swimming, sunbathing, and picnicking. Pier and floats. Comments/Improvements: Provides beach access to 250 feet of shoreline on the Weweantic River to residents of the area.

PB7 Beach on Planting Island

Plan 3, lot 75. Location/Access: Northwest side of Planting Island. Acres: 1.67. Ownership: Island Association of Marion. Management: Same. Usage: Private beach used by residents of Planting Island. Activities/Facilities: Sunbathing, and picnicking. Comments/Improvements: Provides beach access to 730 feet of shoreline on Sippican Harbor to residents of Planting Island. The beach is rocky, but the location is quiet.

PB8 Meadow Island

Plan 3, lot 78. Location/Access: At mouth of Blankenship Cove and Planting Island Cove, access by water. Acres: 5. Ownership: Fraser Indenture Trust. Management: None. Usage: Privately owned but heavily used by residents of Marion. Activities/Facilities: Sunbathing, swimming, shellfishing and picnicking. Comments/Improvements: The owners have never restricted access to this property. The island has over 3000 feet of sandy beach.

PB9 Planting Island

Plan 3, lot 76. Location/Access: At north end of Planting Island, access by water. Acres: 3. Ownership: Moore Family Real Estate Trust Management: None. Usage: Privately owned but heavily used by residents of Marion. Activities/Facilities: Sunbathing, swimming, shellfishing and picnicking. Comments/Improvements: The owners have never restricted access to this property. The property has over 2000 feet of sandy beach.

ix. Private Water Access/Dockage

Key: SI-sailing instruction, SH-showers, I-ire, R-repairs, TL-travel lift, DD-dingy dock, F-fuel, PO-pump-out facility.

Owner	Pier	Ramp	Deep Water	Launch	Additional Use	Zoning
PWA1 Beverly Yacht Club	XX	XX		XX	SI, CH, SH, I, DD	RC
PWA2. A & J Boats	XX	XX			R, TL, DD	MB
PWA3 Burr Brothers Boats	XX		XX	XX	R, TL, DD, F, PP	MB
PWA4 Barden's Boat Yard	XX		XX		R, TL, DD, PO	RA
PWA5 Island Association		XX			DD	RC
PWA6 Dexter Pier	XX				DD	RC
PWA7 Piney Point	XX				DD	RC
PR4 Indian Cove		XX			DD, R	RC

PWA1 Beverly Yacht Club

Plan 16, lot 180. Location/Access: Water Street Acres: 3. Ownership: Beverly Lands Trust. Management: Same. Usage: Members and guests, extends reciprocal privileges to other yacht clubs. Activities/Facilities: Pier, launch service, sailing instruction, dingy dock, ice, showers, club house. Comments/Improvements: The club has moorings available to visiting yachts.

PWA2 A & J Boat Corporation

Plan 8, lot 41. Location/Access: Off Point Road on Hammett Cove. Acres: 2. Management: Same. Usage: Public full-service boat yard. Activities/Facilities: Pier, travel lift, dingy dock, repair service, inside & outside storage Comments/Improvements: A small basin has been dredged to provide deep water at yard location, but the approach through Hammett's Cove and Briggs Cove must be made at high tide for deep draft vessels.

PWA3 Buff Brothers Boats

Plan 14, lots 3, & 8-11. Location/Access: Front Street, Sippican Harbor. Management: Same. Usage: Public full-service boat yard. Activities/Facilities: Moorings, slips, launch service, tender float, fuel dock, repair service, pumpout facility, and travel lift Comments/Improvements: Burr Brothers has slips and moorings available to visiting yachts.

PWA4 Barden's Boat Yard

Plan 14, lot TTA, & 82C. Location/Access: Island Wharf Road, Sippican Harbor. Management: Same. Usage: Public full-service boat yard. Activities/Facilities: Moorings, pier, dingy dock, repair service, travel lift. Comments/Improvements: A pumpout facility owned by the town is adjacent to this boat yard.

PWA5 Island Association

Location/Access: Everest Road on Planting Island, Planting Island Cove. Owner: Island Association of Marion. Management: Same. Usage: Residents of Planting Island. Activities/Facilities: Pier, dingy dock. Comments/Improvements: None.

PWA6 Dexter Pier

Plan 5A, lots 82, 83. Location/Access: Delano Road, Weweantic River. Owner: Thomas Dexter. Management: Same. Usage: Private. Activities/Facilities: Historic stone pier, with tie up for small boats. Comments/Improvements: None.

PWA7 Piney Point

Plan 2, no lot#, Location/Access: Terminus of Landing Road in Piney Point. Owner: Piney Point Association. management: same. Usage: Residents of Piney Point Subdivision. Activities/Facilities: Dock, pier, and dingy dock. Comments/Improvements: None.

PR4 Indian Cove

Plan 18, lot 128. Location/Access: Indian Cove Road, Aucoot Cove. Management: Same. Usage: Residents of Indian Cove. Activities/Facilities: Small boat ramp, dingy dock. Comments/Improvements: A portion of this property is rented to Aucoot Cove Boat Yard, a full-service boat yard.

x. Association Owned Private Open Space

POS1 River's Edge

Plan 9, lots 18, 26, 50, 62, & 68. Location/Access: River's Edge subdivision. Acres: 55. Ownership: River's Edge Common Land Trust Management: Same. Usage: Provides open space benefits and access to the Sippican River to residents of River's Edge subdivision. Activities/Facilities: None. Comments/Improvements: This land a candidate for a Conservation Restriction. Zoning is RC.

POS2 Indian Cove

Plan 18, lots 44, 130, 131A, & 137. Location/Access: Indian Cove Subdivision. Acres: 15.5. Owner: Indian Cove Trust Management Same. Usage: None. Activities/Facilities: None. Comments/Improvements: Provides open space in the subdivision and acts as a buffer to Route 6. This land would be a good candidate for a Conservation Restriction. Zoning is RC.

xi. Conservation Restrictions

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acquired	Via	Level of Prot.	Type
Marion Golf Course CR	006-018	Marion Harbor East Trust	Limited	SLT	61.61	1994 - 10/4	G	P	LTCR
Grace CR	006-043A	Boathouse Nominee Trust	No	SLT	1.77	1998 - 12/29	G	P	LTCR
Walker CR	006-011D	Walker, George T. et al	Limited	MCC	12.54	1998 - 12/23	G	P	MCR
Walker CR	006-011C	Walker, George T. et al	Limited	MCC	4.62	1998 - 12/23	G	P	MCR
Walker CR	006-011B	Walker, George T. et al	Limited	MCC	1.39	1998 - 12/23	G	P	MCR
Cove CR	008-043	The Cove in Marion Trust	No	MCC	0.16	1998 - 1/16	PR	P	MCR
Cove CR	008-030C	Boyle, Robert L. et al	No	MCC	0.09	1998 - 1/16	PR	P	MCR
Cove CR	008-030F	CR Higgins Trust et al	No	MCC	0.11	1998 - 1/16	PR	P	MCR
Cove CR	008-030T	Roller, Mary et al	No	MCC	0.08	1998 - 1/16	PR	P	MCR
Cove CR	008-030P	Thomas P Greenman et al	No	MCC	0.14	1998 - 1/16	PR	P	MCR
Cove CR	008-030Q	Byrnes Real Estate Trust	No	MCC	0.11	1998 - 1/16	PR	P	MCR
Cove CR	008-030R	Hobbs, Mary	No	MCC	0.13	1998 - 1/16	PR	P	MCR
Cove CR	008-030M	Jenny Lane Realty Trust	No	MCC	0.06	1998 - 1/16	PR	P	MCR
Cove CR	008-030S	Peterson, Norman et al	No	MCC	0.02	1998 - 1/16	PR	P	MCR
Cove CR	008-030S	Peterson, Norman et al	No	MCC	0.06	1998 - 1/16	PR	P	MCR
Cove CR	008-044	The Cove in Marion Trust	No	MCC	4.23	1998 - 1/16	PR	P	MCR
Cove CR	008-042	The Cove in Marion Trust	No	MCC	0.08	1998 - 1/16	PR	P	MCR
Baldwin CR	016-177E	Water Street Nominee Trust	No	SLT	0.75	1998 - 12/11	G	P	LTCR
Baldwin CR	016-177A	Baldwin, Michael et al	No	SLT	0.58	1998 - 12/11	G	P	LTCR
Moore-Tabor CR	013-016	Tabor Academy	Limited	SLT	5.8	1999 - 8/30	G	P	LTCR

Aucoot Marsh CR	018-127	Indian Cove Trust	No	MCC	7	1973 - 5/16	G	P	MCR
Aucoot Marsh CR	018-010	Indian Cove Trust	No	MCC	84.39	1973 - 5/16	G	P	MCR
Rock Island CR (grouped with Aucoot Marsh CR)	018-057	Indian Cove Trust	No	MCC	2.85	1973 - 5/16	G	P	MCR
Goldavitz Bog ¹	026-011	Town of Marion	Yes	MBS	79.86	2007 - 10/24	P	P	USDA CR
Aucoot Woods (Waterline CR, aka Hiller Land CR) ²	024-023	Town of Marion	Limited	SLT	27.9	2008 - 3/19	G	P	LTCR
Tweedy & Barnes CR	009-016	Tweedy & Barnes Inc.	Limited	SLT	66.86	2002 - 2/1	P	P	LTCR
Claflin CR ³ - aka Three Fathom Farm	007-041	MLCT	No	TR	8.8	2018 - 06/19	G	P	LTCR
Claflin CR ³ - aka Three Fathom Farm	007-042	MLCT	No	TR	5.52	2018 - 06/19	G	P	LTCR
Rockwell CR 1	009-005	Rockwell, John and Annie	Limited	WT	1.74	1997 - 12/30	G	P	LTCR
Rockwell CR 1	009-002	Rockwell, John and Annie	Limited	WT	0.36	1997 - 12/30	G	P	LTCR
Rockwell CR 1	009-001	Rockwell, John and Annie	Limited	WT	3.3	1997 - 12/30	G	P	LTCR
Rockwell CR 2	009-006	Rockwell, John and Annie	Limited	WT	2.75	1998 - 12/29	G	P	LTCR
Eastover Farm - Southern Bogs CR	022-008	Beaton's Inc.	No	TR	72.98	2004 - 8/20	G	P	LTCR
Eastover Farm - Southern Bogs CR	022-007	Beaton's Inc.	No	TR	56.61	2004 - 8/20	G	P	LTCR
Eastover Farm - Southern Bogs CR	022-010	Beaton's Inc.	No	TR	23.51	2004 - 8/20	G	P	LTCR
Eastover Farm - Southern Bogs CR	022-077	Beaton's Inc.	No	TR	0.31	2004 - 8/20	G	P	LTCR
Beaton CR	011-032D	Eagle Holt Inc.	Limited	SLT	5.9	2002 - 2/14	P	P	LTCR

Beaton CR	011-032	Eagle Holt Inc.	Limited	SLT	54	2002 - 2/14	P	P	LTCR
Beaton CR	011-032E	Eagle Holt Inc.	Limited	SLT	3.4	2002 - 2/14	P	P	LTCR
Matthiessen CR – aka Merrow Farm	017-025	Merrow, Robert	No	MCC	29.07	1973 - 4/30	G	P	MCR
Kenney's Landing CR	022A-029	Town of Marion	Yes	SLT	1.47	2007 - 7/17	G	P	LTCR
Kenney's Landing CR	022A-027	Town of Marion	Yes	SLT	0.57	2007 - 7/17	G	P	LTCR
Little Neck Village ⁴	012-028	Town of Marion	No	MCC	6.33	2010 - 2/25	PR	P	DFW imposed CR
Cross Neck Bog ⁵	005-039	Frank A. and Nancy R. Cerkovitz	No	NRCS	12.13	2012 - 12/31	P	P	USDA CR
Total CR Acres:					652				
Notes: 1. Abandoned bog and pond; Debt for nature CR held by USA Commodity Credit Corp 2. Frontage on bike path 3. Amendment of CR in book 9536/33 from December 28, 1989 4. Box turtle habitat; Conservation Permit 10-157.DFW 5. Abandoned bog and pond; Debt for nature CR held by USA Commodity Credit Corp									
Key: Site Manager	SLT - Sippican Land Trust, MCC - Marion Conservation Commission, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, NRCS - Natural Resource Conservation Service								
Key: Via	G - Gift, PR - Permit Requirement, P - Purchase								
Key: Type	MCR - Municipal Conservation Restrictions, LTCR - Land Trust Conservation Restriction, USDACR - USDA Conservation Restrictions								

Little Marion Golf Course

Plan 6, lot 18. Location/Access: Point Road & Cross Neck Road intersection. Acres: 62. Ownership: Marion Harbor East Trust. Management: Same. Usage: Public golf course. Activities/Facilities: Public par 3 course (9 holes), with small club house. Description: Old farm with meadows turned into fairways, bordered by stone walls. Comments/Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Grace CR

Plan 6, lot 43A. Location/Access: Allens Point Road. Acres: 1.77. Ownership: Boathouse Nominee Trust. Management: Sippican Lands Trust. Usage: None. Description: Protected tidal salt marsh and vegetated wetlands. Comments / Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Walker CR

Plan 6, lots 11B, 11C, 11D. Location/Access: Point Road. Acres: 18.55. Ownership: Walker, George T. et al. Management: Marion Conservation Commission. Comments/Improvements: This parcel contains a conservation restriction granted to the Marion Conservation Commission in perpetuity.

Cove CR

Plan 8, various lots – see table above. Location/Access: Point Road and Jenny Lane. Acres: 5.27. Ownership: varies - see table above. Management: Marion Conservation Commission. Comments/Improvements: This parcel contains a conservation restriction granted to the Marion Conservation Commission in perpetuity.

Baldwin CR

Plan 16, lots 177A, 177E. Location/Access: Water Street. Acres: 1.33. Ownership: Water Street Nominee Trust. Management: Sippican Lands Trust. Usage: None. Description: Property to prevent development in the flood zone and property will remain in its present, predominately natural, scenic, and open condition. Comments/Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Moore-Tabor CR

Plan 13, lot 16. Location/Access: Front Street. Acres: 5.8. Ownership: Tabor Academy. Management: Sippican Lands Trust. Usage: None. Description: Critical salt marsh habitat adjacent to Tabor Academy's Marine Science Laboratory. Comments/Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Aucoot Cove / Marsh CR

Plan 18, lots 10, 57, 127. Location/Access: Indian Cove Road off Mill Street Acres: 94. Ownership: Indian Cove Trust Management: Indian Cove Trust. Usage: Area used for birding and shellfishing. Activities/Facilities: None. Description: Saltmarsh with some upland. Comments/Improvements: This parcel contains a conservation restriction granted to the Town of Marion in perpetuity.

Goldavitz Bog CR

Plan 26, lot 11. Location/Access: Old Indian Trail. Acres: 79.86. Ownership: Town of Marion. Management: Marion Open Space Acquisition Commission. Usage: Walkers. Activities/Facilities: Trails. Description: Abandoned cranberry bog and reservoir, the cranberry bog has been restored to function as an emergent marsh. Comments / Improvements: All proposed changes must be approved by NRCS. This parcel contains a conservation restriction granted to the USDA in perpetuity.

Aucoot Woods CR

Plan 24, lot 23. Location/Access: off Rail Road ROW. Acres: 27.9. Ownership: Town of Marion. Management: Sippican Lands Trust. Comments / Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Tweedy and Barnes CR

Plan 9, lot 16. Location/Access: Point Road & Bullivant Farm Road. Acres: 66.86. Ownership: Tweedy & Barnes Inc. Management: Sippican Lands Trust. Usage: None. Description: Protected cranberry bogs. Comments / Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Three Fathom Farm (Claflin CR)

Plan 7, portion of lot 41, lot 42. Location/Access: Weweantic River off of Delano Road. Acres: 10. Usage: View from Weweantic. Activities/Facilities: None. Description: Old farm fields bounded by stone wall

rolling down to the river. Comments/Improvements: This parcel contains a conservation restriction granted to the Trustees for Reservations in perpetuity.

Rockwell CRs 1 & 2

Plan 9, lots 1, 2, 5, 6. Location/Access: County Road. Acres: 8.15. Ownership: John and Annie Rockwell. Management: Wildlands Trust. Usage: Forestry, MACC Delineation workshops. Activities/Facilities: MACC Delineation workshops. Description: Forested upland and wetlands with freshwater tidal habitat. Comments / Improvements: None. This parcel contains a conservation restriction granted to the Wildlands Trust in perpetuity.

Eastover Farm - Southern Bogs CR

Plan 22, lots 7, 8, 10, 77. Location/Access: off Rochester Road. Acres: 153.41. Ownership: Beaton's Inc. Management: The Trustees of Reservations. Comments / Improvements: This parcel contains a conservation restriction granted to The Trustees of Reservations in perpetuity.

Beaton CR

Plan 11, lots 32, 32D, 32E. Location/Access: Point Road. Acres: 63.3. Ownership: Eagle Holt Inc. Management: Sippican Lands Trust. Usage: None. Activities/Facilities: None. Description: Protected cranberry bog. Comments / Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Merrow Farm (Matthiessen CR)

Plan 17, portion lot 25. Location/Access: On Converse Road. Acres: 29. Activities/Facilities: None. Description: Old farm fields bounded by stone walls. Comments/Improvements: This parcel contains a conservation restriction granted to the Town of Marion.

Kenney's Landing CR

Plan 22A, lots 27, 29. Location/Access: Ichabod Lane. Acres: 2.04. Ownership: Town of Marion. Management: Sippican Lands Trust. Usage: Open to the public. Activities/Facilities: Small trail leads to opening near Sippican River. Description: Property provides public access to Sippican River featuring important wetland habitat. Comments / Improvements: This parcel contains a conservation restriction granted to the Sippican Lands Trust in perpetuity.

Little Neck Village

Plan 12, lot 28. Location/Access: Wareham Street. Acres: 6.33. Ownership: Town of Marion. Management: Marion Conservation Commission. Comments/Improvements: This parcel contains a conservation restriction granted to the Marion Conservation Commission in perpetuity.

Cross Neck Bog

Plan 25, lot 39. Location/Access: Cross Neck Road. Acres: 12.13. Ownership: Frank and Nancy Cerkovitz. Management: Natural Resources Conservation Service. Usage: Abandoned cranberry bog. Comments / Improvements: All proposed changes must be approved by NRCS. This parcel contains a conservation restriction granted to the USDA in perpetuity.

