

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: April 1, 2009**

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:10 P.M.

### **II. ROLL CALL**

Members Present: Kenneth Baptiste, Chairman  
John Connolly  
Douglas Westgate  
Donald Rogers, Associate Member  
Louis Caron  
Mark Carboni  
Manny Barros  
Debbie Paiva  
Sandy Slavin, Associate Member (Arrived at 7:33 P.M.)  
Brenda Eckstrom, BOS Liaison

**NOTE: The meeting proceeded w/ item V. Continued Public Hearings.**

**A. NOI – Gerald Stephanski & Deborah J. Carrelli, c/o J.C. Engineering, Inc. –  
SE76-2062**

Present before the Commission: Mike Pimental, J.C. Engineering, Inc.

D.Pichette described the project. The property is located at 68 Glen Charlie Road. The project involves the construction of a ramp & dock, tree cutting, & vista pruning at this location. A 40 ft. aluminum ramp & dock system is proposed out into Agawam Mill Pond. Water depth at the end of the dock would be approx. 3.5 ft. At the last meeting, the types of boats described that will utilize the dock will be canoes & rowboats. A 4 ft. wide foot path is proposed across the wetland for a length approx. 22 ft. to get to the dock. Also proposed are to cut a number of smaller trees, less than 10 inches in size between the house & wetland. This is a treed area w/ larger trees that will not be altered. It is further proposed to vista prune an area of the wetland along the pond. This activity should be overseen to keep activity to a minimum re: vista pruning. Abutter notifications have now been received as well as a DEP number. He recommended issuing an Order of Conditions w/ standard conditions & the added condition that tree cutting & vista pruning activity be monitored & reviewed by the Commission prior to any cutting taking place.

Audience members had no questions or comments.

**MOTION:** J. Connolly moved to close the public hearing for Gerald Stephanski & Deborah J. Carrelli. L. Caron seconded.

**VOTE:** Unanimous (7-0-0)

**MOTION:** J. Connolly moved to grant an Order of Conditions for Gerald Staphanski & Deborah J. Carrelli w/ standard stipulations & further, that the agent act as the monitoring agent for the vista pruning & tree cutting. L. Caron seconded.

**VOTE:** Unanimous (7-0-0)

**B. NOI – Henry & Donna Whittier, c/o G.A.F. Engineering, Inc. – SE76-2060**

The applicant has requested a continuance.

**MOTION:** J. Connolly moved to continue the public hearing to April 15, 2009 for Gerald Staphanski & Deborah J. Carrelli. L. Caron seconded.

**VOTE:** Unanimous (7-0-0)

### **III. PRELIMINARY BUSINESS**

**A. Approval of Minutes: October 15, 2008, November 19, 2008, & December 3, 2008. (Not handled)**

### **IV. PUBLIC HEARINGS**

**A. RDA – Barbara Daiute, c/o Lockwood Architects**

The public hearing notice was read into the record.

Present before the Commission: William Lockwood

D.Pichette described the project. The project is located at 56 West Boulevard (Onset). The project involves the construction of a new porch & reconstruction of a porch which is in the buffer zone to a coastal bank & beach area that exists on the other side of West Blvd. The new porch will be 6x27 ft. will be on sono tube footings. A second floor addition to the house will not require any work to the foundation. The work is minor & on the other side of the street where the work will be minimal. He recommended issuing a Negative 2 determination.

Audience members had no questions or comments

**MOTION:** D. Paiva moved to close the public hearing for Barbara Daiute. D. Westgate seconded.

**VOTE: Unanimous (7-0-0)**

**MOTION: M. Barros moved to grant a Negative 2 determination for Barbara Daiute. D. Paiva seconded.**

**VOTE: Unanimous (7-0-0)**

**B. RDA – Barbara & Eric Elfman, c/o Lockwood Architects**

Present before the Commission: William Lockwood

The public hearing notice was read into the record.

D.Pichette described the project. The project is located at 60 West Boulevard. The proposed work is w/in a buffer zone to a coastal bank on the other side of the street & also a flood zone. Work proposed includes new brick patio areas. A small addition to the main house is also proposed. There is a section of paved area that will be removed & this will be turned into a grass area. This is shown on the revised plan.

