

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: January 22, 2008
Date of Transcription: February 26, 2008
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Eckstrom called the meeting to order at 7:00 P.M.

2. ROLL CALL

Selectmen Present: Brenda Eckstrom, Chairman
Jim Potter, Clerk
Bruce Sauvageau
John Cronan
Jane Donahue (absent)

Also Present: John F. McAuliffe, Town Administrator

3. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc. (None)

4. LICENSES & PERMITS

- a. **7:15 P.M. Hearing:** On the application of Maple Park Properties, Inc., 290 Glen Charlie Road for an Earth Removal Permit for property on Map 127, Lot 1000 in accordance with the Town of Wareham by-Laws, Division IV, Article III, Earth Removal Regulations.

MOTION: Selectman Potter moved to open the hearing. Selectman Cronan seconded.

Unanimous (4-0-0)

Present before the board: Bill Madden, G.A.F. Engineering & Brock Tucz

Mr. Madden supplied the board with a copy of the preliminary progress plans
(Exhibit 1, as attached)

Present before the board: Liz McDonald, Resident Maple Springs Road

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Ms. McDonald stated she has a 7-year-old daughter and the bus stops in front of her home and she does not have any safety concerns. Ms. McDonald also states that Mr. Tucy has stopped by the bus stop and has asked the mothers if they had any issues.

Present before the board: Lisa Bindas, Resident 91 Maple Springs Road
Ms. Bindas supplied another copy of a petition signed by residents before the Board (Exhibit 2, as attached). Ms. Bindas feels they do have safety issues on the road and read a letter from a resident of Agawam Lake Shores (Exhibit 3, as attached). Ms. Bindas stated the roads are in need of repair and the noise and vibration are a problem.

Present before the board: Laura Maxim, Resident of Maple Springs Road
Ms. Maxim states the bus stops is in front of her house as well and the children are not in the road. Ms. Maxim asked if a signature was on the letter previously read and was told that Linda Swift was the person who wrote the letter.

Present before the board: Steven McDonough, Resident 104 Maple Springs Rd
Mr. McDonough asked about an easement and stated that Glen Charlie Road should be used since it's a two-way road.

Present before the board: Jaci Barnett, Resident 91 Maple Springs Road
Ms. Barnett stated the noise from the trucks coming down the road is unbearable.

Present before the board: Damien Barrows, Resident 61 Maple Springs Rd
Mr. Barrows said that neither he nor his wife signed the petition that was previously mentioned. Mr. Barrows was in support of the permit being issued.

Present before the board: Bobbie Antonucci, Resident of 8 Camardo Drive
Ms. Antonucci said that she is all for someone making a living and in support of Mr. Tucy.

Present before the board: Phillip Dalrymple, Resident of 93 Maple Springs Rd
Mr. Dalrymple said he lives about 70 feet from the road and can feel the vibration of the trucks going by.

Present before the board: Gabriele Lemond, Resident of 104 Maple Springs Rd
Ms. Lemond stated her land is directly on Maple Springs and does feel the vibration and hear the noise.

Present before the board: Jim Antonucci, Resident of 8 Camardo Drive
Mr. Antonucci said he could always remember going in and out of the campground using the Maple Springs Road gate.

Present before the board: Julie Ostiguy, Resident 90 Maple Springs Road
Wants to state for the record she does hear the noise or feel the vibration.

Selectman Sauvageau moved to close the hearing. Selectman Potter seconded

NOTE: Discussion ensued re: Orders & conditions of permit

Unanimous (4-0-0)

MOTION: Selectman Potter made a motion to approve the Earth Removal Permit for Maple Park Properties, Inc, 290 Glen Charlie Road, Map 127, Lot 1000 in accordance with the Town of Wareham Town By-laws Division IV, Article III Earth Removal Regulations effective January 22, 2008 for 1 year expiring January 21, 2009 with the following conditions:

1. Hours of operation: 8:30am to 5:00 pm (no Saturday or Sunday operation)
2. Maintain a bond of \$15,000 per acre for the Town of Wareham
3. Crushing not allowed on site.
4. No vehicle parked or stopped on public roads
5. No queuing.
6. Assume costs of monitoring by consultants hired by the town and/or Town staff as needed.
7. One year permit to be reviewed quarterly.
8. Maximum of 25 loads per day at 25 mph maximum speed.
9. Street sweeping shall be conducted along the entire width and length of Maple Springs Road, as needed.
10. Subject to provisions of the earth removal regulations in Division IV article 3, of the Wareham By-laws.
11. Permit shall not be construed to allow access that would not otherwise be allowed.
12. Operation shall be in accordance with the documents submitted at the hearing of January 22, 2008 except as otherwise provided in this with the application except as otherwise provided in this permit.