B. Public and Private Non-profits

i. Public Conservation Resources

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Level Prot.	Use	Type
Aucoot Cove Parcels	018-022	Town	Y	MOSAC	4.5	1983 - 7/26	G	P	R & W	PML
Aucoot Cove Parcels	018-023	Town	Y	MOSAC	6	1983 - 7/26	G	P	R & W	PML
Aucoot Cove Parcels	018-025	Town	Y	MCC	5.4	1970 - 3/23	G	P	R & W	PML
Aucoot Cove Parcels	018-027	Town	Y	MCC	5.6	1969 - 3/6	G	P	R & W	PML
Aucoot Cove Parcels	018-028	Town	Y	MCC	6.93	1969 - 3/6	P	P	R & W	PML
Aucoot Cove Parcels	018-029	Town	Y	MOSAC	4.97	1995 - 5/3	G	P	R & W	PML
Aucoot Cove Parcels	018-032	Town	Y	MOSAC	13.77	1983 - 7/26	G	P	R & W	PML
Aucoot Cove Parcels	018-035	Town	Y	MCC	2	1995 - 12/20	P	P	R & W	PML
Aucoot Cove Parcels	018-036	Town	Y	MCC	0.99	1995 - 12/20	P	P	R & W	PML
Aucoot Cove Parcels	018-037	Town	Y	MCC	1	1996 - 12/16	G	P	R & W	PML
Aucoot Cove Parcels	018-074	Town	Y	MOSAC	0.35	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-075	Town	Y	MOSAC	0.27	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-076	Town	Y	MOSAC	0.31	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-077	Town	Y	MOSAC	0.33	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-078	Town	Y	MOSAC	0.43	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-079	Town	Y	MOSAC	0.47	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-080	Town	Y	MOSAC	0.33	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-081	Town	Y	MOSAC	0.33	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-082	Town	Y	MOSAC	0.37	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-083	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-084	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-097	Town	Y	MOSAC	0.3	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-098	Town	Y	MOSAC	0.35	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018-099	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML

Aucoot Cove Parcels	018- 100	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 101	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 102	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 103	Town	Y	MOSAC	0.28	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 105	Town	Y	MOSAC	0.32	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 106	Town	Y	MOSAC	0.33	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 107	Town	Y	MOSAC	0.35	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 108	Town	Y	MOSAC	0.32	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 109	Town	Y	MOSAC	0.26	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 110	Town	Y	MOSAC	0.32	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 111	Town	Y	MOSAC	0.24	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 112	Town	Y	MOSAC	0.32	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 113	Town	Y	MOSAC	0.32	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 114	Town	Y	MOSAC	0.32	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 115	Town	Y	MOSAC	0.27	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels	018- 116	Town	Y	MOSAC	0.27	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels ⁸	018- 030	Town	Y	MCC	5.5	1995 - 12/20	P	P	R & W	PML
Aucoot Cove Parcels ⁸	018- 031A	Town	Y	MOSAC	1.04	1983 - 7/26	G	P	R & W	PML
Aucoot Cove Parcels ⁸	018- 031B	Town	Y	MBS	1.08	1983 - 7/26	P	P	R & W	PML
Aucoot Cove Parcels ⁸	018- 033	Town	Y	MOSAC	3	1983 - 5/4	G	P	R & W	PML
Aucoot Cove Parcels ⁸	018- 034	Town	Y	MOSAC	5.15	1983 - 7/26	G	P	R & W	PML
Bird Island ¹⁶	003- 079	Town	Y	MCC	3.1	1966 - 6/17	G	P	W	PML
Brown Land	011- 124	Town	N	MCC	1	1951 - 8/31	TT	P	W	PML
Clapp's Island	002- 183	Town	Y	MOSAC	0.23	1985 - 12/17	G	P	Shell- Fishing	PML
Frank Briggs Land	005- 034	Town	N	MCC	12.21	1951 - 9/5	TT	P	W	PML

Mecke Woods	007B-069	Town	Y	MOSAC	68.34	1996 - 8/23	G	P	R & W	PML
Mecke Woods	007B-070	Town	Y	MOSAC	4.23	1996 - 8/23	G	P	R & W	PML
Mecke Woods	007B-071	Town	Y	MOSAC	0.15	1996 - 8/23	G	P	R & W	PML
Planting Island Causeway ⁶	003-074	Town	Y	MCC	3.75	1974 - 1/25	G	P	R	PML
Smellie and Stinson Land	024-024A	Town	Y	MCC	12	1950 - 9/11	TT	P	N	PML
Smellie and Stinson Land ¹³	024-024	Town	Y	MCC	73.76	1950 - 9/11	TT	P	N	PML
Weeks Land	022-011	Town	Y	MCC	0.76	1961 - 9/27	TT	P	N	PML
Weeks Land	023-001	Town	N	MCC	0.95	1961 - 9/27	TT	P	N	PML
West Land	007A-064	Town	Y	MOSAC	4	1980 - 12/30	G	P	C	PML
West Land, Barros Bog	007-001	Town	Y	MOSAC	13.03	1980 - 12/30	G	P	C	PML
A&J Trade	007A-17	Town	Y	MCC	4.21	2020 - 11/20	Tr	P	CW	PML
Boat Yard Park	008-040	Town	Y	MCC	14.98	1996 - 10/23	P	P	CW	PML
Boyd Property ¹⁴	011-017	Town	Y	MOSAC	9.01	2008 - 6/27	P	P	RCW	PML
Creek Road	008-001	Town	Y	MOSAC	1.77	2001 - 4/27	P	P	CW	PML
Eastover Farm	021-002	Town	Y	MOSAC	37.6	2005 - 5/27	P	P	RCW	PML
Eastover Farm	022-003	Town	Y	MOSAC	9.47	2005 - 5/27	P	P	RCW	PML
Eastover Farm	022-004	Town	Y	MOSAC	19.08	2005 - 5/27	P	P	RCW	PML
Eastover Farm	022-007B	Town	Y	MOSAC	138	2005 - 5/27	P	P	RCW	PML
Eastover Farm	022-009	Town	Y	MOSAC	8.24	2005 - 5/27	P	P	RCW	PML
Eastover Farm	022-010A	Town	Y	MOSAC	14.5	2005 - 5/27	P	P	RCW	PML
Eastover Farm	022-010B	Town	Y	MOSAC	11.7	2005 - 5/27	P	P	RCW	PML
Grassi Bog	026-001A	Town	Y	MOSAC	36.55	2002 - 10/24	P	P	RCW	PML
Haskell Swamp WMA	023-007	Mass	Y	DFG	157.61	2001 - 11/7	P	P	RCW	SFL
Haskell Swamp WMA	023-042	Mass	Y	DFG	75.95	1998 - 7/10	P	P	RCW	SFL
Haskell Swamp WMA	023-055	Mass	Y	DFG	18.25	1998 - 7/10	P	P	RCW	SFL

Haskell Swamp WMA	023-056	Mass	Y	DFG	15.62	1989 - 7/10	P	P	RCW	SFL
Haskell Swamp WMA	025-001	Mass	Y	DFG	45.65	1997 - 7/1	P	P	RCW	SFL
Haskell Swamp WMA	025-001A	Mass	Y	DFG	30.9	1997 - 7/1	P	P	RCW	SFL
Haskell Swamp WMA	025-001B	Mass	Y	DFG	1.43	1997 - 7/1	P	P	RCW	SFL
Haskell Swamp WMA	025-002	Mass	Y	DFG	31.8	1997 - 7/1	P	P	RCW	SFL
Haskell Swamp WMA	025-003	Mass	Y	DFG	9.0	1998 - 7/10	P	P	RCW	SFL
Haskell Swamp WMA	025-004	Mass	Y	DFG	7.4	1997 - 7/1	P	P	RCW	SFL
Haskell Swamp WMA	025-005	Mass	Y	DFG	33.08	1997 - 7/1	P	P	RCW	SFL
Haskell Swamp WMA	025-020	Mass	Y	DFG	10.00	2001 - 5/2	P	P	RCW	SFL
Haskell Swamp WMA	025-022	Mass	Y	DFG	15.75	2001 - 5/2	P	P	RCW	SFL
Haskell Swamp WMA	025-024	Mass	Y	DFG	17.00	1998 - 7/10	P	P	RCW	SFL
Haskell Swamp WMA	025-026	Mass	Y	DFG	27.66	1998 - 7/10	P	P	RCW	SFL
Indian Cove Gift ²⁰	018-130	Town	Y	MOSAC	1.4	2010 -4-26	G	P	CW	PML
Indian Cove Gift ²⁰	018-131A	Town	Y	MOSAC	1.22	2010 -4-26	G	P	CW	PML
Indian Cove Gift ²⁰	018-137	Town	Y	MOSAC	6	2010 -4-26	G	P	CW	PML
Nielsen Gift ²⁹	018-044A	Town	Y	MOSAC	2.6	2014 - 11/20	G	P	CW	PML
Quail's Crossing	023-088	Town	Y	MOSAC	7.33	2001 - 4/27	P	P	CW	PML
Quail's Crossing	023-089	Town	Y	MOSAC	3.09	2001 - 4/27	P	P	CW	PML
Quail's Crossing	023-090	Town	Y	MOSAC	1.96	2001 - 4/27	P	P	CW	PML
Route 6 Parcel	018-046	Town	Y	MOSAC	4.5	2001 - 2/28	P	P	RCW	PML
Sherman ²⁴	021-003H	Town	Y	MOSAC	16.43	2012 - 5/18	P	P	RCW	PML
Walker Parcel	006-001	Town	Y	MCC	3.4	1998 - 12/31	G	P	CW	PML
Washburn Park East (aka Wareham Street CR) ³³	011--93	Town	N	MOSAC/SLT	2.62	2018 - 12/19	P	P	RCW	PML
Washburn Park East (aka Wareham Street CR) ³⁴	011-093B	Town	N	MOSAC/SLT	0.28	2018 - 12/19	P	P	RCW	PML

Washburn Park Extension	011- 032A	Town	Y	MOSAC	52.6	2003 - 5/23	P	P	RCW	PML
Washburn Park Extension	011- 032B	Town	Y	MOSAC	3.01	2003 - 5/23	P	P	RCW	PML
Washburn Park Extension	011- 032C	Town	Y	MOSAC	42	2003 - 5/23	P	P	RCW	PML
TOTAL ACREAGE					1,225					
Notes: 6. Bathing beach 8. salt marsh 13. private owner has 30 acres of this, location unknown 14. Formerly owned by Sippican Lands Trust; originally protected 2/27/2007 16. Roseate tern colony and Historic Lighthouse 20. Wooded wetland 24. Southern terminus for "Perry's Lane" 29. Wooded buffer Strip 33. Eastern access to Washburn Park 34. Parking area for access										
Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp									
Key Use	N – None, R – Recreation, C – Conservation, W – Wildlife									
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp									
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,									
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land									

Aucoot Cove Parcels

Plan 18, lot 25, 27, 28, 30, 318, 35 & 37. Location/Access: Off of Converse Road. Barrier beach accessed by boat, or by Aucoot Avenue on foot Acres: 76. Ownership: Town. Management: Conservation Commission / MOSAC. Usage: Picnicking, swimming, sunbathing, walking and shellfishing, birding. Activities/Facilities: None. Description: Large saltmarsh behind barrier beach. Barrier beach may have nesting piping plovers. Comments / Improvements: The barrier beach was originally given to the town for recreation, and the town conservation parcels are contiguous with that beach. A boardwalk over the salt marsh was a goal of the Sippican Harbor Master Plan Commission in 1982. It may be more cost efficient to acquire access to this area through Aucoot Avenue. This area should remain a low-impact passive recreation site. Restrictions: Permanently protected under the provisions of Chapter 40, section 8C.

Bird Island

Plan 3, lot 79. Location/Access: Island in Sippican Harbor, access by boat. Acres: 3. Ownership: Town. Management: Conservation Commission. Usage: Bird sanctuary, restricted landing. Activities/Facilities: Bird Island Light House. Description: Rock island off Butler's Point in Buzzards Bay, designated for bird sanctuary with restricted landing. This island is the nesting area for 95% of the roseate tern population of the state. Comments/Improvements: 1. The lighthouse is an historic site listed in the National

Register of Historic Places and needs reconditioning and improved maintenance. 2. Conveyed to the Town under the provisions of Chapter 40, Section 5C. Restrictions: Permanently protected under the provisions of Chapter 40, section 8C.

Brown Land

Plan 11 lot 124. Location/Access: Off Route Six, with the exact location and access unknown. Acres: 1. Ownership: Town. Management: Conservation Commission. Usage: Wildlife habitat. Activities/Facilities: None. Description: Wooded. Comments/ Improvements: There is no active management of this area or location known to the managing agency. Restrictions: This land was granted to the Conservation Commission at the Annual Town Meeting of 1965, (Article 40) with a condition that the town could reclaim the land for municipal purposes by a vote of town meeting.

Clapp's Island

Plan 2, lot 183. Location/Access: Wing's Cove/Wing's Cove Boat ramp. Acres: 0.23. Owner: Town. Management: MOSAC. Usage: Town wide. Activities/Facilities: Shellfishing. Description: This small island decreases in size each year. It is almost non-existent at high tide. Comments/Improvements: This island was granted to the town as a gift to be used under the auspices of the Conservation Commission and Marine Resources Department, with the understanding that shellfishing be permitted to residents of Marion, Mattapoisett, and Rochester under Marion regulations and conservation practices.

Frank Briggs Land

Plan 5, lot 34. Location/Access: Off of Point Road, with the exact location unknown. Acres: 12. Owner: Town. Management: Conservation Commission. Usage: Wildlife habitat. Activities/Facilities: None. Description: Wooded. Comments/Improvements: There is no active management of this area or location known to the managing agency. Restrictions: This land was granted to the Conservation Commission at the Annual Town Meeting of 1965, (Article 40) with a condition that the town could reclaim the land for municipal purposes by a vote of town meeting.

Mecke Woods

Plan 128, Parcels A, B, & C. Location/Access: Adjacent to Point Road and behind Joanna Drive Subdivision. Acres: 73. Owner: Town. Management: MOSAC. Usage: Town wide. Activities/Facilities: A loop trail exists on Parcel A. Description: Parcels B & C are parallel to Point Road to provide a screen from the interior development. Parcel A is 2/3 wooded swamp. One entire and four partial subdivision stormwater basins are in this lot directly abutting houses. A 24-acre upland area accessible by a trail is on the back part of this parcel. Comments / Improvements: 1. The trail to back portion of Parcel A should be made clear of the discharge from the stormwater basin on lot 57. The trail system should be marked at Joanna Drive and be expanded to the Frank Briggs lot. 2. The stormwater basin at the corner of Joanna Drive and Point Road holds a permanent pool of water. Due to its close proximity to houses, the basin should be fenced. The other basins should be fenced on the town property if the private landowners fence their portion of the basins. 3. The method of conveyance to the town required a town meeting vote to accept these lots. Restrictions: The property was conveyed subject to the restriction that this property shall be kept in its open and natural state and shall not be built upon for residential or commercial use or developed for accessory uses such as parking or roadways, except that portion of this property which abuts Point Road may be improved by resurfacing for the use as a pathway for pedestrians and/or bicycle riders.

Planting Island Causeway

10

Plan 3, lot 74. Location/Access: Point Road to Planting Island Road and Causeway. Acres: 4. Owner: Town. Management: Conservation Commission. Usage: Town wide, low impact. Activities/Facilities: Walking, swimming, parking for shellfishing, and fishing. This parcel is also a paved access to Planting Island and considered a town road by the Board of Selectmen. Description: Sand and rock beach on one side, silty muddy cove on the other. Cove contains marsh grass and is bordered by woods. Comments / Improvements: 1. Should be kept for low impact use. A management plan was formulated by the conservation commission but never implemented. 2. The construction of the stone protected road has stabilized the road location, but may lead to the ultimate loss of the beach. Barrier beaches are dynamic landforms that maintain their form by a process of erosion and retreat, but the placement of the road will not allow the retreat of the dune and prevents overwash in smaller storm events. While this would seem to protect the road, it does not. The beach edge will continue to erode, thus increasing the grade of the beach. As the grade increases, smaller sand particles will no longer remain on the beach. The beach becomes rockier and steeper. Due to the lack of smaller storm overwash, the beach will become narrower and is more likely to be damaged from storms. While a gravel road along the crest of the beach is easy to move after a major storm, a paved road and water main is not. Plans should be made now to move the water main to Planting Island to the back side of the beach. The actual moving of the water main should be done before the next major storm. When the existing road is destroyed in a storm it should not be reconstructed in its existing form. Restrictions: Permanently protected under the provisions of Chapter 40, section 8C.

Smellie & Stinson Land

Plan 24, lots 24 & 24A. Location/Access: North of the old New York, Hartford, & New Haven Railroad right of way. Acres: 86. Owner: Town. Management: Conservation Commission. Usage: None. Activities/Facilities: None. Description: Wooded uplands and red maple swamp adjacent to Benson Brook. Comments / Improvements: 1. There is no active management of this area or location known to the managing agency. The Conservation Commission should locate this parcel and determine the extent of natural resources, to determine if a management plan is warranted. 2. A portion of this property is listed as being owned by Joseph and Glenna Zora, however the location of their lot within the larger plot is unknown. Mr. Zora has approached the Board of Selectmen in an attempt to locate his property. The Selectmen have offered to divide the property to clear the title for both the Town and Zora. However, the Selectmen have no authority over the town portion of the property. It is possible that a clear title to Zora's property cannot be established. This would have no effect on the value of the town property as it is being used for passive recreation and habitat protection purposes. Any resolution of the ownership issues relating to this property must start with the Conservation Commission. Restrictions: This land was granted to the Conservation Commission at the Annual Town Meeting of 1965, (Article 40) with a condition that the town could reclaim the land for municipal purposes by a vote of town meeting.