Mr. Lockwood briefly discussed the proposed landscaped & grass areas on the plan.

D.Pichette stated work is on the other side of the road from resource areas, he recommended the issuance of a Negative Determination #2.

Mr. Westgate questioned plans for runoff (due to a lot of impervious surface at the property. Mr. Pichette stated w/ what is there currently, he will end up w/ less impervious surface than what exists. Brief discussion ensued.

Audience members had no questions or comments.

**MOTION: D. Paiva moved to close the public hearing for Barbara & Eric Elfman. D. Westgate seconded.**

**VOTE: Unanimous (7-0-0)**

**MOTION: M. Barros moved to grant a Negative #2 Determination for Barbara & Eric Elfman. D. Westgate seconded.**

**VOTE: Unanimous (7-0-0)**

**C. NOI – Alfred Ferreira, c/o Charles L. Rowley & Associates – SE76-2065**

The public hearing notice was read into the record.

Present before the Commission:

D.Pichette described the project. The property is located at 38 East Central Ave. This NOI is an after-the-fact filing for activities that were the subject of an enforcement order issued to the applicant for the placement of fill in the buffer zone to a marsh & w/in a coastal flood zone & for the removal of vegetation on a coastal bank (partially in the marsh & in the buffer zone to the marsh in the coastal bank). The area where the fill was placed is approx. 3-5 ft. to edge of wetland line. It appears the recently placed sand fill was not placed in the marsh, but in close proximity to the marsh w/in the existing fence. The fill material needs to be stabilized. The proposal is to loam & seed the material. Haybales will be placed around the outside base of the fence to prevent further migration of material. The area where cutting occurred will be left to regenerate naturally. The Commission may request supplemental planting. There was no excavation of the root structure. The coastal bank does seem to be historic fill material. The applicant proposes to remove cut branches & other surface trash & seeks to remove a tree stump nearest the fence line. Haybales will be placed around the stump removal. There is no other work proposed. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added condition that no other vegetation be disturbed w/out an additional filing being made w/ the Commission.

Brief discussion ensued re: location of trees that were cut & if the property is one or two lots or multiple lots.

Audience members were asked for questions or comments.

Present before the Commission: A woman

The woman asked where this property ends & where the Town property begins. She believes activity was done on a Town street; a paper street. Discussion ensued re: a portion of 11<sup>th</sup> St. Discussion continued. It was stated cleaning has been done way beyond the lot line. Mr. Connolly would like the corners marked so they can be reviewed again. The other Commission members concurred.

Brief discussion ensued re: if trash/debris will be picked up in the area. The Commission members clarified the area(s) they want staked out to delineate property lines so the Commission members can review it again.

**MOTION: D. Westgate moved to continue the public hearing for Alfred Ferreira to April 15, 2009. D. Paiva seconded.**

**VOTE: Unanimous (7-0-0)**

**D. NOI – James M. Curtin & Diane Fortin-Curtin – SE76-2064**

The public hearing notice was read into the record.

Present before the Commission: James Curtin

D.Pichette described the project. The property is located at 5 Priscilla Ave. (White Island Pond). The project involves the construction of a 40 ft. dock into White Island Pond. It will be a seasonal dock w/ 10 ft. sections going out 40 ft. w/ 4 ft. water depth at the end of the dock. Winter storage for the dock will be under the existing deck area of the dwelling. The applicant proposes to have a 17 ft. Bayliner boat (on the dock) which has a 33 inch draft w/ a 145 horsepower engine. He recommended the issuance of an NOI w/ standard conditions.

**MOTION:** D. Westgate moved to close the public hearing for James M. Curtin & Diane Fortin-Curtin. D. Paiva seconded.

**VOTE:** Unanimous (7-0-0)

**MOTION:** D. Westgate moved to grant an Order of Conditions for James M. Curtin & Diane Fortin-Curtin w/ standard conditions. L. Caron seconded.

