

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: February 17, 2010

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members Present: Kenneth Baptiste, Chairman
Mark Carboni
John Connolly
Donald Rogers
Louis Caron
Sandy Slavin, Associate Member
David Pichette, Agent

Members Absent: Doug Westgate
Manuel Barros

III. PRELIMINARY BUSINESS (NONE)

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

A. NOI – Richard Brooks – SE76-2097

Present before the Commission: Laurie Brooks
Richard Brooks

Ms. Brooks stated they wish to take their wall down & she submitted a drawing of what they would like to do once the wall is down. They intend to loam 2-3 ft. from the water line up the property. Once loamed, they would like to add restorative vegetation & put in low lying shrubbery. The poly-jute netting would also be utilized.

Mr. Pichette stated relative to the sand behind the concrete block, it was discussed pulling this back. Ms. Brooks stated this will be done. Mr. Pichette would like to go over how many plants will be needed. Ms. Brooks discussed what she is proposing, for example, plantings, spacing, seeding, etc. Mr. Pichette again stated he would like to review what is being proposed so an OOC can be worded properly.

Brief discussion ensued re: mowing the grass area on the slope. Mrs. Brooks stated they will weed whack the slope vs. mowing.

Audience members had no questions or comments.

MOTION: Mr. Connolly moved to continue the public hearing for Richard Brooks to March 3, 2010. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item VI. Extension Request.

A. Donna Feeney – 16 Bartlett Lane

Mr. Pichette stated this is a matter that the Commission started discussing last meeting, but continued until the Commission dealt w/ the NOI on the agenda this evening to address a prior violation. He requested holding off on this matter until after the hearing is heard.

NOTE: The meeting proceeded w/ item VII. Any other business/discussion.

C. Support Letter – Patterson Brook Conservation Project.

Mr. Pichette stated this letter has been written & needs a signature.

MOTION: J. Connolly moved the Commission authorize Mr. Baptiste, Chairman to sign said letter of support for the Patterson Brook Conservation Project. Mr. Caron seconded.

VOTE: Unanimous (5-0-0)

D. Wareham Nitrogen Consensus Meeting.

D. Pichette stated there is another meeting scheduled for this Saturday re: nitrogen issues. It will be held at MA Maritime Academy.

IV. PUBLIC HEARINGS

A. RDA – Robert Bushnell

The public hearing notice was read into the record.

No-one was present to represent the application.

MOTION: Mr. Connolly moved to continue the public hearing for Robert Bushnell to March 3, 2010. Mr. Caron seconded.

VOTE: Unanimous (5-0-0)

B. RDA – David Halberstadt

The public hearing notice was read into the record.

Present before the Commission: David Halberstadt

Mr. Pichette described the project. The property is located at 9 Sunset Avenue. The project involves the removal of an existing concrete slab & construction of a screened in porch in the same location. The work is in the buffer zone to a coastal bank (seawall) & also to saltmarsh. Existing concrete material will be removed & a new screened in porch will be a smaller footprint than the existing concrete material. It will be approx. 456 sq. ft. The new porch will be supported by sono-tube footings & will extend fairly close to edge of seawall. The area under the proposed porch will be a gravel pervious material & other minor landscape activity done around the site. A concrete walkway will also be removed. He asked re: how the concrete will be removed. Mr. Halberstadt stated the contractor will chisel it out. He described the only concrete that will be removed.

Audience members had no questions or comments.

MOTION: Mr. Connolly moved to close the public hearing for David Halberstadt. Mr. Caron seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Connolly moved to grant a Negative Determination #2 for David Halberstadt. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

C. RDA – Frederick Coulsen, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.
Frederick Coulsen

Mr. Pichette described the project. The property is located at 2 Fairfield Dr. The project involves the construction of an addition & a deck w/in a coastal flood zone. A 20x30 ft. addition w/ an attached 8x60 ft. deck is proposed w/in coastal flood zone AE elevation 16. The work is not in the buffer zone to any other resource areas. There are no grade changes proposed. Silt fence will be surrounding the construction area. He recommended approval of the project w/ a Negative Determination #2.

Audience members had no questions or comments.

MOTION: Mr. Connolly moved to close the public hearing for Frederick Coulsen. Mr. Caron seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Carboni moved to grant a Negative Determination #2 for Frederick Coulsen. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

Mr. Madden submitted a check for a prior violation on behalf of the Coulsen's. Mr. Pichette accepted the check on behalf of the Town & will forward it to the Town Clerk.

D. NOI – Janice Lucchesi, c/o G.A.F. Engineering, Inc. – SE76-2114

The public hearing notice was read into the record.

Present before the Commission: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 2 Murphy St. The project involves the construction of a single family dwelling in the buffer zone to a salt marsh & w/in a coastal flood zone and also constructing a 60 ft. gravel extension off Columbia St. off the existing pavement. A 28x44 ft. dwelling will be constructed approx. 57 ft. from the edge of wetland w/ a proposed limit of work being approx. 35 ft. from edge of wetland. Due to frozen ground conditions at time of site inspection, the wetland boundary could not be checked for accuracy. He recommended this hearing be continued so weather conditions are such that the wetland boundary can accurately be reviewed. The proposed dwelling would be on stilts as this site is w/in a coastal velocity flood zone, Zone VE elevation 18. Minor grading is proposed. A DEP file number has been assigned.