Weeks Land

Plan 22, lot 11 & Plan 23 lot 1. Location/Access: South side of Doggett Brook on either side of Front Street. Acres: 2. Owner: Town. Management: Conservation Commission. Usage: None. Activities/Facilities: None. Description: Red maple swamp adjacent to brook. Comments / Improvements: Provides buffer to Doggett Brook. Restrictions: This land was granted to the Conservation Commission at the Annual Town Meeting of 1965, (Article 40) with a condition that the town could reclaim the land for municipal purposes by a vote of town meeting.

West Land / Barros Bog

Plan 7, 50, plan 7A, lot 64. Location/Access: Between Point Road, Creek Road, and Wareham Street. Acres: 17. Owner: Town. Management: MOSAC. Usage: Conservation. Activities/Facilities: None. Description: Former cranberry bog. Comments / Improvements: This land may be suitable for a management plan to maintain a wet meadow for bird habitat. Restrictions: The land was accepted at the Annual Town Meeting in 1978 (Article 28) for conservation purposes.

A & J Trade

Plan 7A, lot 17. Location/Access: Rezendes Terrace. Acres: 4.2. Owner: Town. Management: Conservation Commission. Usage: None. Activities/Facilities: None. Description: Predominantly forested wetlands. Comments / Improvements: None. Restrictions: The trade was accepted at the Annual Town meeting in 2019 for parcel plan 8, lot 41A.

Boat Yard Park

Plan 8, lot 40. Location/Access: Behind Jenny Land subdivision, coastal and on Briggs Cove. Acres: 15. Owner: Town. Management: Conservation Commission. Usage: None. Activities/Facilities: None. Description: Contains turtle beach. Comments / Improvements: VE Zone, trail to Bather parcels.

Boyd Property

Plan 11, lot 17. Location/Access: Land near south side of 195, near interchange with Route 105, potentially including former rail ROW. Acres: 9. Owner: Town. Management: MOSAC. Usage: Part of the Southcoast Bikeway route. Activities/Facilities: Currently heavily used by Washburn Park dog walkers. Description: Old route of Fairhaven Branch Old Colony line. Comments / Improvements: Future bike path route.

Creek Road

Plan 8, lot 1. Location/Access: north side of Creek Road. Acres: 1.7. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Adjacent to saltmarsh and abandoned cranberry bog. Comments / Improvements: Has a stormwater quality on it.

Eastover Farm

Plan 21, lot 2; Plan 22, lots 3, 4, 7B, 9, 10A & 10B. Location/Access: large area in the northern most part of town, west of County Road to the Rochester boundary. Acres: 239. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: Trails. Description: Forested. Comments / Improvements: The Trustees have this as the Sippican River/Hales Brook reserve.

Grassi Bog

Plan 26, lot 1A. Location/Access: Mill Street north of Sparrow Lane. Acres: 36.5. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: Loop trail. Description: Abandoned cranberry bog restored to an emergent marsh. Comments / Improvements: All activities must receive prior approval from NRCS. Restrictions: Wetland Reserve Program

Haskell Swamp Wildlife Management Area (WMA)

Plans 23 and 25, various lots – see table. Location/Access: large area above 195 extending from the Rochester/Mattapoisett boundary. Acres: 497 in Marion. Owner: Commonwealth of Massachusetts. Management: Department of Fish and Game. Usage: Public, regional scale. Activities/Facilities: trails, hunting, mountain biking, horseback riding. Description: spanning multiple communities, the Haskell Swamp WMA is a large forested area comprised of 3,100 acres, 497 of which are located in Marion.

Indian Cove Gift

Plan 18, lots 103, 131A, 137. Location/Access: east side of Marion Road, with land extending to the Mattapoisett border in the vicinity of Alden Road/Sassamon Trail. Acres: 8.6. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Wetland lots and beauty strip on Route 6. Comments / Improvements: Includes the mail box area at entrance to Indian Cove.

Nielsen Gift

Plan 18, lot 44A. Location/Access: intersection of Mill Street and Indian Cove Road. Acres: 2.6. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Beauty strip along Route 6. Comments / Improvements: Has many utility easements to service lots on Holly Pond Road.

Quail's Crossing

Plan 23, lots 88-90. Location/Access: Quails Crossing Road, adjacent to the Haskell Swamp WMA. Acres: 12.4. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Lots in Zone 2 to Main Wellfield. Comments / Improvements: Purchased in a joint effort with SLT.

Route 6 Parcel

Plan 18, lot 46. Location/Access: east side of Marion Road, with land extending to the Mattapoisett border, adjacent to the Indian Cove Gift property. Acres: 4.5. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: Turn around for school buses at town line. Description: Wooded swamp. Comments / Improvements: Marion Garden Club has a display here.

Sherman

Plan 21, lot 3H. Location/Access: off County Road, adjacent to Eastover Farm. Acres: 16. Owner: Town. Management: MOSAC. Usage: Trail. Activities/Facilities: Part of the Sippican River/Hales Brook Trustees reservation.

Walker Parcel

Plan 6, lot 1. Location/Access: south side of Cross Neck Road. Acres: 3.4. Owner: Town. Management: Conservation Commission. Usage: None. Activities/Facilities: None. Description: Wooded wetlands. Comments / Improvements: None.

Washburn Park East

Plan 11, lots 93, 93B. Location/Access: Wareham Street. Acres: 3. Owner: Town. Management: MOSAC/SLT. Usage: None. Activities/Facilities: None. Description: Small parcel that provides access to the eastern end of the Washburn Park Conservation land. Comments / Improvements: None. Restrictions: CR held by SLT

Washburn Park Extension

Plan 11, lots 32A, 32B, 32C. Location/Access: south of Washburn Park proper, in the area between Point Road to the north and Wareham Street to the south, surrounding an old rail ROW on either side. Acres: 97.6. Owner: Town. Management: MOSAC. Usage: Active walkers. Activities/Facilities: None. Description: Includes irrigation pond, wetlands, and uplands.

ii. Public Beach Resources

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Level Prot.	Use	Type
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River Road Beach	009-020K	Town	Y	RC	0.45	1995 - 11/17	G	P	R	PML
River Road Beach	009-020L	Town	Y	RC	0.95	1954 - 5/10	G	P	R/B	PML
Oakdale Avenue Beach	012-014A	Town	Y	RC	0.16	1959 - 5/18	G	P	R/B	PML
Island Wharf ²²	014-076	Town	Y	MMRC	3.8	1901 - 1/1	G	P	R/B/P	PML
Silvershell Beach	016-095	Town	Y	RC	0.67	1932 - 5/19	G	P	R	PML
Silvershell Beach	016-096	Town	Y	RC	7.67	1955 - 6/29	G	P	B	PML
Silvershell Beach	017-030	Town	Y	DPW	6.12	1939 - 3/9	G	P	R/MS 4	PML
Total Acres					20					

Notes:

22. Town Landing and Park

Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp, DPW - Department of Public Works
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land
Key Use	N - None, R - Recreation, C - Conservation, W - Wildlife, B - Beach, P - Pier, MS4 - Stormwater

River Road (Weweantic Beach)

Plan 9, lots 20K & 20L. Location/Access: off River Road. Acres: 1.4. Owner: Town. Management Recreation Committee. Usage: Neighborhood beach. Activities/Facilities: None. Description: Small sandy beach, no life guard and wooded lot next to beach area. The area is severely eroded by stormwater runoff. Saltmarsh vegetation is taking over the beach area. Comments / Improvements: This area could be used as a canoe take-out area and picnic spot. This area needs rehabilitation. Restrictions: Beach and other uses determined by the Selectmen.

Oakdale Avenue Beach

Plan 12, lot 14A Location/Access: East end of Oakdale Avenue. Acres: 0.16. Owner: Town. Management: Recreation Committee. Usage: Limited except by the immediate residents. Activities/Facilities: None. Description: This is a small beach with 90 feet of coastline, muddy and overgrown on both sides with eel grass. There is a small area for parking an occasional car, and no beach development at present. Comments / Improvements: This area is presently too small and in poor condition for swimming. The flats in this area are closed for shellfishing due to bacterial contamination. This could be rehabilitated to a small beach with picnic area for low impact use. Restrictions: Gift accepted at Special Town Meeting (April 11, 1955, Article 3) for shore access, recreation and bathing beach purposes. Article 97.

Town Landing at Island Wharf

Plan 14, lot 76. Location/Access: On Front Street in central village. Acres: 3.8. Owner: Town.

Management: Marion Marine Resource Commission. Usage: Town wide. Activities/Facilities: Boat loading and unloading, pumpout facility, water faucet, recreational field, dingy tie-up area, dock for emergency response boats, public restrooms, and village parking area. This is the main town wharf used by boaters for temporary tie-up. Adjacent to it is a very small beach with 150 feet of shoreline. The Harbor Master's office is above a pavilion that has benches for viewing harbor activities. In the summer, band concerts are held here. Description: Extending from Front Street is a grassy area with shade trees. Comments/Suggestions: The beach area should receive sand to improve its condition. Restrictions: None.

Silvershell Beach

Plan 16, lots 95-97 & Plan 17, lot 30. Location/Access: South end of Front Street Acres: 14. Owner: Town. Management: Recreation Committee / Department of Public Works. Usage: Mixed. Description: The beach area is a narrow sandy strip bordered by a meadow and parking lot. The north end of this property has been extensively landscaped. The area is partially enclosed with a chain link fence. On the west side of the parking lot is a MS4 water quality basin that treats stormwater runoff from the lower village. Activities/Facilities: picnicking, swimming, sunbathing, basketball, viewing, lunch spot in off-season. The area contains: a beach house with enclosed rest rooms and dressing rooms with two outside showers, snack concession, tot lot with swings and slide, picnic area, volley ball set-up, basketball court, parking lot, and launch area for wind surfers and other carried boats. Comments / Improvements: Stormwater runoff is coming down Front Street and washing out the middle of the beach after a heavy rain. Restrictions: Lot 95, plan 16 is restricted against any buildings, or business, or commercial use. Lot 96 was purchased at a Special Town Meeting (April 11, 1955, Article 1) "for beach purposes".

iii. Public Water Access Resources

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Level Prot.	Use	Type
Wings Cove Boatramp ⁴	002-001C	Town	Y	MMRC	1.85	1954 - 1/27	G	P	Shore	PML
Planting Island Cove Access Road ¹	002-019G	Town	Y	MBS	2.91	1950 - 8/14	TT	P	Shore	PML
Old Landing ²³	013-013A	Town	Y	MOSAC	0.12	1983 - 4/27	G	P	Shore	Shore PML
Old Landing ²³	013-12	Town	Y	MOSAC	1.05	1911 - 12/13	G	P	Shore	PML
Holmes Way ¹⁸	014-999	Town	Y	MBS	0.24	1912 - 3	G	P	Shore	PML
County Road ROW	N/A	Town	Y	None	N/A	N/A	N/A		River	N/A
Point Road	001-012	Town	N	MBS	0.5	1961	G		N	PML
Total Acres					7					

Notes:

1. Drivable access to Planting Island Cove
4. Boat ramp access to Wing's Cove and small parking lot
18. Shore access
23. Stone pier and Vets' park

Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land
Key Use	N – None, R – Recreation, C – Conservation, W – Wildlife, B – Beach, P - Pier

Wings Cove Boat Ramp

Plan 2, lot 1 C. Location/Access: End of Delano Road. Acres: 1.85. Owner: Town. Management: Marine Resources Commission. Usage: Public boat ramp. Activities/Facilities: Small boat ramp and parking lot provide access to Wings Cove. Shellfish areas around Wings Cove and Capp Island are accessible through this parcel. Description: Saltmarsh on three sides, this parcel has an Osprey nest. Excellent view of Wings Cove. Comments/Improvements: Ramp not generally usable at low tide. Restrictions: Water access and recreation for Marion residents. Article 97.

Planting Island Cove Access

Plan 2, lot 19G. Location/Access: Point Road. Acres: 3. Owner: Town. Management: Board of Selectmen. Usage: Limited. Activities/Facilities: Provides limited parking for shellfishing access to Planting Island Cove. Comments: This property was accepted as a town way in 1954. It should be abandoned as a town way to avoid ANA proposals on adjacent properties and should be transferred to the control of Conservation Commission. Restrictions: Article 97.

Old Landing

Plan 13, lot 12, & lot 13A. Location/Access: Front Street. Acres: 1. Owner: Town. Management: MOSAC. Usage: Town wide. Activities/Facilities: Historic piers (2), loading dock, small boat tie-up, public access boat ramp, limited parking, and Veterans Memorial. Description: The park at this historic site is beautifully maintained by Marion Veterans. Comments/Improvements: The boat ramp cannot be used at low tide, this site should be considered for dredging and have overhead wires depressed, for boat trailering. Restrictions: None, lot 12 was a gift from the Delano family, lot 13A was a gift from Tabor Academy. Restrictions: None.

Holmes Way

Between Lots 10 and 71 on Plan 14. Location/Access: Front Street to Sippican Harbor. Acres: 0.24. Owner: Town. Management: Board of Selectmen. Usage: Town wide. Activities/Facilities: Shellfishing access to Sippican Harbor. Description: A gravel drive to the water. As the last portion of this lane is saltmarsh, it would be impossible to build a boat ramp at this location. Comments/Improvements: This

property was left to the residents of Marion to provide access to the Harbor. It seems appropriate that this lane be marked so town residents could find it Restrictions: together with Holmes Woods, this was given to the Town in the will of Barnabas Holmes "on the condition that they be accepted within a proper time and are not to be sold, leased or disposed of but to be held for the use of its inhabitants forever." Article 97.

County Road/Sippican River

Location/Access: East side of County Road, where it crosses the Sippican River. Management: None.

Usage: None. Activities/Facilities: Potential access to Sippican River. Description: A wooded area that is part of the road layout. Comments/Improvements: None. Restrictions: None.

Point Road (after Planting Island Causeway)

Plan 1, lot 12. Location/Access: The "curve" in Point Road. Acres: 0.5. Management: Board of Selectmen. Activities/Facilities: fishing and watching the fireworks. Description: Small area of bluff and rocky beach with no parking. Comments/Improvements: A wooden stairway would prevent erosion on the steep bank. Restriction: Given for the purpose to prevent soil erosion, for 100 years. (Accepted as a gift at the Annual Town meeting of 1961.)

iv. Public Recreation Resources

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Level Prot.	Use	Type
Bicentennial Park	014-043A	Town	Y	MPC	0.15	1976 - 7/9	P	P	R	PML
Bicentennial Park	014-049	Town	Y	MPC	0.44	1966 - 1/13	D	P	R	PML
Holmes Woods	014-011	Town	Y	MBS	11	1912 - 3	G	P	R/W	PML
Holmes Woods	014-011	Town	Y	MBS	0.25	1946 - 11/4	P	P	R/W	PML
Holmes Woods	014-011	Town	Y	MBS	3.48	1924 - 3/17	P	P	R/W	PML
Joann Drive Park	007B-057	Town	Y	RC	0.35	1996 - 8/23	G	P	R	PML
Marion Social Club	023-030	Town	Y	MBS	10.15	1980 - 12/19	G	P	W	PML
Washburn Park	011-039	Town	Y	RC	12.4	1956 - 9/13	G	P	R	PML
Washburn Park	011-040	Town	Y	RC	5.12	1935 - 8/29	G	P	R	PML
Washburn Park	011-042	Town	Y	RC	10.68	1956 - 9/13	G	P	R	PML
Washburn Park	011-050	Town	Y	RC	2.52	1969 - 3/12	G	P	R	PML
Washburn Park ¹⁷	011-049	Town	Y	RC	1.85	1944 - 12/22	G	P	R	PML
Point Road Park	010-012	Town	Y	RC	1.07	1930 - 6/5	G	P	R	PML
Marion Rail Trail ¹²	024-030	Town	Y	MOSAC	10.19	2004 - 2/12	T	P	R	PML

Marion Rail Trail ¹²	025-032	Town	Y	MOSAC	2.9	2004 - 2/12	T	P	R	PML
Marion Rail Trail ¹²	027-013	Town	Y	MOSAC	7.35	2004 - 2/12	T	P	R	PML
Total Acres					80					

Notes:

12. Future Bike Path Route

17. Pond

Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land
Key Use	N - None, R - Recreation, C - Conservation, W - Wildlife, B - Beach, P - Pier

Bicentennial Park

Plan 14, lots 43A & 49. Location/Access: Corner of Spring Street and Main Street Acres: 0.5. Owner: Town. Management: Marion Parks Committee. Usage: Town wide. Activities/Facilities: Gazebo, gardens and benches. Used for Christmas season events, weddings, children playing. The Marion Art Center uses the park for a sidewalk show and sale. Description: Grassy park with shade trees and flower gardens. Comments / Improvements: Perfect for quiet reflection. This area is very well maintained by the citizens of the town. Restrictions: None.

Holmes Woods

Plan 14, lots 11 & 128. Location/Access: Entrance on Spring Street; bordered by Tabor Academy on the north. Acres: 15. Owner: Town. Management: Board of Selectmen. Usage: Town wide. Activities / Facilities: Large stone fireplace, trail. Used for walking. Description: White pine forest with intersecting paths. A dirt road on the north side of the parcel to the town as a walking access to the harbor. Comments / Improvements: This area is under-utilized. Some future use of the property should be planned. Restrictions: Lot 11 was left to the town as a gift "to be held by said town for the proper use of the inhabitants thereof as a pleasure ground or park". Lot 128 was purchased for school purposes authorized at the Special Town Meeting, July 6, 1970. Article 97.

Joanna Drive Park

Plan 128, lot 57. Location/Access: Joanna Drive Subdivision. Acres: 0.3. Owner: Town. Management: Recreation Committee. Usage: None. Activities/Facilities: None. Description: Wooded lot with the back half a stormwater control basin. Comments/ Improvements: 1. The stormwater basin holds a permanent pool of water. Due to its close proximity to houses, and a future neighborhood playground, the basin is a clear safety hazard and should be fenced. 2. The method of conveyance to the town required a town meeting vote to accept this lot. Restrictions: The property was conveyed "subject to the restriction that this property shall be used only for public recreational use. This restriction shall be considered as a

'Conservation Restriction' as it is defined in Massachusetts General Laws Chapter 184, Section 31, and may be enforced by the town in any proceeding authorized by Massachusetts General Laws Chapter 184, Section 32." This parcel and its designation as a recreation lot is part of a Special Permit approval by the Planning Board.