**VOTE:** Unanimous (7-0-0)

**V. CONTINUED PUBLIC HEARINGS**

**A. NOI – Gerald Stephanski & Deborah J. Carrelli, c/o J.C. Engineering, Inc. – SE76-2062 (DONE)**

**B. NOI – Henry & Donna Whittier, c/o G.A.F. Engineering, Inc. – SE76-2060 (DONE)**

**C. NOI – Charles Cheever, c/o G.A.F. Engineering, Inc.**

Present before the Commission:

D.Pichette described the project. The property is Lot 1A off Great Neck Rd. The project involves the construction of a single family dwelling in the buffer zone to a coastal bank & w/in the estimated habitat of rare & endangered species. A 32x53 ft. dwelling w/ associated structures is proposed approx. 78 ft. from top of coastal bank. The limit of work proposed is approx. 35 ft. from top of coastal bank at its closest point. Two 500 gallon drywells are proposed to handle roof runoff from the structure. The septic system would be outside the buffer zone to the coastal bank. It will be a pump system. The leach field will be several hundred ft. away from the dwelling. Several decks are proposed. A haybale barrier will be installed between the work & the resource area. A DEP file number has not been received nor have comments from Natural Heritage. He recommended a continuance of the hearing. He noted there may be some work to stabilize the coastal bank in the future. Discussion ensued re: the driveway, decks, & the coastal bank.

**MOTION:** L. Caron moved to continue the public hearing for Charles Cheever to April 15, 2009. D. Westgate seconded.

**VOTE: Unanimous (7-0-0)**

**D. NOI – Wareham Plaza Associates, LLC, c/o G.A.F. Engineering, Inc. – SE76-2063**

The applicant has asked to continue this hearing to April 15, 2009.

**MOTION: D. Westgate moved to continue the public hearing for Wareham Plaza Associates to April 15, 2009. L. Caron seconded.**

**VOTE: Unanimous (7-0-0)**

## **VI. ENFORCEMENT ORDERS**

### **A. Victor Brier – County Road**

Present before the Commission: Victor Brier

D.Pichette explained Mr. Brier is present to provide an update on the remediation activities on his property located at 260 County Road – County Rd. Recycling. An Enforcement Order had been issued for the clean-up/removal of fill placed in the wetlands on site. He has met w/ Mr. Brier & has met w/ Mr. Brier's consultant to review work that has been done & get a sense of if the wetland line needed to be updated now that the fill has been removed. In reviewing the line, there were some areas where it was hard to determine the soil. A planting schedule has been provided for the disturbed areas. He briefly noted the plants to be utilized.

Mr. Brier discussed what he has worked on w/ his excavator. Brief discussion ensued re: a setback boundary from the wetlands & placement of boulders there. There are still outstanding issues that need to be corrected.

**MOTION: A motion was made & seconded to continue this discussion to April 15, 2010.**

**VOTE: Unanimous (7-0-0)**

### **B. Mark Lanza – Jobs Island Road**

D.Pichette displayed pictures for the Commission. He discussed the location of this property. Tree cutting & the removal of stumps was done in the buffer zone to the wetland & fill & stumps were pushed into the wetlands. He had sent an Enforcement Order to the owner. The owner sent an email late this afternoon stating he could not make this meeting & couldn't make a meeting until 4/22/10. If the Commission agrees, this matter would not go on the agenda until 5/6/10. In the meantime, there has been no activity & the owner understands nothing can happen. Bill Madden from G.A.F. Engineering, will be working w/ the owner to re-establish the riverfront area line &

wetland line. Mr. Lanza (owner) has given permission for the Commission members to go out & look at the issues.

**MOTION:** A motion was made & seconded to continue this matter to May 6, 2010.

**VOTE:** Unanimous (7-0-0)

## **VII. CERTIFICATES OF COMPLIANCE**

### **A. Fred Coulson – Fairfield Drive**

Bill Madden of G.A.F. Engineering, has stated everything is in order. D. Westgate suggested a fine be imposed. A poll of the Commission was made whether or not to issue a fine. Discussion ensued re: the issuance of a fine, for what, & how much. The consensus of the Commission was to issue a fine.