Selectman Cronan seconded.

Unanimous (4-0-0)

- b. Application for a Common Victualler's License by Gilbert Fain d/b/a Peggy's Place 189 Main Street, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Gilbert Fain

MOTION: Selectman Potter moved the board to approve the application for a Common Victualler's License by Gilbert Fain, d/b/a Peggy's Place, 189 Main Street, Wareham MA under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

5. TOWN BUSINESS

- a. Discussion with Community Preservation Commission re: Conservation Restriction.

Present before the board: Nancy Miller & Sandra Slavin

Nancy stated that the CPC asked the Wareham Land Trust to come before the CPC. Ms. Miller stated that they ask all the grant recipients come before the CPC quarterly and give them an update with grants. Ms. Miller said that Heidi Blythe casually mentioned that there were no state monies for any towns that don't have their open space and recreation plan in place. Ms. Miller said that they have been working on getting the plan approved. Ms. Miller stated that the Planning Board has already approved the plan. Selectman Sauvageau remembers that there were some issues with the plan and that is why the board has never approved the plan and would like to make sure the present board knows what the issues were. Ms. Miller stated that at the meeting it was brought up in conversation that one of the Barker Family members had requested 10 cords of wood be reserved for their use in the conservation restriction. Ms. Miller said that the restriction itself has to be signed by the Board of Selectmen, Conservation Commission and the Land Trust. Selectman Eckstrom asked if someone from the Barker family requested to remove 10 cords of wood annually. Ms. Miller stated that they do have a request and she does feel that it is excessive. Selectman Sauvageau feels that the voters may have voted differently had they known that they were going to be removing wood and that two homes would have a protected view forever and may have changed the voters decision. Sandra Slavin stated that something was passed out at Town Meeting talking about a conservation restriction and a preservation restriction on 20 acres of the 33 acres, which left land available for the Barker Family to use at the north south and south side. Selectman Sauvageau asked Ms. Slavin if the voter knew what that meant. Selectman Sauvageau asked if the voters knew that two homes could be built on this land. Ms. Slavin stated that it was not on the handout. Selectman Eckstrom asked if the cutting of wood is being done on the 13 acres and Mr. Abbott responded no it is not.

Present before the board: Tim Abbott

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Mr. Abbott said that he is sorry that this causing the kind of turmoil that it is and his family is motivated to own the land another 61 years and his family has owned the land since 1947 and is ready to work terms that are amicable to both parties.

Present before the board: Heidi Blythe, Wareham Land Trust

Ms. Blythe stated that she is representing the Wareham Land Trust and provided a copy of the handout that were presented to the voters regarding the Barker property at Great Neck at Town Meeting. Selectman Sauvageau asked that Ms. Blythe show the board in the handout where it states that they can remove 10 cords of wood and build two houses. Ms. Blythe said that it stated that would be limited forced management and maintenance allowed. Ms. Blythe said they did provide 300 copies and that the voters knew they were voting for limited forced management and two excluded lots.

b. Any other Town Business

Mr. McAuliffe stated that the Open Space Plan would be due by June 30th and a draft copy of the open space plan is available for review in the Town Clerk's Office.

6. **ADJOURNMENT**

MOTION: Selectman Sauvageau moved to enter into Executive Session for the purpose of discussing strategy to litigation. Selectman Cronan seconded

Roll-call vote: Selectmen Cronan – Yes
Selectmen Sauvageau – Yes
Selectmen Potter – Yes
Selectmen Eckstrom – Yes

VOTE: Unanimous (5-0-0)

Respectfully submitted,
Janet Wilson
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on: March 18, 2008

Attest: *James L. Potter, Clerk*

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Date Signed: March 18, 2008

Date sent to the Town Clerk: March 19, 2008