Marion Social Club

Plan 23, lot 30. Location/Access: End of Pumping Station Lane. Acres: 10. Owner: Town. Management: Board of Selectmen. Activities/Facilities: Function hall and parking. Description: This lot is in the Zone 2 to the well field and is largely wetland. Comments/Improvements: The Marion Social club has leased this property for years for \$1. The public purpose served by leasing this property should be reviewed to determine if a renewal of the lease is appropriate given the site's proximity to the well field. The leasing of public property must conform to the requirements of Chapter 308; these procedures may not have been followed in the current lease. The use of the property is that of a function hall with parking. This seems to be inconsistent with the gift from the Commonwealth. Restrictions: "Land shall be used by the Town of Marion for recreational purposes only."

Washburn Park (Town-owned section)

Plan 11, lots 39, 40, 42, 49, & 50. Location/Access: Off Front Street, near Route 195. Acres: 32.5. Owner: Town. Management: Recreation Committee. Usage: Town wide. Activities/Facilities: Horseback riding, picnicking, walking, baseball, ice skating, rest rooms (2), ball fields (4), and swing sets. Description: Playing fields bordered by heavily wooded area with small pond. Dirt roads encircle the park. The access road into the park from Front Street is lined with rhododendrons and crosses an abandoned railroad line. Many foot paths traverse the park. Comments / Improvements: 1. The recreational area is near the limit of its expansion. A field that can be used for girls softball should be a top priority in expansion. Restrictions: Lots 39 & 42 are restricted to natural forest growth, recreation or school use, lot 40 was purchased for recreational purposes (Article 5, Special town meeting, June 3, 1935), lot 49 was transferred from use as a town dump to use for recreational purposes (Annual Town Meeting Article 37, 1960).

Point Road Park

Plan 10, lot 12. Location/Access: On the north side of Point Road, between Route 6 and River's Edge. Acres: 1. Owner: Town. Management: Recreation Committee. Usage: Neighborhood park. Activities/Facilities: Basketball court, tennis court, 2 swing sets. Description: Open area with paved courts. Comments/Improvements: 1. Tennis court is rarely used, no tennis lessons are given here, and the net is frequently missing. 2. It should be determined if the adjacent vacant land is suitable for park expansion. Restrictions: Land was bought "... for the location of proposed school building ..." at the Annual Town Meeting of 1930 (Article 25). At the Annual Town meeting of 1966 (Article 36) the town voted to remove the school and "... to make the area suitable for playground purposes".

Marion Rail Trail

Plan 24, lot 30; Plan 25, lot 32; Plan 27, lot 13. Location/Access: linear vacated Railroad ROW running west from the Mattapoissett border to Front Street through Aucoot Woods. Acres: 20. Owner: Town. Management: MOSAC. Usage: Planned bike path. Activities/Facilities: Cycling, walking. Description: The three lots constitute one parcel approximately 2.3 miles in length. Comments/Improvements: Bike path engineering in process Restrictions: Article 97.

v. Public Open Acreage Resources

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Level Prot.	Use	Type
Barnabas Trade	024-010D	Town	Y	MOSAC	3.8	1979 – 7/23	P	P	N	PML
Bessie Hiller Land	025-018	Town	Y	MOSAC	3.05	1984 - 9/24	TT	P	N	PML
Bessie Hiller Land	025-019	Town	Y	MOSAC	1.2	1984 - 9/24	TT	P	N	PML
Clem Briggs Parcel	011-026	Town	Y	MOSAC	3.55	1975 - 2/18	G	P	N	PML
Delano Land	008-001C	Town	Y	MOSAC	0.25	1979 - 6/4	TT	P	N	PML
Henly Lungren Lots	023-041A	Town	Y	MOSAC	5.1	1975 - 11/4	TT	P	N	PML
Henly Lungren Lots	023-054	Town	Y	MOSAC	0.8	1975 - 11/4	TT	P	N	PML
Henly Lungren Lots	025-027	Town	Y	MOSAC	2	1975 - 11/4	TT	P	N	PML
Henly Lungren Lots	025-028	Town	Y	MOSAC	1.75	1975 - 11/4	TT	P	N	PML
Henly Lungren Lots	025-029	Town	Y	MOSAC	1.38	1975 - 11/4	TT	P	N	PML
Henly Lungren Lots	025-030	Town	Y	MOSAC	6.8	1975 - 11/4	TT	P	N	PML
Henly Lungren Lots	025-031	Town	Y	MOSAC	4.5	1975 - 11/4	TT	P	N	PML
Onset Trolley Line	011-060	Town	Y	MOSAC	5	1951 - 9/5	TT	P	R	PML
Parlow Land	025-025	Town	Y	MOSAC	2.5	1983 - 6/3	TT	P	N	PML
Route Six Parcel	011-094	Town	Y	MOSAC	1	1971 - 6/14	TT	P	N	PML
Total Acres					43					
Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp									
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp									
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,									
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land									
Key Use	N – None, R – Recreation, C – Conservation, W – Wildlife, B – Beach, P - Pier									

Barnabas Trade

Plan 24, lot 10D. Location/Access: Along Benson Brook Road. Acres: 4. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Wooded swamp. Restrictions: None.

Bessie & Hiller Land

Plan 25, lots 18, & 19. Location/Access: Along Interstate 195. Acres: 4. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Wooded beauty strips along the highway. Restrictions: None.

Clem Briggs Parcel

Plan 11, lot 26. Location/Access: Point Road, south of Interstate 195. Acres: 4. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: Trail to old rail bed. Description: Wooded lot. Comments/Improvements: This is the future site of the Shared Use Path. Restrictions: None.

Delano Land

Plan 8, lot 1C. Location/Access: Off of Route 6 behind Marion Package. Acres: 0.25. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: saltmarsh. Restrictions: None.

Henly-Lungren Lots

Plan 25, lots 27-31, Plan 23, lots 41A & 54. Location/Access: Along Interstate 195. Acres: 22. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Wooded lot along the highway. Restrictions: None.

Onset Trolley Line

Plan 11, lot 60. Location/Access: From Children's Depot almost to Route 6. Acres: 4. Owner: Town. Management: MOSAC. Usage: Residents of area. Activities/Facilities: Walking. Description: Old rail bed is overgrown and not used east of Parkway Lane. Comments/Improvements: Future location of Marion Shared Use Path. Land should be acquired to extend opportunity for path/bike path to Route 6. Restrictions: None.

Parlow Land

Plan 25, lot 25. Location/Access: North of Interstate 195 on ancient way. Acres: 2.5. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Wooded lot with trail. Restrictions: None.

Route Six Parcel

Plan 11, lot 94. Location/Access: Route 6, between Point Road and Creek Road. Acres: 1. Owner: Town. Management: MOSAC. Usage: None. Activities/Facilities: None. Description: Wooded lot. Restrictions: None, acquired through tax title.

vi. Public Infrastructure Acreage

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Level Prot.	Use	Type
Well Field #1	023-024	Town	N	WSC	6.97	1908 - 3/03	P	P	WS	PML
Well Field #1	023-024	Town	N	WSC	4.34	1915 - 5/11	P	P	WS	PML

Well Field #1	023-024	Town	N	WSC	0.93	1908 - 3/03	P	P	WS	PML
Well Field #1	023-024	Town	N	WSC	0.5	1908 - 8/12	P	P	WS	PML
Well Field #1	023-024	Town	N	WSC	5.95	1908 - 6/02	P	P	WS	PML
Wellfield #1	023-032	Town	N	WSC	28.76	1989 - 11/2	P	P	WS	PML
Wellfield #1	023-114	Town	N	WSC	0.73	1985 - 4/17	TT	P	WS	PML
Well field #2	023-006	Town	N	WSC	26.15	1916 - 5/29	P	P	WS	PML
Well field #2	023-024	Town	N	WSC	31.63	1934 - 5/12	P	P	WS	PML
Total Acres					106					
Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp									
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp									
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,									
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land									
Key Use	N – None, R – Recreation, C – Conservation, W – Wildlife, B – Beach, WS – Water Supply									

Well Field #1

Plan 23, lots 24, 32, & 114. Location/Access: Off Pumping Station Road. Acres: 48. Owner: Town. Management: Marion Water and Sewer Commissioners. Usage: Wellhead protection; provides drinking water for the town (25%). Activities/Facilities: Pump house(s) and trails. Description: Pine woods and mixed hardwoods in upland areas, red maple swamp, and small wet meadow/shrub swamp in wetlands. Comments/ Improvements: None. Restrictions: Lot 24; "Given to the Board of Water Commissioners under Chapter 268 of the acts of 1907 of the General Court of the Commonwealth. 'An Act to authorize the Town of Marion to supply itself with water' and for the purpose of holding and preserving the water taken by said town and secured from artesian wells belonging to said town and conveying the same to any part of the town and for the purpose of preserving the quality of said water." Lot 32; was purchased for "aquifer protection" at the 1989 Annual Town Meeting (Article 20).

Well Field #2

Plan 23, lots 6, 24. Location/Access: Front Street, at Benson Brook. Acres: 39. Owner: Town. Management: Marion Water and Sewer Commissioners. Usage: Wellhead protection. Activities/Facilities: Abandoned town well field. Description: Wooded, mostly wetlands, bordering on Benson Brook. Comments / Improvements: Since there is no current use of this property for water supply, the Water Commissioners should consider forming a Town Forest Committee. In the alternative this parcel should be transferred to the Conservation Commission under the provisions of MGL Chapter

45, section 21. The Conservation Commission should locate the boundaries of the property and perform a natural resource inventory to determine if a management plan is needed. Restrictions: The deed references the Water Commissioners and water supply. (March 1915) "...said land was taken for the purpose of water supply for said town."

In addition to the above infrastructure lots, there are numerous small lots across the town that are used for water supply or sewer purposes. They are:

- Great Hill Water Tank, Plan 4, Lot 1A
- Point Road Water Tower, Plan 6, lot 14
- Creek Road Pumping Station, Plan 8, lot 20
- Point Road Pumping Station, Plan 11, lots 128A & 128B.
- D.P.W. Barn and Water Tower, Plan 15, lots 54.
- Lewis Street Pumping Station, Plan 16, lots 8 & 9.
- Abel's Way discharge point for waste water effluent, Plan 17, lot 3

vii. Open Space Associated with Schools

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Level Prot.	Use
Sippican School	014-023	Town	Y	School Dept	9	Functional	R
Sippican School Field	014-013, 015-017	Town	Y	School Dept	3	Functional	R
Old Rochester Regional School	028-014	Regional School District	Y	Regional School District	54.7	Functional	R
Total Acres					67		

Sippican School

Plan 14, lot 23. Location/Access: Spring Street. Acres: 9. Management: School Department, Recreation Committee, and Board of Selectmen. Usage: School children and town wide. Activities/Facilities: Large play lot with a variety of climbing apparatus, swings and slides built as a community project in 1986, tennis courts behind library, and school, and baseball field. Used for community flea markets, baseball, practice soccer, field for Sippican School and as a staging area for Marion parades. The Town House is on the same parcel with employee parking. Restrictions: None.

Sippican School Field

Plan 14, lots 13, & 15-17. Location/Access: Park Street. Acres: 3. Management: School Department Recreation Committee, and Board of Selectmen. Usage: School children and town wide. Activities / Facilities: Softball and parking for Sippican School and visiting boaters. Description: Large grassed field with paved parking area. Comments / Improvements: Some decision should soon be made on the location of any addition to Sippican School. This would enable the Town to replace facilities lost through expansion. Restrictions: These lots were purchased for school purposes, voted at the Special Town Meeting of January 26, 1970.

Old Rochester Regional School

Plan 28, lot 14. Location/Access: Off Route 6. Acres: 54.7. Ownership: Regional School District. Management: Regional School District. Usage: Athletic fields for the school. Activities/Facilities: High school football field, softball fields, and track, available to local groups during the summer. Regional soccer league plays on these fields. Description: Athletic fields, woodland and shrub swamp. Restrictions: None.

viii. Cemeteries

The following cemeteries are in the town. All are owned by the Town of Marion and managed by the Cemetery Commission.

Blakenship Cemetery, Plan 6, lots 12A, 15	3 acres
Friend's Cemetery, Plan 11, lots 8, 9 & 10	1.2 acres
Little Neck Cemetery, Plan 12, lot 27	1.1 acres
Old Landing Cemetery, Plan 13, lots 62, 62D & 63	3.3 acres
Evergreen Cemetery, Plan 15, lots 51 & 53	13.0 acres
County Road Cemetery, Plan 22, lots 25A, & 28	1.8 acres
Bullivant Cemetery, Plan 9, lot 75	0.10 acres

Total Cemetery Acreage 23.5

ix. Semi-Public Lands (Non-Profit/Land Trust)

Site Name	Map Parcel ID	Owner	Public Access	Manager	Deed Acres	Date Acq.	Via	Leve l Prot.	Use	Type
Aucoot Cove Parcels	018- 038	SLT	Y	SLT	0.85	1988 - 5/16	G	P	W	LTP
Aucoot Cove Parcels (1)	018- 040	SLT	Y	SLT	0.57	1978 - 12/2 6	G	P	W	LTP
Aucoot Cove Parcels (2)	019- 021	SLT	Y	SLT	0.15	1988 - 3/14	P	P	W	LTP
Aucoot Cove Parcels (3)	019- 069	SLT	Y	SLT	0.08	1991 - 5/8	G	P	W	LTP
Aucoot Woods (Barnabas Land)	025- 013	SLT	Y	SLT	87.12	1979 - 12/2 1	G	P	W	LTP
Aucoot Woods (Benson Brook Parcels)	024- 010F	SLT	Y	SLT	3.88	1987 - 1/14	G	P	W	LTP

Aucoot Woods (Benson Brook Parcels)	024- 010G	SLT	Y	SLT	2.47	1992 - 3/27	G	P	W	LTP
Aucoot Woods (Benson Brook Parcels)	024- 010H	SLT	Y	SLT	6.61	1987 - 1/14	G	P	W	LTP
Aucoot Woods (Bow Bells Parcel)	024- 009A	SLT	Y	SLT	1.81	1985 - 12/2 7	G	P	W	LTP
Aucoot Woods (Bow Bells Parcel)	024- 009B	SLT	Y	SLT	1.87	1987 - 1/14	G	P	W	LTP
Aucoot Woods (Bow Bells Parcel)	024- 010	SLT	Y	SLT	12.72	1987 - 1/14	G	P	W	LTP
Aucoot Woods (Bow Bells Parcel)	024- 010N	SLT	Y	SLT	4.49	1987 - 1/14	G	P		LTP
Aucoot Woods (Delano Parcel)	027- 014	SLT	Y	SLT	2.73	1981 - 3/23	G	P	W	LTP
Aucoot Woods (Delano Parcel)	027- 014A	SLT	Y	SLT	7.89	1981 - 3/23	G	P	W	LTP
Aucoot Woods (Delano Parcel)	027- 014B	SLT	Y	SLT	0.46	1981 - 3/23	G	P	W	LTP
Aucoot Woods (J Holmes, Haskell & Swift Lot)	027- 10	SLT	Y	SLT	23.18	2009 - 12/2 8	P	P		LTP
Aucoot Woods (J LeBaron Lot)	027- 013A	SLT	Y	SLT	8.49	2009 - 12/2 8	P	P		LTP
Aucoot Woods (Mahoney Land) ¹¹	027- 004	SLT	Y	SLT	20.77	2009 - 12/2 8	P	P		LTP
Aucoot Woods (Mahoney Land) ¹¹	027- 005	SLT	Y	SLT	37.20	2009 - 12/2 8	P	P		LTP
Aucoot Woods (Mahoney Land) ¹¹	028- 002	SLT	Y	SLT	93.80	2009 - 12/2 8	P	P		LTP
Aucoot Woods (Mahoney Land) ¹¹	028- 003	SLT	Y	SLT	18.00	2009 - 12/2 8	P	P		LTP

Aucoot Woods (Mahoney Land) ¹¹	028-004	SLT	Y	SLT	19.90	2009 - 12/28	P	P		LTP
Aucoot Woods (Mahoney Land) ¹¹	028-005	SLT	Y	SLT	19.40	2009 - 12/28	P	P		LTP
Aucoot Woods (Mahoney Land) ¹¹	028-008	SLT	Y	SLT	28.80	2009 - 12/28	P	P		LTP
Aucoot Woods (Radio Tower Property)	024-013	SLT	Y	SLT	82.17	1979 - 12/21	G	P	W	LTP
Aucoot Woods (Radio Tower Property)	024-013R	SLT	Y	SLT	2.04	1986 - 12/24	G	P	W	LTP
Aucoot Woods (Radio Tower Property)	024-013S	SLT	Y	SLT	2.04	1986 - 12/24	G	P	W	LTP
Aucoot Woods (Radio Tower Property)	024-013T	SLT	Y	SLT	2.04	1986 - 12/24	G	P	W	LTP
Aucoot Woods (Radio Tower Property)	025-011	SLT	Y	SLT	4.10	1979 - 12/21	G	P	W	LTP
Aucoot Woods (Radio Tower Property)	025-010	SLT	Y	SLT	12.75	1979 - 12/21	G	P		LTP
Aucoot Woods (Radio Tower Property) ¹⁰	025-009	SLT	Y	SLT	4.73	1979 - 12/21	G	P	W	LTP
Aucoot Woods (SA LeBaron Land)	027-001	SLT		SLT	9.20	2009 - 12/28	P	P		LTP
Aucoot Woods (Solomans Cellar) ¹⁹	027-003	SLT	Y	SLT	83.69	2009 - 12/28	P	P		LTP
Aucoot Woods (Twelve Acre Lot)	027-009	SLT	Y	SLT	13.20	2009 - 12/28	P	P		LTP