**MOTION:** M. Barros moved to issue a \$300.00 fine for Fred Coulson. D. Westgate seconded.

**VOTE:** (6-1-0)  
D.Paiva opposed

**MOTION:** J. Connolly moved to grant a Certificate of Compliance for Fred Coulson after the fine is paid. L. Caron seconded.

**VOTE:** Unanimous (7-0-0)

### **B. Leonard Maxim – 20 Gault Road**

D.Pichette stated this project was for a septic upgrade. The project is complete. He recommended issuance.

**MOTION:** D. Westgate moved to grant a Certificate of Compliance for Leonard Maxim. D. Paiva seconded.

**VOTE:** Unanimous (7-0-0)

### **C. Agawam River Realty Trust – Knowles Avenue**

D.Pichette is a project done back in the late 1980's on property along the Agawam River for the clean-up of concrete debris & construction of a driveway extension. The debris is cleaned up, but the driveway extension was never done. The intent was to construct a house there, but this was never proposed. He recommended the issuance.

**MOTION:** L. Caron moved to grant a Certificate of Compliance for Agawam River Realty Trust. D. Westgate seconded.

**VOTE:** Unanimous (7-0-0)

Selectman Eckstrom noted that the Wareham Land Trust is purchasing this property. She noted contamination issues. Brief discussion ensued. D. Pichette stated this COC is for a specific project that was proposed & approved by the Commission years ago. It has nothing to do w/ the contamination issue. There was contamination at this property & a number of groundwater monitoring wells all over the property. The Commission issued an OOC for groundwater cleanup at this site. A COC has never been issued for this. The last information he received re: this matter was they were getting good water samples out of the groundwater wells. Until this is in writing, a COC won't be given re: the contamination issue. He feels the Land Trust is aware of this matter. Brief discussion ensued re: who owns the property & its location. Discussion continued.

### **VIII. ANY OTHER BUSINESS**

#### **A. Discussion: Ryan Correia – 361 Main Street**

Mr. Baptiste would like to do a site visit to this property this weekend.

D.Pichette read a statement from Attorney Ishihara that was given to the BOS re: this property & stating an NOI had been submitted which it had not. J. Connolly expressed concern re: this. It had also been stated that the Commission would be o.k. w/ this if it was moved over a bit. He stated the ConCom at that point hasn't seen anything pertaining to this project.

D.Pichette stated nothing has been submitted yet. Discussion ensued.

D.Pichette stated this discussion deals w/ a proposed project at 361 Main St. It has come to light that a parking lot needs to be constructed & would be w/in riverfront area in a coastal flood zone & also possibly the filling in of isolated wetland. Their representative came to the last meeting & the Commission told the representative to come in w/ an NOI & submit a plan that represents stormwater standards & the project as a whole.

Brief discussion ensued re: possibly conducting a site visit of the property & constructing a list of concerns re: the project so everyone is on the same page. Discussion ensued re: stormwater issues, parking issues, etc.

#### **B. Mario Savoia – 3 Helen Street**

D.Pichette stated he & Mr. Westgate met w/ Mr. Savoia at the site. He didn't want to ask Mr. Savoia to come before the Commission unless he saw he had done more than what he was told he could do. At the site visit, Mr. Savoia had done the cutting the Commission said he could do. He was told the cutting is all done. If he was to do anymore cutting, he was told he would need to file an NOI. If it is found he has done more cutting, he will receive an Enforcement Order. Brief discussion ensued re: sending Mr. Savoia a letter indicated in writing that he is not to cut anymore & what fines will be imposed if cutting is done.



**C. Filing Fees**

D.Pichette stated a hearing date is needed to discuss filing fees. Brief discussion ensued. The Commission concurred to hold a hearing for filing fees at 7:00 P.M. on April 15<sup>th</sup> during the scheduled meeting.

**IX. ADJOURNMENT**

**MOTION: D. Westgate moved to adjourn the meeting. J. Connolly seconded.**

**VOTE: Unanimous (7-0-0)**

Attest:

  
Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date signed: 11/3/10

Date copy sent to Town Clerk: 11/4/10