Aucoot Woods (White-Eagle Property)	027- 015	SLT	Y	SLT	4.04	2005 - 12/2 9	P	P	W	LTP
Aucoot Woods (White-Eagle Property)	027- 015A	SLT	Y	SLT	135.18	2005 - 12/2 9	P	P	R/W	LTP
Aucoot Woods (White-Eagle Property) ⁹	025- 007	SLT	Y	SLT	20.37	2005 - 12/2 9	P	P	R/W	LTP
Aucoot Woods (White-Eagle Property) ⁹	025- 008	SLT	Y	SLT	3.28	2005 - 12/2 9	P	P	R/W	LTP
Aucoot Woods (White-Eagle Property) ⁹	026- 008	SLT	Y	SLT	49.33	2005 - 12/2 9	P	P	R/W	LTP
Aucoot Woods (White-Eagle Property) ⁹	026- 009	SLT	Y	SLT	8.66	2005 - 12/2 9	P	P	R/W	LTP
Aucoot Woods (White-Eagle Property) ⁹	027- 016	SLT	Y	SLT	10.57	2005 - 12/2 9	P	P	R/W	LTP
Barzelay Marsh	005- 022	SLT	Y	SLT	5.37	1994 - 7/22	G	P	W	LTP
Bayview Marsh	018- 042W	SLT	Y	SLT	0.50	1991 - 10/1 8	G	P	W	LTP
Baywatch (aka Shortwave) ²⁶	024- 028	SLT	N	SLT	5.5	2013 - 12/2 0	P	P	W	LTP
Baywatch (aka Shortwave) ²⁷	024- 028	SLT	N	SLT	6.51	2013 - 12/2 0	P	P	W	LTP
Beaton River Lot	009- 017	SLT	N	SLT	10.15	2003 - 3/4	P	P	W	LTP
Brainard Marsh	005- 001	SLT	Y	SLT	3.6	1993 - 10/2 9	G	P	W	LTP
Brainard Marsh	005- 001A	SLT	Y	SLT	2.5	1983 -	G	P	W	LTP

						12/30				
Briggs Cove Marsh	008-003	SLT	Y	SLT	0.60	1980 - 9/30	G	P	W	LTP
Cantella Marsh	005A-052	SLT	N	SLT	0.68	2001 - 12/27	G	P	W	LTP
Cantella Marsh	007-045	SLT	N	SLT	3.67	2001 - 12/27	G	P	W	LTP
Cerkovitz Woods	026-001B	SLT	Y	SLT	18.52	1996 - 5/15	G	P	W	LTP
Cerkovitz Woods	026-001G	SLT	Y	SLT	1.64	1998 - 7/30	G	P	W	LTP
Chace Bog ³	002-003	SLT	Y	SLT	1.52	1993 - 12/27	G	P	W	LTP
Covill Woods	023-053	SLT	Y	SLT	5.08	1996 - 12/27	G	P	R	LTP
Covill Woods	023-054A	SLT	Y	SLT	2.72	1996 - 12/27	G	P	R	LTP
Cushman Wood Lot	025-15	SLT	Y	SLT	6.15	2009 - 12/28	P	P	W	LTP
Cushman Wood Lot	025-17	SLT	Y	SLT	3.00	2009 - 12/28	P	P	W	LTP
Eastover East	021-007	TR	N	TR	4.21	2012 - 10/11	G	P	W	LTP
Eastover East	021-01A	TR	N	TR	0.058	2012 - 10/11	PR	P	W	LTP
Gallison Woods	022A-035	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-036	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP

Gallison Woods	022A-037	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-038	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-039	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-040	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-041	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-042	SLT	Y	SLT	0.88	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-043	SLT	Y	SLT	1.15	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-044	SLT	Y	SLT	0.58	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-045	SLT	Y	SLT	0.67	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-046	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-047	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-048	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-049	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-050	SLT	Y	SLT	0.60	1991 - 4/3	G	P	W	LTP
Gallison Woods	022A-051	SLT	Y	SLT	0.55	1991 - 4/3	G	P	W	LTP
Gravel Island ²	008-039J	SLT	Limited	SLT	1.65	2006 - 1/20	G	P	W	LTP
Hagemann Woods	006-016	SLT	Y	SLT	14.35	1998 - 4/23	P	P	R	LTP
Hagemann Woods	006-016A	SLT	Y	SLT	5.96	1998 - 7/08	P	P	R	LTP
Hagemann Woods	006-016B	SLT	Y	SLT	2.78	1999 - 11/18	P	P	R	LTP
Hermitage ²¹	012-028A	SLT	Y	SLT	0.68	2009 - 12/28	G	P	W	LTP
Hoff Conservation Area ³⁵	026-006	SLT	Y	SLT	33.7	2021 - 3/18	P	P	R	LTP
Hood Property	024-026	SLT	Y	SLT	19.07	1998 -	G	P	R	LTP

						12/23				
Howland Marsh	002-017D	SLT	Y	SLT	8.91	1995 - 12/28	S	P	W	LTP
Indian Cove Parcels	018-006	SLT	Y	SLT	1.97	1988 - 12/30	G	P	W	LTP
Indian Cove Parcels	018-008	SLT	Y	SLT	1.79	1988 - 12/30	G	P	W	LTP
Indian Cove Parcels	018-138	SLT	Y	SLT	1.10	1990 - 11/15	G	P	W	LTP
Indian Cove Parcels	018-141	SLT	Y	SLT	1.06	1988 - 12/30	G	P	W	LTP
Kenney's Landing ¹⁵	022A-030	SLT	Y	SLT	0.98	2002 - 1/18	P	P	R	LTP
Lipsitt Preserve	008-014	SLT	Y	SLT	1.25	2000 - 11/2	P	P	W	LTP
Lipsitt Preserve	008-015	SLT	Y	SLT	0.20	2000 - 11/2	P	P	W	LTP
Lipsitt Preserve	008-016	SLT	Y	SLT	0.16	2000 - 11/2	P	P	W	LTP
Lipsitt Preserve	008-020A	SLT	Y	SLT	0.23	2000 - 11/2	P	P	W	LTP
Ludes Estuary	008-001A	SLT	N	SLT	2.43	1999 - 12/23	G	P	W	LTP
Ludes Estuary	008-001B	SLT	N	SLT	3.02	1999 - 12/23	G	P	W	LTP
Ludes Estuary	008-001D	SLT	N	SLT	0.33	1999 - 12/23	G	P	W	LTP
Marion Marsh Wilderness Preserve	008-39K	NWTC	Y	NWTC	9.69	2021 - 10/8	G	P	W	LTP

Marion Marsh Wilderness Preserve ³⁶		NWTC	N	NWTC	8.19	2021 - 10/8	G	P	W	LTP
Olde Meadow Road	017-112	SLT	Y	SLT	0.74	2006 - 7/27	G	P	W	LTP
Osprey Marsh ²⁸	002-017	SLT	Y	SLT	19.6	2014 - 02/10	G	P	R	LTP
Osprey Marsh ²⁸	002-019B	SLT	Y	SLT	0.42	2014 - 02/10	G	P	R	LTP
Pacso-Anderson Parcel ³²	018-142	SLT	Y	SLT	1.46	2018 - 7/10	G	P	W	LTP
Peirson Woods	006-029	SLT	Y	SLT	30.35	1995 - 7/7	P	P	W	LTP
Piney Point Parcels (1)	002-143	SLT	Y	SLT	1.27	1988 - 10/31	G	P	W	LTP
Piney Point Parcels (1)	002-144	SLT	Y	SLT	1.36	1988 - 12/30	G	P	W	LTP
Piney Point Parcels (1)	002-152	SLT	Y	SLT	1.78	1986 - 12/24	G	P	W	LTP
Piney Point Parcels (1)	002-153	SLT	Y	SLT	1.76	1986 - 12/24	G	P	W	LTP
Piney Point Parcels (2)	002-172	SLT	Y	SLT	1.00	1976 - 12/15	G	P	W	LTP
Piney Point Parcels (2)	002-173	SLT	Y	SLT	1.00	1957 - 1/21	G	P	W	LTP
Piney Point Parcels (2)	002-174	SLT	Y	SLT	1.00	1976 - 12/15	G	P	W	LTP
Piney Point Parcels (2)	002-175	SLT	Y	SLT	1.00	1976 - 12/15	G	P	W	LTP
Piney Point Parcels (2)	002-176	SLT	Y	SLT	0.87	1976 -	G	P	W	LTP

						12/15				
Piney Point Parcels (2)	002-177	SLT	Y	SLT	1.00	1976 - 12/15	G	P	W	LTP
Piney Point Parcels (2)	002-178	SLT	Y	SLT	0.78	1979 - 1/3	G	P	W	LTP
Piney Point Parcels (3)	002-130	SLT	Y	SLT	1.01	1990 - 12/26	G	P	W	LTP
Pratt Parcel ⁵	002-006	SLT	N	SLT	1.75	1999 - 3/2	G	P	W	LTP
Priestly Marsh	005A-144	SLT	Y	SLT	0.60	1991 - 12/30	G	P	W	LTP
Ridgewood Woods (Bilentschuk)	005-023	SLT	Future Access	SLT	6.25	2016 - 10/5	G	P	W	LTP
Russell Woods	007-096	SLT	Y	SLT	0.36	1995 - 12/27	G	P	W	LTP
Sawyer Woods	020-012	SLT	N	SLT	2.63	1997 - 5/14	G	P	W	LTP
Shawondasse Property	019-094	SLT	N	SLT	0.22	2001 - 10/15	P	P	W	LTP
Shaws Island	002-016B	SLT	Limited	SLT	1.01	2000 - 12/8	G	P	W	LTP
Solomans Cellar	027-013A	SLT	Y	SLT	0.20	2009 - 12/28	P	P	W	LTP
Sparrows Mill	026-001	SLT	Y	SLT	9.71	1991 - 12/26	G	P	W	LTP
Sparrows Mill	026-054	SLT	Y	SLT	0.69	1998 - 7/30	G	P	W	LTP
Stewarts Island	017-044B	SLT	Limited	SLT	11	2003 - 11/28	G	P	W	LTP
Wagner Parcel	017-113	SLT	Y	SLT	0.69	2000 -	G	P	W	LTP

						12/2 2				
Watson Gift ³⁰	006-030C	WT	N	WT	1.70	2014 - 12/3 1	G	P	W	LTP
Watson Gift ³¹	006-030B	WT	N	WT	1.36	2014 - 12/3 1	G	P	W	LTP
Wickenden Parcel	002-0151	SLT	N	SLT	1.03	2016 - 8/22	G	P	W	LTP
Williams Wildlife Refuge	014-036C	SLT	Y	SLT	0.67	1980 - 12/3 0	G	P	W	LTP
Total Acreage					1,169					
Notes: 2. Island in Sippican Harbor 3. old cranberry bog 5. old cranberry bog 9. mixed hardwood forest, shrub swamps 11. Box turtle habitat 15. Formerly called Ladner's Landing 19. Old road to Mattapoisett with foundation of Stagecoach stop 21. wooded strip at corner of Rt. 6 26. Stormwater basin 27. wetlands 28. wooded uplands, wetlands and saltmarsh 30. Largely wooded, predominately wetlands 31. waterfront on Sippican Harbor 32. Red maple forest 35. Forested uplands and wetland, intermittent stream 36. lot is predominantly a red maple swamp										
Key Owner	Town - Town of Marion, SLT - Sippican Land Trust, TR - The Trustees of Reservations, Mass - Commonwealth of Massachusetts, WT - Wildlands Trust, NWTC - Northeast Wilderness Trust Corp									
Key Site Manager	MOSAC - Marion Open Space Acquisition Commission, SLT - Sippican Land Trust, MCC - Marion Conservation Commission, DFG - Department of Fish & Game, MBS - Marion Board of Selectmen, TR - The Trustees of Reservations, WT - Wildlands Trust, MPC - Marion Parks Committee, MMRC - Marion Marine Resources Commission, RC - Marion Recreation Committee, WSC - Marion Water and Sewer Commissioners, NWTC - Northeast Wilderness Trust Corp									
Key Mechanism	G - Gift, TR - Trade, TT - Tax Title, P - Purchase, D - Decree, PR - Permit Requirement, S - Bargain sale, T - taking,									
Key Type	PML - Protected Municipal Land, LTP - Land Trust Property, SFL - Protected State & Federal Land									
Key Use	N – None, R – Recreation, C – Conservation, W – Wildlife, B – Beach, P - Pier									

Aucoot Cove #1, #2 & #3

Plan 18, lots 38 & 40, plan 19, lot 21 & 69. Location/Access: On Aucoot Cove. Acres: 1.65. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Small lots on cove. Comments/Improvements: None.

Aucoot Woods

Multiple lots – see table above. Location/Access: The Aucoot woods is a large forested and wetland area in the western portion of Marion that has come together over decades of land gifts and purchases. Acres: 849. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: Paths for nature study. Description: The overall Aucoot Woods area is made up of the following tracts: Barnabas Land (87 ac), Benson Brook Parcels (13 ac), Bow Bells Parcels (21 ac), Delano Parcels (11 ac), J Holmes, Haskell & Swift Lot (23 ac), J LeBaron Lot (8.5 ac), Mahoney Land (238 ac), Radio Tower Property (110 ac), SA LeBaron Land (9 ac), Solomans Cellar (84 ac), Twelve Acre Lot (13 ac), and White Eagle Property (237 ac). Variety of terrain supporting both wetland and upland vegetation. Comments/Improvements: This area is being degraded by the unauthorized use of dirt bikes on nature trails.

Barzelay Marsh

Plan 5, lot 22. Location/Access: off of Stoney Run Lane. Acres 5.4. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Saltmarsh and wooded freshwater swamp.

Bayview Marsh

Plan 18, 42W. Location/Access: At end of Job's Cove Road. Acres: 0.5. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Saltmarsh.

Baywatch (aka Shortwave)

Plan 24, lot 28. Location/Access: on either side of Field Stone Lane. Acres: 12. Ownership: SLT. Management: SLT. Usage: Limited. Activities/Facilities: None. Description: Protected woodlands surrounding the Marion Village Estates. Comments/Improvements: None.

Beaton River Lot

Plan 9, lot 17. Location/Access: appears inaccessible by road, adjacent to the Sippican River and Tweedy & Barnes. Acres: 10. Ownership: SLT. Management: SLT. Usage: Accessible by water. Activities/Facilities: None. Description: Saltmarsh and wetlands along the Sippican River. Comments/Improvements: None.

Brainard Marsh

Plan 5 lot 1 & 1A Location/Access: Between Delano Road and Bass Point Road. Acres: 6.1. Ownership: SLT. Management: SLT. Usage: Wildlife preserve. Activities/Facilities: None. Description: From the water to the highest point (on Delano Road), vegetation runs from typical marsh grasses through wetland species to pines by the road. Comments/Improvements: Over grown path from Delano Road to Beach could use minor maintenance.

Briggs Cove Marsh

Plan 8, lot 3. Location/Access: Route 6. Acres: 0.6. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Saltmarsh.

Cantella Marsh

Plan 5A, lot 52 and Plan 7, lot 45. Location/Access: off of Dexter Road, on the Weweantic River. Acres: 4. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Saltwater tidal

marsh located off Dexter Road featuring beautiful views of Weweantic River. Comments/Improvements: None.

Cerkovitz Woods

Plan 26, lots 1B, 1G. Location/Access: Mill Street, adjacent to Grassi Bog and Aucoot Woods – White Eagle Property. Acres: 20. Ownership: SLT. Management: SLT. Usage: Birding activity. Activities/Facilities: None. Description: Wetlands and wooden wildlife refuge with a small bog and pond. Comments/Improvements: Property has no walking trails but a future trail is planned.

Chace Bog

Plan 2, lot 3. Location/Access: South side of Delano Road near Point Road intersection (south intersection). Acres: 1.5. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Abandoned cranberry bog. Comments/Improvements: None.

Covill Woods

Plan 23, lots 53, 54A. Location/Access: along 195, adjacent to the Hood Property and Smellie and Stinson Land. Acres: 7.8. Ownership: SLT. Management: SLT. Usage: Short trail provides access to Covill Woods. Activities/Facilities: None. Description: Property features mostly upland forest habitat. Comments/Improvements: Future trail improvements.

Cushman Wood Lot

Plan 25, lots 15, 17. Location/Access: sliver parcels along 195. Acres: 9. Ownership: SLT. Management: SLT. Usage: Limited. Activities/Facilities: None. Description: Mixed hardwood forest and upland pine. Comments/Improvements: None.

Eastover East

Plan 27, lots 7, 1A. Location/Access: off Tucker Lane. Acres: 4.3. Ownership: Trustees of Reservations. Management: Trustees of Reservations. Usage: None. Activities/Facilities: None. Description: Land locked wooded. Comments/Improvements: None.

Gallison Woods

Plan 22A, lot 35-51. Location/Access: End of Inland road to the Sippican River. Acres: 11. Ownership: SLT. Management SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Wooded swamp and inland floodplain. Comments/Improvements: The overgrown path to the Sippican River could use some attention.

Gravel Island

Plan 8, lot 39J. Location/Access: Island at the mouth of Hammett Cove. Acres: 1.7. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Mostly tidal salt marsh and beach gravel providing critical water filter capacity to upper portion of Sippican Harbor. Comments/Improvements: Small island accessible at low tide only.

Hagemann Woods

Plan 6, lots 16, 16A, 16B. Location/Access: east side of Point Road and Delano Road intersection. Acres: 23. Ownership: SLT. Management: SLT. Usage: Walking trails. Activities/Facilities: Small kiosk at trailhead and parking area along Point Road. Description: Hagemann Woods features unusual rolling contours and forests of white pine, oak, and red maple. Comments / Improvements: None.

Hermitage

Plan 12, lot 28A. Location/Access: intersection of Wareham Street and Hermitage Road (west side). Acres: 0.68. Ownership: SLT. Management: SLT. Usage: Limited access with small path running through property. Activities/Facilities: None. Description: Small lot with stone wall along the roadside. Comments / Improvements: None.

Hoff Conservation Area

Plan 26, lot 6. Location/Access: Mill Street, adjacent to Aucoot Woods – White Eagle and Cerkovitz Woods. Acres: 33.7. Ownership: SLT. Management: SLT. Usage: Walking trails. Activities/Facilities: Future parking area and trail network planned for site. Description: This property has frontage along Route 6 creating a contiguous forested landscape with Sippican Lands Trust’s Aucoot Woods. Comments/Improvements: Future plans include parking area, trailhead, and expanded trail network.

Hood Property

Plan 24, lot 26. Location/Access: landlocked parcel adjacent to Baywatch, Smellie and Stinson Land, and Covill Woods. Acres: 19. Ownership: SLT. Management: SLT. Usage: Small trail through property. Activities/Facilities: None. Description: Forested preserve which connects to the old Rail Rod trail bed. Comments/Improvements: None.

Howland Marsh

Plan 2, lot 170. Location/Access: Point Road to Planting Island Cove. Acres: 9. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Saltmarsh, wooded swamp and inland floodplain. Comments/Improvements: A nature path is planned for this property.

Indian Cove Parcels

Plan 18, lots 6, 8, 138, 141. Location/Access: On Alden Road and Holly Pond Road. Acres: 6. Ownership: SLT. Management: SL T. Usage: Wildlife refuge. Activities/Facilities: None. Description: Wooded swamp. Comments/Improvements: None.

Kenney’s Landing

Plan 22A, lot 30. Location/Access: end of Ichabod Lane. Acres: 0.98. Ownership: SLT. Management: SLT. Usage: Small walking trail at site. Activities/Facilities: None. Description: Small wooded property providing access to the upper reaches of the Sippican River in Marion. Comments/Improvements: None.

Lipsitt Preserve

Plan 8, lots 14-16, 20A. Location/Access: south side of Creek Road. Acres: 1.8. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Small lots featuring uplands and salt marsh with bordering vegetated wetlands along Hammett’s Cove. Comments/Improvements: None.

Ludes Estuary

Plan 8, lots 1A, 1B, 1D. Location/Access: lots between Wareham Street and Creek Road, adjacent to Creek Road and Delano Land. Acres: 5.8. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: This property features both fresh and saltwater marsh at the Briggs Cove end of Hammett’s Cove. Comments/Improvements: None.

Marion Marsh Wilderness Preserve

Plan 8, lots 39K, 39M. Location/Access: east side of Point Road below Jenney Lane, to Hammett Cove. Acres: 18. Ownership: NWTC. Management: NWTC. Usage: None. Activities/Facilities: None. Description: 39K wooded lot, 39M predominantly salt marsh. Comments / Improvements: None.

Olde Meadow Road

Plan 17, lot 112. Location/Access: South end of Olde Meadow Road. Acres: 0.74. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Small uplands and wetlands offering habitat for smaller animals. Comments/Improvements: None.

Osprey Marsh

Plan 2, lots 17, 19B. Location/Access: Point Road above Piney Point Road, to Planting Island Cove. Acres: 20. Ownership: SLT. Management: SLT. Usage: Accessible walking trail and pathway with views of Sippican Harbor in Marion, accessible boardwalk and pathway and natural trail. Activities/Facilities: Parking area with kiosk connect to accessible walking trail and pathway to viewing platform at terminus of trail. Description: Protected upland woods, wetlands, and marshland offering spectacular views of Planting Island Cove. Comments/Improvements: Future pathway and trail improvements planned including future open air pavilion at the site.

Pasco-Anderson Parcel

Plan 18, lot 142. Location/Access: Kipper Lane. Acres: 1.46. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Upland habitat area connecting to other Sippican Lands Trust properties. Comments/Improvements: None.

Pierson Woods

Plan 6, lot 29. Location/Access: Corner of Point Road and Allen's Point Road. Acres: 30.3. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Upland woods, maple swamp, shrub swamp, and saltmarsh. Comments - Improvements: A nature trail is planned for this parcel.

Piney Point #1

Plan 2, lots 143, 144, 152, 153. Location/Access: Register Road. Acres: 6.1. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Wooded swamp. Comments / Improvements: Should be left wild.

Piney Point #2

Plan 2, lots 172-178. Location/Access: Point Road on the corner of Rogers Drive. Acres: 6.7. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Shrub swamp. Comments/Improvements: Should be left wild.

Piney Point #3

Plan 2, lots 130. Location/Access: Holly Road. Acres: 1. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Wooded swamp with some upland area. Comments / Improvements: Should be left wild.

Pratt Parcel

Plan 12, lot 130. Location/Access: On Delano Road, adjacent to Chace Bog. Acres: 1.75. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Former bog left to return to its natural condition. Comments/Improvements: None.

Priestly Marsh

Plan 5A, lot 144. Location/Access: On Dexter Beach Road. Acres: 0.6 Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: none. Description: Wooded swamp and saltmarsh. Comments / Improvements: None.

Ridgewood Woods (Bilentschuk)

Plan 5, lot 23. Location/Access: Off Dexter Road west of Wilson Road intersection, adjacent to Barzelay Marsh. Acres: 6.25. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Wooded lot connecting to other SLT properties along the Weweantic River. Comments/Improvements: None.

Russell Woods

Plan 7, lot 96. Location/Access: Corner of Stoney Run and Edgewater Lane. Acres: 0.3. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: None. Description: Partially wetlands, Pumping station for sewer system is on this lot. Comments/Improvements: None.

Sawyer Woods

Plan 20, lot 12. Location/Access: east side of Moorings Road to Aucoot Cove. Acres: 2.6. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Wooded lot leading to marsh along Aucoot Cove. Comments/Improvements: None.

Shawondasse Property

Plan 19, lot 294. Location/Access: near end of Wianno Road on Aucoot Cove. Acres: 0.22. Ownership: SLT. Management: SLT.

Shaws Island

Plan 2, lot 16B. Location/Access: landlocked circular parcel surrounded on all sides by residential lots (especially lot 2_16) off of Point Road, near to Planting Island Cove. Acres: 1. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Parcel with small coastal beech along Aucoot Cove. Comments/Improvements: None.

Solomans Cellar

Plan 27, lot 13A. Location/Access: small triangular parcel with no direct road access adjacent to the Marion Rail Trail parcel. Acres: 0.2. Ownership: SLT. Management: SLT. Usage: Walking trail through property. Activities/Facilities: None. Description: Upland area offering diverse habitat for wildlife. Comments/Improvements: None.

Sparrow's Mill

Plan 26, lots 1, 54. Location/Access: Off Mill Street at Aucoot Creek. Acres: 10.4. Ownership: SLT. Management: SLT. Usage: Wildlife refuge. Activities/Facilities: Historic Mill site. Description: Shrub swamp. Comments/Improvements: None.

Stewarts Island

Plan 17, lot 44B. Location/Access: not accessible by road, southernmost part of Stewarts Island between Peckhams Pond and Sippican Harbor. Acres: 11. Ownership: SLT. Management: SLT. Usage: Limited, access by boat only. Activities/Facilities: None. Description: Stewart's Island is a small island in the outer portion of Sippican Harbor with a small salt marsh habitat. Comments/Improvements: None.

Wagner Parcel

Plan 17, lot 113. Location/Access: east side of Olde Meadow Road. Acres: 0.7. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Small parcel with forested habitat. Comments/Improvements: None.

Watson Gift

Plan 6, lots 30B, 30C. Location/Access: two end-on-end linear parcels connecting Pierson Woods and Sippican Harbor above Allens Point Acres: 3. Ownership: Wildlands Trust. Management: Wildlands Trust. Usage: None. Activities/Facilities: None. Description: 30B wooded lot, 30C previously developed waterfront.

Wickenden Parcel

Plan 2, lot 151. Location/Access: Register Road adjacent to Piney Point Parcels #1. Acres: 1. Ownership: SLT. Management: SLT. Usage: None. Activities/Facilities: None. Description: Property located on Register Road offering small wetland areas. Comments/Improvements: None.

Williams Wildlife Refuge

Plan 14, lot 36C. Location/Access: Borders on sidewalk and wall along Front Street. Acres: 0.7. Ownership: SLT. Management: SLT. Activities/Facilities: None. Description: A small stream runs from Holmes Woods through this parcel creating a deep ravine which is filled with impenetrable vines. This is a dramatic contrast to the formal yards and gardens in the neighborhood. Comments/Improvements: Should remain natural. This lot often collects litter and is difficult to clean.

Appendix F. - Tinkham V. Town of Mattapoisett

- Commonwealth of Massachusetts Superior Court. PLYMOUTH, SS.
- .
- No. PLCV200401126B. (Mass. Cmmw. May 07, 2007)

TINKHAM V. TOWN OF MATTAPOISETT

ALLEN F. TINKHAM ET AL.¹ V. TOWN OF MATTAPOISETT ET AL.^{2,3}

1.

Robert C. Tinkham, Michele C. Bernier, Ann M. Briggs, Lori A. Briggs, Peter R. Cadden, Frances A. Cairns, Bradford A. Hathaway, Heather Hobler-Keene, Peter M. Martin, Florence M. Martocci, Donald K. Marvin, Josephine M. Pannell, Diane H. Perry, David W. Peterson, George P. Randall, Madeline J. Reid, Manuel C. Rosenfield, James L. Sullivan, Patricia A. Tapper, Robert F. Tapper, Jr., and Barbara K. Welling.

2.

Dennis Mahoney Sons, Inc. And Bay Club of Mattapoisett, LLC.

3.

Town of Mattapoisett v. Thomas F. Reilly, Attorney General — Plymouth Division, Probate and Family Court Department No. 04E0087-GC1. The plaintiffs in the instant action were permitted to intervene as defendants in the Probate action on January 18, 2005.

NO. PLCV200401126B.

COMMONWEALTH OF MASSACHUSETTS SUPERIOR COURT. PLYMOUTH, SS.

MAY 7, 2007.

ROBERT C. RUFO, J.

This action was brought by the plaintiffs as taxpayers of the Town of Mattapoisett under the provisions of G.L.c. 214, § 3(10) seeking to enforce the purpose or purposes of a gift of a 20.5-acre parcel of land in trust to the Town of Mattapoisett by deed of Nelson Floyd Tinkham dated November 26, 1968. The plaintiffs also seek declaratory relief under the provisions of G.L.c. 231A that a May

2004 Mattapoisett Town Meeting vote to exchange the 20.5 — acre parcel for a total of over 400 acres with private developers so as to permit the 20.5-acre parcel to be used for residential purposes, contravenes the fiduciary obligations of the Town of Mattapoisett. In the companion case, the Town of Mattapoisett brought a "Cy Pres" Complaint against Thomas F. Reilly, the then Attorney General of the Commonwealth of Massachusetts seeking authorization for the Town of Mattapoisett to undertake an exchange of the 20.5 — acre parcel of land received from Nelson Floyd Tinkham in 1968 with private developers in return for just over 400 acres of land situated in the Towns of Mattapoisett and Marion, Massachusetts. *636636

By Order of Assignment from the Chief Justice for Administration and Management dated April 24, 2006, this court has been authorized to sit simultaneously as a Justice of the Superior Court and the Probate and Family Court Department to further the orderly processing of each of the above referenced matters.⁴ This court's decision will address the issues raised in both the Superior Court and the companion Probate and Family Court action.

4.

By written notice to the Clerk of the Plymouth Superior Court dated March 30, 2007, the Office of the Attorney General respectfully declined to attend the trial of these matters and took no position with respect to the outcome of these actions.

FINDINGS OF FACT

Shortly after the trial commenced, the court took an extensive view of the subject property with counsel for the plaintiffs and defendants. After a trial without jury conducted from April 2, 2007 through April 6, 2007 and based upon all the credible evidence, including the testimony of fourteen (14) witnesses and thirty — seven (37) exhibits admitted at trial, drawing such fair inferences as I find to be reasonable, and resolving questions of credibility where they occur, I find the following material facts.

The Parties

The plaintiffs, Allen F. Tinkham and Robert C. Tinkham are residents of Newington, Connecticut and Carver, Massachusetts respectively and are the sons of Nelson Floyd Tinkham who died on April 26, 1975. The plaintiffs, Michele C. Bernier, Ann M. Briggs, Lori A. Briggs, Peter R. Cadden, Frances A. Cairns, Bradford A. Hathaway, Peter M. Martin, Florence M. Martocci, Donald K. Marvin, Josephine M. Pannell, Diane H. Perry, David W. Peterson, George P. Randall, Madeline J. Reid, Manuel C. Rosenfield, James L. Sullivan, Patricia A. Tapper, Robert F. Tapper, Jr. and Barbara K. Welling are residents and taxpayers of Mattapoisett. The plaintiff Heather Hobler-Keen is a resident of Boston and a taxpayer of Mattapoisett.

The defendant Town of Mattapoisett ("Town") is a municipal corporation located in Plymouth County, Massachusetts. The defendant Dennis Mahoney Sons, Inc. is a Massachusetts corporation with a usual place of business in Massachusetts and the defendant Bay Club of Mattapoisett, LLC is a Massachusetts limited liability company with a usual place of business in Massachusetts.⁵

5.

Counsel for defendants Dennis Mahoney Sons, Inc. and Bay Club of Mattapoisett, LLC attended only the first day of trial and deferred litigation to counsel for the Town of Mattapoisett without further participation in these proceedings.

The Property

On November 26, 1968, Nelson Floyd Tinkham ("N.F. Tinkham" or "Mr. Tinkham") conveyed a 20.5 — acre parcel of land located in the woods east of North Street to the Town by deed which is recorded with Plymouth County Registry of Deeds in book 3488, page 732 ("the Property" or "Tinkham Forest"). (Ex. 1.) N.F. Tinkham's deed to the Town provided that the 20.5 — acre parcel would thereafter be known as the "N.F. Tinkham Forest."⁶ The deed was drafted by Leonard E. Perry, who was Mattapoisett Town Counsel in 1968. At the time of N.F. Tinkham's gift in 1968, the Town was heavily forested and sparsely populated. The area extending east from North Street to the Marion town line and north from present day Route 6 to Rochester was referred to by residents of the Town as the "Town Forest," although the various parcels within the Town Forest were privately-owned "wood lots," used to supply fire wood for residents of other parts of the Town. The 20.5-acre parcel of Property known as the Tinkham Forest is contained within the area Town residents and Mr. Tinkham regularly called the Town Forest.

6.

The deed stated that the land and appurtenant rights were granted, released and dedicated to the Town of Mattapoisett in trust upon six numbered paragraphs of terms and conditions as follows: The Town would be trustee under the trust; The Mattapoisett Conservation Commission would manage, control, enforce and preserve the trust; The property conveyed to the trust would be known as the "N.F. Tinkham Forest"; The trust property would be used for the purposes authorized by: (a) G.L.c. 40, § 8C; and (b) other Massachusetts statutes relating to conservation, including the protection and development of the natural resources and the protection of the watershed resources of the Town of Mattapoisett; and (c) if in the future the land areas adjacent to the property conveyed to the trust shall become a thickly settled residential area a portion may be set aside for recreational or playground purposes or all or any portion may be used for public park purposes, provided the name "N.F. Tinkham Forest" be retained for any woodland in such area. If the trust property or any part should be taken by eminent domain, the net proceeds shall be added to the conservation fund of the Town of Mattapoisett. The trust would become effective upon acceptance of the deed by the Board of Selectmen.

Mr. Tinkham received the Property as a gift by deed from Mr. Lemuel LeBaron Dexter ("Mr. Dexter") on October 5, 1953. (Ex. 3.) Mr. Dexter had expressed that the Property be preserved, kept open, and accessible to all for future generations. Mr. Elisha L. Dexter, Mr. Dexter's father, acquired title to the Property on October 28, 1873, from a Ms. Mary A. Clark ("Ms. Clark"). Mr. Dexter acquired the title to the Property in 1876, upon the death of his father. (Ex. 2.) The deed from Ms. Clark to Mr. Dexter's father makes no mention of a right to use the so called "Sippican Trail" or any other trail or right of way. The deed from Mr. Dexter on October 5, 1953 to Mr. Tinkham, as appurtenant to the 20.5-acre parcel, for the first time, included the following language: "all rights of use in connection with the so-called 'Sippican Trail' in either direction, also in connection with that road leading south

easterly to Randall Road. Also the right of use over any land of the lot at the west to and into Solomon Road; said land being the same premises referred to in the will of Alice Meigs, and conveyed by Mary A. Clark to Levi M. Snow by deed dated September 29, 1862, and recorded in Book 314, Page 115, and later conveyed by Mary A. Clark to Elisha Dexter by deed dated May 19, 1873 and recorded in Book 400, Pages 102-103 and by another deed dated October 12, 1872 in Book 401, Page 27." The Mattapoisett Board of Selectmen accepted the deed by signing their approval on the deed.

In 1974, members of the Town's Conservation Commission organized a testimonial dinner to publicly thank Mr. Tinkham for giving the Property to the Town. At the testimonial dinner, a wooden sign which reads "N.F. Tinkham Forest Mattapoisett 1968" made by students at Old Rochester Regional High School was presented to the Town. The sign was erected on North Street near the base of the water tower and presently remains at that location.

N.F. Tinkham

Mr. Tinkham was born in Mattapoisett, and he lived in the Town his entire life. By trade he was a carpenter and boat builder, an avid outdoorsman and a hunter, who never owned a car. Mr. Tinkham would often take hikes throughout the Town Forest including the 20.5 acres of land he acquired from Mr. Dexter, walking with his beagles and various family members. His travels would take him to various areas of the Town Forest known as Solomon's Cellar, Haskell's Swamp, and Rebello's Field. Mr. Tinkham would visit the "split *637637 rock," depicted in Exhibit 22, during his walks in the woods and he enjoyed the overall beauty and tranquility of the undisturbed woodlands. Like Mr. Dexter, Mr. Tinkham detested "No Trespassing" signs which limited his ability to travel and hunt where he desired.

Mr. Tinkham served on the Town's first Conservation Commission which at the time was charged with protecting and acquiring the Town's open space. Mr. Tinkham served on the Conservation Commission until his death in 1975. He was regarded as a senior member of the Town's first Conservation Commission, given his expressed affection and knowledge of the woodlands and other natural resources throughout the Town. Mr. Tinkham's lifelong passion and utmost concern was protecting open space and the woods of the Town for enjoyment by the Town's present and future residents. He constantly strove to protect open land, as he believed that during his lifetime he and other property owners were mere stewards of the woods and open spaces of the Town. At the time Mr. Tinkham deeded the Property to the Town, he believed that the land that he owned was not his private property, that it was only his to protect for future generations, and that as much as possible of the woods of the Town should be preserved and made accessible to all who wish to walk within them.

Access to the Property

An official atlas record of the Plymouth County Commissioners was admitted during trial that depicts the location of public ways and private ways in the Town. (Ex. 37.) As of the date of this map, 1902,

there were no public ways shown leading anywhere near the Property. Prior access to the Property, including the old wood lots in the vicinity of the Property, was entirely permissive. Abutting property owners of the various privately owned wood lots had "gentlemen's agreements" that would allow abutters ingress and egress to their wood lots in the Town Forest over their own private, forested land. The Property has no front — age on any public way and is only accessible by traversing private property. Persons have accessed the Property via a number of footpaths leading to the Property from the end of Randall Road, a public way in the Town. The Town has not maintained any public roads through the Property subsequent to the Town's 1858 Town Meeting, when the Town purportedly discontinued the "Old Town Road" from North Street, near the present day water tower, in an easterly direction.⁷ (Ex. 29.) While the plaintiffs maintain (referring to Exs. 24, 28, 29 and 33) the Tinkham Forest contains portions of ancient trails (most notably the Sippican Trail or Old Marion Trail) believed by Mr. Tinkham and Mr. Dexter to have been used by Native Americans and the first English settlers of Mattapoisett, this court does not find, based on the evidence presented at trial, there are any public or ancient ways or trails which would provide current day public access to the Property.

7.

Exhibit 29 is a copy of the Town Meeting vote to discontinue the "Old Town Road." This document indicates that the road being discontinued began at North Street, near the land of James LeBaron. The roadway leading from North Street into what used to be known as the Town Forest runs eastward from North Street, next to the land of J. LeBaron.

In 1997, the Town of Mattapoisett prepared an Open Space and Recreation Plan as a guide to facilitate the preservation and maintenance of the natural and recreational resources of the town. This plan, published in January 1998, stated that the Tinkham Forest had public access, had a high recreational potential and was protected in perpetuity. (Ex. 27 p. 129.) The Tinkham Forest is among the town's limited inventory of permanently protected open space. (Ex. 27.)

Since the Property was deeded to the Town, a large area of the Town Forest has been purchased for development as an exclusive country club community known as the "Bay Club at Mattapoisett" ("Bay Club"). The Property is surrounded by land owned and partially-developed by the Bay Club. (Ex. 4.) The Bay Club sits on 625 acres of woodlands in the area once referred to as the Town Forest. (Exs. 9, 10, 11.)

During the Bay Club subdivision proceedings it was the Town's position concerning public right of access to Tinkham Forest that "the Town had rights of access to the Tinkham Forest across the Bay Club Parcel" over "several ancient ways or trails, including, but not limited to, the ways known as the 'Old Marion Trail' or 'Sippican Trail,' the 'Solomon Road' and 'Pine Island Way.'" (Ex. 23.) In connection with the review process of the Bay Club subdivision, the Mattapoisett Planning Board requested that the Bay Club integrate access to the Tinkham Forest into its design. However, the Bay Club refused claiming that there were no public rights of access across the Bay Club parcel. Consequently, a dispute arose between the Planning Board and the Town and Bay Club and the land owners of the subdivision property as to whether the Town had a right to gain access to the Tinkham Forest over several ancient ways or trails, including the so-called Sippican Trail. In order to avoid the expense and delay of litigation, the Town, Bay Club and the purported owners of the

subdivision property signed an Agreement on June 16, 2003.⁸ (Ex. 23.) In this Agreement the purported owners of the subdivision property granted a right of way easement to and from the Tinkham Forest over two of the subdivision roads from Route 6 and over two trails to be determined; one to the Sippican Trail extending to Marion and the other from the Sippican Trail to Industrial Drive. Access provided for under the agreement required that individuals check in at the security desk and walk a mile along private subdivision roads to access the Property.

8.

This court lacks sufficient evidence to determine whether this agreement is presently enforceable. Conditions of the agreement required a Town Meeting vote to abandon any alleged rights of way that previously existed in exchange for a right of way easement to the Property. Apparently, no such Town Meeting vote was ever held.

Before the construction of the Bay Club subdivision, one of the accesses to the Tinkham Forest most commonly used by the public was a pathway leading from North Street at the Water Tower to the Tinkham Forest.⁹ Access to the Property which Mr. Tinkham owned was difficult and limited to walking down one of several old ancient trails and ways to enter onto the Property. From the evidence presented at trial, this court cannot state with any accuracy the number of *638638 people over time that have traveled to, through or walked in the present day Tinkham Forest.

9.

This was the purported route used by the plaintiffs attorney who directed the court and defendants' attorneys to the Property during the view. After arriving at the Property, it was difficult to ascertain if one was even within the boundaries of the Property or was traversing on private property.

In October 2005, during a visit by some of the plaintiffs and their attorney to the Tinkham Forest via the pathway leading from North Street at the Water Tower, Bay Club personnel maintained that there was no direct access to the Tinkham Forest from any public way and in order to legally access the Tinkham Forest it was necessary for would-be visitors to make arrangements with Bay Club Security to walk through the development to the Tinkham Forest. Bay Club maintained this access was limited to citizens of Mattapoisett and not available to residents of other towns. Bay Club security would inform persons walking to the Tinkham Forest that they were on private property and that they were trespassing unless they checked in at the security gate and walked only on the route specified in the Agreement dated June 16, 2003.

Proposed Land Exchange

At the Town of Mattapoisett Annual Town Meeting held on May 10, 11, 12, 2004, by petition on behalf of the defendant, Bay Club of Mattapoisett, LLC, Article 8 was placed on the Annual Town Meeting Warrant of the Town of Mattapoisett to authorize the Board of Selectmen to exchange the Property for five parcels of land owned by the defendant, Dennis Mahoney Sons, Inc. (Ex. 8.) Prior to the vote concerning Article 8 of the May 2004 Annual Town Meeting Warrant of the Town of Mattapoisett,¹⁰ the defendant, Bay Club, presented voters with an information packet describing the many benefits that it claimed would accrue to the Town of Mattapoisett from the proposed exchange

of the Property for the five other parcels of land. (Ex. 7.) One of the benefits Bay Club of Mattapoisett, LLC claimed this exchange of land would provide to the Town was an increase in annual real estate tax revenue of approximately \$300,000 per year derived from the anticipated twenty house lots it would develop on the Property. The mechanics of the proposed exchange would be for Dennis Mahoney Sons, Inc. to deed the five exchange parcels to the Town in return for a deed to the Property from the Town to Dennis Mahoney Sons, Inc. Dennis Mahoney Sons, Inc. would then convey the Property to the Bay Club of Mattapoisett, LLC for the development of approximately twenty residential lots adjacent to the current Bay Club property.

10.

Article 8 was passed by a 2/3s vote of the Annual Town Meeting of Mattapoisett of May 10, 11, 12, 2004 as follows (365 by 2/3, 243) YES 245 NO 120.

The five parcels proposed by Article 8 to be exchanged for the Property consist of several parcels in Mattapoisett having a total acreage of 95.78 acres, one parcel in Rochester of 10 acres and several parcels in Marion having a total acreage of 300 acres. Parcels 1, 2, and 3, totaling 85 acres, lie within the Mattapoisett River Valley, provide approximately 3800 linear feet of frontage on the Mattapoisett River, are within the Zone II area of all the Town's public drinking wells, as well as the Town's Watershed Protection District.¹¹ (Exs. 7, 15.) Zone II is the area directly adjacent to and surrounding the wells from which the Town's drinking water is extracted. The Town of Mattapoisett Water and Sewer Department together with the parties to this litigation agree that obtaining and limiting the future use of Parcels 1, 2, and 3, would further protect the watershed resources of the Town and would also further protect and develop the Town's drinking water supply.

11.

The Property is not located in the Mattapoisett River Watershed, the watershed that provides 100% of the public water supplies for four towns, including Mattapoisett, although the Property currently provides limited watershed protection purpose in its current state.

Parcel 4 is located near several other parcels of land owned by the Mattapoisett Land Trust and will expand the "green belt" in the area of Town known as Aucoot. (Ex. 7.) Parcel 5 is located in the Town of Marion, contains approximately 300 acres, is accessible via Industrial Drive (a public way in Mattapoisett) and land that the Town of Marion has acquired from Dennis Mahoney Sons by eminent domain for the purpose of constructing a bike path that abuts Parcel 5. Approximately 238 acres of Parcel 5 is presently subject to a permanent conservation restriction which prohibits certain uses and acts on the conservation land. (Ex. 25.) However, the conservation restriction does not, in any way, grant public access to the land designated for conservation purposes. The entirety of Parcel 5 as well as the entirety of Parcels 1, 2, 3, and 4, remain private property, held by Dennis Mahoney Sons, Inc. All five of the proposed exchange parcels have access from public roads or public land.

Defendants Motion for Involuntary Dismissal

At the conclusion of the plaintiff's presentation of evidence and at the close of all the evidence, the defendants moved for involuntary dismissal under Mass.R.Civ.P. 41(b)(2). This court declined to rule on both motions until the conclusion of all of the evidence presented at trial.

The defendant argues that the plaintiff's complaint should be dismissed as "unripe" pursuant to G.L.c. 214, § 3(10). The Town claims that they have not in any way violated the terms of Mr. Tinkham's gift and therefore the case brought by the ten taxpayer plaintiffs is premature and not ripe for adjudication. The Town argues that the holding in *Cohen v. City of Lynn*, [33 Mass.App.Ct. 271](#) (1992), is controlling and it is a prerequisite to a ten-taxpayer suit pursuant to G.L.c. 214, § 3(10) that the defendant town take a step beyond what is provided for in the deed regarding the subject property. At this juncture, the Town has: (1) identified the parcels subject to the proposed land swap; (2) obtained Town Meeting approval; and (3) filed a "cy pres" action in the Probate Court to lawfully make the proposed land exchange. The Town contends that these are proper actions in its role as trustee and were specifically authorized by the deed of Mr. Tinkham and therefore plaintiffs' complaint under G.L.c. 214, § 3(10) is premature.

This court makes no determination as to whether the acts of the Town trustee taken so far were proper or were specifically authorized by Mr. Tinkham's 1968 deed, as that is not the relevant inquiry. The Town has framed this argument as a ripeness issue, but for ^{*639}these purposes, this court will examine whether the plaintiffs have failed to sufficiently demonstrate that an actual controversy exists as required by G.L.c. 231A. Justice requires that the court declare the rights of the parties rather than dismiss an action seeking declaratory judgment. See *Attorney General v. Kenco Optics, Inc.*, [369 Mass. 412, 418](#) (1976). "A court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceedings or for other sufficient reasons." G.L.c. 231A, § 3. The Supreme Judicial Court has stated that "we require only that the pleading set forth a real dispute caused by the assertion by one party of a legal relation or status or right in which he has a definite interest and the denial of such assertion by the other party, where the circumstances . . . indicate that, unless a determination is had, subsequent litigation as to the identical subject matter will ensue." *City of Boston v. Keene Corp.*, 416 Mass. 301, 304 (1989), quoting *Hogan v. Hogan*, [320 Mass. 658, 662](#) (1947).

If permitted, the Town has demonstrated its willingness and desire to effectuate the exchange of land with Bay Club by filing the Probate Court Cy Pres action and by taking necessary actions to effectuate the land exchange.¹² If this court dismisses the plaintiffs complaint at this juncture, surely subsequent litigation as to the identical subject matter will in all likelihood ensue. Clearly, this is the circumstance the Supreme Judicial Court sought to avoid when rendering the *City of Boston* decision. Having to litigate the same issues, after this case has been fully tried before this court, will only serve to waste time and precious judicial resources. Both parties have had a full opportunity to present evidence and this court concludes the plaintiffs have demonstrated that an actual controversy, ripe for adjudication, exists, For these reasons, the defendant's Motion for Involuntary Dismissal at the close of plaintiffs evidence and at the close of all evidence presented at trial is respectfully denied.

12. See *Town of Mattapoisett Annual Town Meeting*, May 10, 11, 12, 2004 (Ex. 8), where Town Meeting members voted to authorize the Board of Selectman and the Conservation Commission to "take all action necessary, including requesting necessary legislation from

the General Court . . . to effectuate the exchange" of the Tinkham Forest parcel for the five proposed exchange parcels.

Rulings of Law Public Trust — Specific Charitable Purpose

In 1968, Nelson Floyd Tinkham deeded his rights to the 20.5-acre parcel of land, currently known as the "Tinkham Forest," to the Town of Mattapoisett. The 1968 deed¹³ provided that the Property would be used for the purposes authorized by G.L.c. 40, § 8C and other Massachusetts statutes relating to the conservation of real property. (Ex. 1, p. 2.) This court must first determine whether the language used in the deed and the circumstances attending the conveyance in 1968 imposed a public trust limited to a specific charitable purpose upon the title to the Property. The issue of whether or not a public trust with a specific charitable purpose was created by the deed is of critical importance because if the Town acquired unconditional title to the Property, it would have the right to dispose of the Property for any purpose upon a two-thirds vote of the legislature. However, if the Town acquired title to the Property subject to a public trust with a specific charitable purpose, the legislature would not have the power to authorize the Town to divert the Property to other uses. *Opinion of the Justices to the Senate*, [369 Mass. 979, 982](#) (1975). If the deed created a public trust with a specific charitable purpose, the acceptance of the deed by the Town would "constitute a contract between the donor and the donee which must be observed and enforced." *Dunphy v. Commonwealth*, [368 Mass. 376, 383](#) (1975). Such a contract can not be impaired by the legislature as that would be contrary to the mandate of Article I, § 10 of the Constitution of the United States. *Opinion of the Justices to the Senate*, [369 Mass. at 983](#).

13.

The deed stated that the land and appurtenant rights were granted, released and dedicated to the Town of Mattapoisett in trust upon six numbered paragraphs of terms and conditions as follows:

1. The Town of Mattapoisett shall be trustee under this trust.
2. The Conservation Commission of the Town of Mattapoisett shall manage and control the property conveyed to this public charitable trust and shall constitute a board of visitors to enforce and preserve this trust. As such it may take appropriate legal action, as an alternate to the Attorney General as petitioner. If such Commission should cease to exist, the powers granted to it under this trust shall devolve upon and vest in the Board of Selectman.
3. The property conveyed to the trust hereunder shall be known as the "N.F. Tinkham Forest."
4. The trust property would be used for the purposes authorized by General Laws Ch. 40, Section 8-C as it may hereafter be amended and other Massachusetts statutes now in being or hereafter adopted relating to conservation, including the protection and development of the natural resources and the protection of watershed resources of the

Town of Mattapoisett and if, in the future, the land areas adjacent to the property conveyed to the trust hereunder shall become a thickly settled residential area, a portion of the said land may be set aside for recreational or playground purposes or all or any portion of the land may be used for public park purposes. Provided only that the name "N.F. Tinkham Forest" be retained for any woodland in such recreation area, playground or park.

5. If the trust property or any interest or part thereof should be taken by eminent domain by any body, corporate or political, the net proceeds of the award after paying charges related thereto shall be added to the conservation fund of the Town of Mattapoisett.

6. This trust shall become effective upon the acceptance of this deed by said Town, signified by the approval of its Board of Selectmen hereto as authorized by General Laws Ch. 40, Section 8-C.

"Property conveyed to a governmental body . . . for particular public purposes may be subject to an enforceable general public obligation or trust to use the property for those purposes." *Cohen v. City of Lynn*, [33 Mass.App.Ct. 271, 275](#) (1992), quoting *Nickols v. Commissioners of Middlesex County*, [341 Mass. 13, 18](#) (1960). Whether a trust is imposed is "a matter of interpretation of the particular instrument and determination of the particular donors' intent" and "is to be ascertained from a study of the instrument[s] as a whole in the light of the circumstances attending . . . [their] execution." *Cohen v. City of Lynn*, [33 Mass.App.Ct. 271, 275](#) (1992), quoting *Nickols v. Commissioners of Middlesex County*, [341 Mass. 13, 19](#) (1960). See *Harrison v. Marcus*, 396 Mass.App.Ct. 271, 275 (1991) ("Trust instruments must be construed to give effect to the intention of the settlor as ascertained from the language of the whole instrument considered in light of the attendant circumstances"); *Hillman v. Roman Catholic Bishop of Fall River*, [24 Mass.App.Ct. 241, 243](#) (1987) ("Quite correctly, the judge construed the instrument of conveyance by considering its language as illuminated by the circumstances attendant upon its drafting and delivery"). "To create a charitable trust limited to a specific charitable purpose . . . requires a . . . definite expression of intention in the way of granting language . . ." *Hillman*, [24 Mass.App.Ct. at 244](#) (1987). "No magical incantation, e.g., "in trust," is required to create a trust." *Id.*

After a careful examination of the language of the 1968 deed and considering the totality of the circumstances attending its execution, this court finds that the deed conveyed by Mr. Tinkham to the Town created a public trust with a specific charitable purpose. Mr. Tinkham intended that the parcel be used for the purposes authorized by G.L.c. 40, § 8-C¹⁴ and other Massachusetts statutes related to conservation of real property. The purposes for which G.L.c. 40, § 8-C authorizes conservation commissions to receive interests in real property are: (1) to acquire; (2) to maintain; (3) to improve; (4) to protect; (5) to limit future use of; *640640 (6) to otherwise conserve and properly utilize open spaces; (7) to manage; and (8) to control. The fact that Mr. Tinkham appointed the Conservation Commission of the Town of Mattapoisett to "manage and control the property" and "enforce and preserve this trust" also leads this court to find that Mr. Tinkham intended to create a public trust with a specific charitable purpose.

14.
G.L.c. 40, § 8-C states in relevant part:

10

A city or town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. Among such plans may be a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area . . . Such plan shall show other areas which public necessity requires to be retained for conservation and passive recreation use . . . Said commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same.

The Property owned by Mr. Tinkham was one of extreme importance to him as he often hiked through the larger Town forest which included visits to the Property with his dogs and various family members. Significantly, Mr. Tinkham provided for various contingencies in the deed to the Town related to conservation purposes. For example, Mr. Tinkham provided that should the land adjacent to the Property become a thickly settled residential area, a portion of the Property may be set aside for park or recreational purposes. Also, Mr. Tinkham provided that should the Property be taken by eminent domain, the proceeds would be applied to the Town's conservation fund. If Mr. Tinkham intended his gift to be one of a general charitable donation, the inclusion of these specific contingencies regarding alternate uses and disposition of proceeds would be counterintuitive to this outcome.

Also noteworthy is the lack of a power of sale provision contained in Mr. Tinkham's deed. If a general charitable gift was contemplated by Mr. Tinkham, one would expect a power of sale provision or a provision addressing how the proceeds were to be applied should the Town decide to sell or dispose of the Property. The absence of such a provision addressing the voluntary disposal of the Property and the inclusion of the provisions regarding the establishment of park or recreational space and deposit of eminent domain proceeds, indicates that Mr. Tinkham had a specific charitable purpose intent and did not intend for the gift to be freely alienable by the Town. Based on Mr. Tinkham's adoption of the purposes authorized by G.L.c. 40, § 8-C, together with the overwhelming evidence presented at trial, this court finds that Mr. Tinkham intended to conserve and protect the Property for the use and enjoyment of future generations of residents of the Town. Clearly, Mr. Tinkham's intent

was to create a public trust with a specific public charitable purpose when he deeded the Property to the Town in 1968.

Doctrine of Cy Pres

After finding that Mr. Tinkham intended a specific charitable purpose when he deeded the Property to the Town, this court must now determine whether it has become impracticable to further the purposes of Mr. Tinkham's charitable trust under the doctrine of cy pres. The Town claims that the protection of open space and the protection of the Town's watershed resources were the primary reasons Mr. Tinkham granted the Property to the Town. The Town argues that it has become impracticable to carry out the trust purposes, claiming that the Property is "landlocked" and virtually inaccessible to the public and therefore the Property is of no value as open space. The Town also argues, without substantial opposition, that the Property is of little or no watershed value as the land contains no wetland areas. Because the Property is virtually inaccessible to the public and because the Property has little or no watershed value, the Town maintains the stated purposes of the trust are impracticable to carry out and the court should apply cy pres to authorize the proposed exchange of land. The Plaintiffs argue that Mr. Tinkham's expressed intent was to preserve the Tinkham Forest from development and retain it for conservation and open space purposes. The Plaintiffs claim that allowing the development of the Property into residential house lots is in direct contravention of Mr. Tinkham's expressed intent as Mr. Tinkham provided that should the land surrounding the Property become a thickly settled residential area, a portion of the Property could be used for park and recreation purposes. Mr. Tinkham made no provisions that would allow the Property to be developed in its entirety. In addition, the Plaintiffs argue that even an advantageous land exchange cannot justify the application of cy pres if the settlor's intended charitable purpose is capable of being fulfilled.

"Where property is given in trust for a particular charitable purpose, and it is impossible or impracticable to carry out that purpose, the trust does not fail if the testator has a more general intention to devote the property to charitable purposes. In such a case the property will be applied under the direction of the court to some charitable purpose falling within the general intention of the testator." *Wesley United Methodist Church v. Harvard College*, [366 Mass. 247, 251](#) (1974), quoting Scott, *Abridgement of the Law of Trusts*, Section 399.2 (1960). "Cy pres will not apply, however, if the trust remains capable of meaningful application, or if despite impracticability, there is a lack of general charitable intent on the testator's part." *Id.* Absolute impossibility of performance is not a requirement for the application of the doctrine. *Id.* "[A] thin thread of theoretically possible (but unlikely) change in circumstances" which renders the trust purposes viable will not preclude the court from applying cy pres. *Id.* In addition, cy pres cannot be applied simply because the proposed plan may be a more effective way of carrying out the specific trust purposes. Other jurisdictions, when confronted with the issue, have stated "Cy pres does not authorize judicial alteration of a charitable disposition simply because there may be some even more efficacious way of achieving the dispositional purposes." *Museum of the American Indian v. Huntington Library*, 610 N.Y.Sup., 2d 488, 499 (1994).

Having found that the deed executed by Mr. Tinkham created a trust with a specific charitable ^{*641641} purpose, this court further finds that the specific charitable purpose remains capable of meaningful application now and into the future.¹⁵ While access to the Property may be more difficult than in the past and the watershed value of the property may be minimal, Mr. Tinkham's specific charitable purpose may still be fulfilled. Mr. Tinkham's charitable purpose was not limited to the protection of open space and watershed resources. It is clear from the evidence admitted at trial, Mr. Tinkham was also interested in protecting and preserving the Tinkham Forest for the use and enjoyment of future generations as well as providing additional open conservation space in the Town.

15.

Since this court concludes that it is not impracticable to carry out the purposes of the trust in this case, it is unnecessary to determine whether the Town's proposed land swap would conform with the general charitable intent of the trust terms. See *Milton v. Attorney Gen.*, 314 Mass. 238-39 (1943).

While the Property may be visited less often than in the past and while accessing the property may be more difficult at present, this court, nevertheless, finds that the trust purposes remain capable of being fulfilled now and into the future. It is undisputed that access is not as free as it once was and the right of the public to access the Property remains uncertain, however, in the opinion of this court, open and free access to the Property by all persons is not the determinative factor in deciding whether Mr. Tinkham's intentions are capable of being fulfilled. Allowing the Property to be developed into twenty house lots, even with the proposed exchange of land, would be in direct contravention of Mr. Tinkham's expressed intent.

Under the doctrine of reasonable deviation, "[t]he court will direct or permit the trustee of a charitable trust to deviate from a term of the trust if it appears to the court that compliance is impossible or illegal, or that owing to the circumstances not known to the settlor and not anticipated by him compliance would defeat or substantially impair the accomplishment of the purposes of the trust." *Museum of Fine Arts v. Beland*, 432 Mass. 540, 544 (2000), quoting Restatement (Second) of Trusts § 381 (1959). Comment (e) to § 381 states that "if maintenance of the [Tinkham Forest] was an essential part of the testator's purpose, the court will not direct or permit a trustee to maintain the [Tinkham Forest] on other land." Here, the terms of Mr. Tinkham's deed to the Town are quite capable of being fulfilled and are not impossible or illegal to carry out. Continued compliance with the provisions of the deed is entirely possible and no circumstances exist that would defeat or substantially impair the accomplishment of the stated purposes of Mr. Tinkham's charitable trust. In fact, the most significant change of circumstance since the execution of the deed, Bay Club's development of the surrounding property, was addressed by Mr. Tinkham in the deed itself and therefore the application of the doctrine of reasonable deviation is not applicable. Mindful of the possibility the Tinkham Forest would someday be surrounded by a residential development, Mr. Tinkham included a provision in the deed that "if, in the future, the land areas adjacent to the property conveyed to the trust hereunder shall become a thickly settled residential area, a portion of the said land may be set aside for recreational or playground purposes or all or any portion of the land may be used for public park purposes." The inclusion of this provision clearly indicates Mr.

Tinkham's intent that the Tinkham Forest not be converted into residential house lots but rather serve as a respite for those who may live adjacent to the Property.

ORDER FOR JUDGMENT *Plymouth* ***Superior Court Civil Action No. PLCV2004-*** ***01126-B***

1. For the foregoing reasons, it is hereby *ORDERED* that a declaration enter, declaring that the Town Meeting vote on Article 8 of the May 10, 11, 12, 2004 Town Meeting authorizing the exchange of land conveyed to the Town by deed of Nelson Floyd Tinkham dated November 26, 1968 and recorded with Plymouth County Registry of Deeds in Book 3488, Page 732 is invalid and of no legal effect and that the provisions of the trust created by deed of Nelson Floyd Tinkham to the Town of Mattapoisett on November 26, 1968 remain in force and effect.

2. Within the discretion of this court, pursuant to G.L.c. 214, § 3(10), this court declines to award the plaintiffs their attorneys fees and costs.

Plymouth Family and Probate Court No. ***04E0087-GC1***

1. For the foregoing reasons, it is hereby *DECLARED* that the exchange of the Property conveyed to the Town by deed of Nelson Floyd Tinkham dated November 26, 1968 and recorded with Plymouth County Registry of Deeds in Book 3488, Page 732 for over 400 acres of land (exchange parcels) does not constitute an appropriate application of the Doctrine of Cy Pres.

I, Nelson Floyd Tinkham of Mattapoisett, Plymouth County, Massachusetts, being married, grant, release and dedicate to the Town of Mattapoisett, without covenants, the land situated in said Town of Mattapoisett, County of Plymouth, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a stake and stones on the westerly side of the "old field lot" thence east three and one-half degrees (3½°) south forty-six (46) rods to a stake and stones on the easterly side of said lot, thence south seven degrees (7°) east fifty-six (56) rods twelve feet to a stake and stones, an "old bound" of the "Ebeneser Meigs Survey", thence south twenty-three degrees (23°) west fifteen (15) rods to a stake in a pitch pine stump, thence west eleven degrees (11°) north forty-eight (48) rods to a stake and stones, thence north sixty-two (62) rods to the place of beginning.

Together with, as appurtenant thereto, all rights of use in connection with the so-called "Sippican Trail" in either direction, also in connection with that road leading south easterly to Randall Road. Also the right of use over any land of the lot at the west, to and into Solomon Road; said land being the same premises referred to in the will of Alice Meigs, and conveyed by Mary A. Clark to Levi M. Snow by deed dated September 29, 1862, and recorded in Book 314, Page 115 and later conveyed by Mary A. Clark to Elisha Dexter by deed dated May 19, 1873 and recorded in Book 400, Pages 102-103 and by another deed dated October 12, 1872, Book 401, Page 27;

BUT NEVERTHELESS IN TRUST UPON THE FOLLOWING TERMS AND CONDITIONS:

1. The Town of Mattapoisett shall be Trustee under this trust.
2. The Conservation Commission of the Town of Mattapoisett shall manage and control the property conveyed to this public charitable trust and shall constitute a board of visitors to enforce and preserve this trust. As such it may take appropriate legal action, as an alternate to the Attorney General as petitioner. If such Commission should cease to exist, the powers granted to it under this trust shall devolve upon and vest in the Board of Selectmen.
3. The property conveyed to the trust hereunder shall be known as the "N. F. Tinkham Forest".
4. The trust property shall be used for the purposes authorized by General Laws Ch. 40, Section 8-C as it may hereafter be amended and other Massachusetts statutes now in being or hereafter adopted relating to conservation, including the protection and development of the natural resources and the

protection of the watershed resources of the Town of Mattapoisett and if, in the future, the land areas adjacent to the property conveyed to the trust hereunder shall become a thickly settled residential area, a portion of the said land may be set aside for recreational or playground purposes or all or any portion of the land may be used for public park purposes. Provided only that the name "N. F. Tinkham Forest" be retained for any woodland in such recreation area, playground or park.

5. If the trust property or any interest or part thereof should be taken by eminent domain by any body, corporate or political, the net proceeds of the award after paying charges related thereto shall be added to the conservation fund of the Town of Mattapoisett.

6. This trust shall become effective upon the acceptance of this deed by said Town, signified by the approval of its Board of Selectmen hereto as authorized by General Laws Ch. 40, Section 8-C.

Being the same premises conveyed to me by deed of Lemuel LeBaron Dexter dated March 23, 1953 and recorded with Plymouth County Registry of Deeds, Book 2301, Page 7.

WITNESS my hand and seal this 26th day of November, 1968.

No Documentary Stamps
Required.

Nelson Floyd Tinkham
Nelson Floyd Tinkham

Commonwealth of Massachusetts

Plymouth ss.

November 26, 1968

Then personally appeared the above-named Nelson Floyd Tinkham and acknowledged the foregoing instrument to be his free act and deed, before me

Emily C. [Signature]
Notary Public
My commission expires 11/1/73

We, the undersigned Board of Selectmen of the Town of Mattapoisett, hereby approve the receipt of the within trust deed under General Laws Ch. 40, Section 8-C as it has been and may be amended as requested by vote of the Conservation Commission

Appendix G. ADA Transition Plan

10

Section 504 ADA Self-Evaluation and Transition Plan

In December of 2019, the Town of Marion was awarded a \$35,000 Americans with Disabilities Act (ADA) Planning Grant from the Massachusetts Office on Disability. Marion will use the money to conduct a self-evaluation of certain town-owned properties and develop a Transition Plan for future improvements.

Achieving ADA compliance is also one of the top priorities listed in the town's recently updated Open Space and Recreation Plan. The town has contracted a qualified consultant to conduct the evaluation and put together a Transition Plan.

The Town Administrator and ADA Coordinator, James McGrail will be involved in the process of managing the grant requirements.

The Town of Marion owns and operates several buildings and recreational use facilities that are in need of various changes in order to achieve ADA compliance. The Transition Plan for these Conservation, Open Space and Recreation facilities will be developed in accordance with the protocol presented in Appendix H of the state's Open Space and Recreation Planner's Handbook (Executive Office of Energy and Environmental Affairs, Division of Conservation Services, rev. March 2008). Individual facility sheets will be developed for each of the town-facilities. All facility inventory sheets will be on file in the Town Planning Office and with the ADA Coordinator. Implementation of the individual facility transition plans that make-up the Self-Evaluation and Transition Plan is the responsibility of the controlling department, board, or commission. In some instances, such as where the Town has Management Agreements in place with the state, the planning, scheduling, and implementation of these facility plans will be conducted on a partnership basis.

The ADA Self-Evaluation and Transition Plan should be completed by the fall of 2020, and will be appended to this document.

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
MEETING MINUTES
June 18, 2019**

MEMBERS PRESENT: Randy Parker
John Waterman
Norman Hills

ALSO PRESENT: Peter Douglas
Jody Dickerson, Recreation Director
Katherine Milligan, Treasurer/Collector
Grace Bellanger, Sippican Week
Jean Perry, Wanderer
James McGrail, Town Administrator
Debra Paiva, secretary
Others who did not sign in

The meeting was called to order at 7:01 p.m. Mr. Parker announced that the meeting would be video recorded and televised by ORCTV and audio recorded by Town of Marion staff. A list of the materials viewed by the selectmen will be attached to these meeting minutes.

A moment of silence was held in memory of Frank "Jay" Ryder.

**MEETING MINUTES
June 4, 2019**

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

June 5, 2019 Pavement Management Plan Presentation

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

June 10, 2019 Coastal Zone Management Vulnerability Study Update

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

December 19, 2018 Special Meeting

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

May 1, 2018 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

October 2, 2018 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

January 8, 2019 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

February 8, 2019 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

March 5, 2019 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

April 2, 2019 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

April 11, 2019 Executive Session

Moved by Mr. Hills and seconded by Mr. Waterman to approve. VOTE: 3-0-0

7:30 p.m. Treasurer/Collector Katherine Milligan – Discussion regarding cash management policy

Mrs. Milligan submitted and explained a draft currency management policy for the selectmen to consider. Two slight changes to the language in the policy were discussed and agreed upon.

Moved by Mr. Hills and seconded by Mr. Waterman to accept the currency management policy.
VOTE: 3-0-0

Mr. McGrail was asked to research security upgrades in the Town House and other Town owned buildings.

ACTION ITEMS

Street closure request – First Congregational Church of Marion Annual Summer Fair 8:00 a.m. – 2:00 p.m. (07/27/19)

The Fire and Police chiefs have been informed of the request and they have not voiced objection to it.

Moved by Mr. Hills and seconded by Mr. Waterman to approve the street closure request. VOTE: 3-0-0

Approve Waste Management contract

Mr. McGrail requested authorization to sign the Waste Management contract. Curbside collection by Waste Management will begin on August 1; traditional collection methods will be used through August and automated collection will begin on September 3. A survey will be posted online to allow residents an opportunity to vote on the color of the collection bins.

Consultant Mike Scipione of Weston Sampson was thanked for his assistance through the process. Moved by Mr. Hills and seconded by Mr. Waterman to allow Mr. McGrail to sign the contract subject to no substantive changes. VOTE: 3-0-0

Appoint ADA Coordinator – Mr. McGrail

If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance.

Moved by Mr. Hills and seconded by Mr. Waterman to appoint Mr. McGrail ADA Coordinator.
VOTE: 3-0-0

Use of assisted listening devices for public meetings was briefly discussed.

Request for appointment to Council on Aging – Barbara Brown

Request for appointment to Council on Aging – Paul Naiman

Request for appointment to Council on Aging – Madeline Cook

Request for appointment to Council on Aging – Eric Pierce

Request for appointment to Council on Aging – Nancy Moore

Council on Aging chairman Harry Norweb has submitted a letter recommending the appointment of all five applicants.

Moved by Mr. Hills and seconded by Mr. Waterman to appoint Barbara Brown to the Council on Aging. VOTE: 3-0-0

Moved by Mr. Hills and seconded by Mr. Waterman to appoint Paul Naiman to the Council on Aging. VOTE: 3-0-0

Moved by Mr. Hills and seconded by Mr. Waterman to appoint Madeline Cook to the Council on Aging. VOTE: 3-0-0



Town of Marion
Grievance Procedure Under
The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). This may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits by The Town of Marion. The Town of Marion Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Complaint forms are available in the Town Clerk's Office on the first floor of the Town House. Alternative means of filing complaints, such as personal interview or tape recording of complaint, will be made available for person with disabilities upon request.

The Complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator
Town of Marion
2 Spring Street
Marion, MA 02738.

Within 15 calendar days after the receipt of the complaint, the ADA Coordinator will contact the complainant to schedule a meeting to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, braille or audio tape. The response will explain the position of the Town of Marion and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after the receipt of the response to the Town of Marion Board of Selectmen. Within 15 calendar days after the receipt of the appeal, the Board of Selectmen will meet with the complainant to discuss the complaint and possible resolutions. After 15 days after the meeting, the Board of Selectmen will respond in writing, and where appropriate, in a format accessible to the compliant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator, appeals to the Board of Selectmen, and responses from these two offices will be retained by the Town of Marion for at least three (3) years.



Town of Marion
Non-Discrimination Policies under the Americans with Disabilities Act
(ADA)
Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Marion does not discriminate against qualified individuals with disabilities on the basis of disability in its employment, services, programs or activities.

Employment: The Town of Marion does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town of Marion will upon request, provide reasonable and appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Marion's programs, services, and activities, and including qualified sign language interpreters, documents in braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of Marion will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcome in the Town of Marion's offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of the Town of Marion, should contact the office of the town's selectmen, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Marion to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden. Complaints that a program, service or activity of the Town of Marion is not accessible to the persons with disabilities should be directed to the Town of Marion's Selectmen Office and will be addressed through the Town's Grievance Procedure under the Americans with Disabilities Act.

The Town of Marion will not place a surcharge on a particular individual with disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modification of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.