Ms. Slavin asked re: tree cutting in this area. D.Pichette stated it looks like there was tree cutting in the area, but it is hard to determine when it was done.

The audience was asked for questions or comments.

Present before the Commission: A gentleman

The gentleman asked if there will be an extension of the sewer to this property. Mr. Grady stated there will be a sewer service, not an extension of the main. The main ends at the terminal sewer manhole at the end of Columbia St.

Present before the Commission: Martha Dires, Abutter

Ms. Dires expressed concern re: a place to turn around when backing out of her driveway...(inaudible on tape). Mr. Grady noted how the applicant's driveway will be

configured. He suggested turning around or parking on the shoulder of the road or on her own property on her lawn. It is a street & it cannot be blocked. Ms. Dires expressed concern re: the end of the street; a dead-end. Mr. Baptiste stated Ms. Dires can't park in the street & it can't be blocked. They have a right to extend the street. Ms. Dires asked how she will be compensated for getting in & out. Mr. Baptiste stated it will not hinder her from getting out, but it will hinder her from parking at the end of the street. Mr. Pichette asked if Ms. Dires has any off-street parking on her property currently. Ms. Dires stated not really. She is the only one that doesn't have a driveway. She parks on her lawn, but for years she parked at the dead-end. Mr. Baptiste feels Ms. Dires may have to take this matter up w/ another board to discuss the street layout, possibly the Selectmen. This isn't a Conservation issue. The proposed project will include installing a driveway off the paper street. Discussion ensued.

Present before the Commission: Francis Riley

Mr. Riley asked how wide does the street have to be a legal street, not a paper street. Mr. Grady stated the street currently is 18 ft. wide & will be extended to the width of the existing street. Mr. Baptiste again stated this isn't a Conservation issue, it is a Planning Board issue. Discussion continued.

Brief discussion ensued re: staking out the house area.

MOTION: J. Connolly moved to continue the public hearing for Eagle Holt Company, Inc. to March 3, 2010. L. Caron seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Eagle Holt Company, Inc., c/o G.A.F. Engineering, Inc. – SE76-2112

The public hearing notice was read into the record.

Present before the Commission: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. On the plans submitted, it shows this property is off County Road, lots 1003 to 1005 & is more accessible off Squirrel Island Rd. The project involves the installation of approx. 580 ft. of water pipe in buffer zone to & w/in bordering vegetative wetland. The applicant currently draws water from the Whitehead gravel pit pond & conveys it to cranberry bog east through an above ground water line. The applicant is proposing to bury the waterline requiring trenching through approx. 180 ft. of bordering vegetative wetland where the pipe currently crosses. Estimated construction width alteration of 16 ft. wide would result in a temporary alteration of approx. 2400 sq. ft. This area would then be restored after the installation of the pipe. A restoration schedule is included in the plan. He questioned if the work width could be reduced to minimize the area of alteration. There is another section, approx. 480 sq. ft. of wetland is proposed to be altered. There is no proposal for replication of this section. He recommended that some replication for this section be incorporated into the plan. A DEP

file number has been assigned. He recommended a continuance so other members can make a site visit.

Discussion ensued re: keeping the pipe above ground vs. underground. Mr. Grady stated the underground pipe would be a permanent fix & would be a gravity pipe.

Audience members were asked for questions or comments.

Present before the Commission: Pat Silverman

Ms. Silverman expressed concern re: the depth of the pipe, digging down that far, & water depth changes.

MOTION: L. Caron moved to continue the public hearing for Eagle Holt Company, Inc. to March 3, 2010. M. Carboni seconded.

VOTE: Unanimous (5-0-0)

Brief discussion ensued re: when members can make a site visit.

F. NOI – Donna Feeney, c/o G.A.F. Engineering, Inc. – SE76-2113

The public hearing notice was read into the record.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 16 Bartlett Lane. The application is in response to a violation that involved the alteration w/in a buffer zone to Bartlett Pond (beginning construction of a retaining wall). Two retaining walls are proposed at the base of a steep slope. A flat tier will be created between the two walls. A section of wall currently exists at the site that was not there at the time of his initial visit to the site to discuss the violation matter & to say there should be no further work. The proposed wall will be constructed out of large concrete block, 2x3 ft. in size. This is shown for both walls. At the on-site discussion, the applicant noted he didn't want to utilize these blocks for the upper wall. He wants to utilize regular stone. Mr. Madden stated this has been discussed, but there is no revised plan showing this. Mr. Pichette stated the closest wall would be approx. 11 ft. to edge of wetland. Erosion control, such as silt fence is proposed. He recommended that haybales should be considered due to the steepness. He questioned access for materials & machinery for the upper wall. Mr. Madden explained how the machinery will get to this area (down the side). A DEP file number has been assigned. Mr. Pichette recommended a continuance of this hearing for submittal of revised plans.

Discussion ensued re: proposed materials & if stairs are proposed. Discussion ensued re: the steep slope & challenges in accomplishing what needs to be done. Mr. Madden stated that details will be modified & submitted back to the Commission at the next meeting.

Audience members were asked for questions or comments.

Present before the Commission: Ann Chen

Ms. Chen stated she lives next door to this property. She stated the projects at this site have disturbed the wetlands for a very long time. She likes the area to be natural & not disturbed. She stated if something has been done wrong on projects, they should be fined.

Mr. Baptiste stated when issues w/ this project came to light, the Commission investigated it & the work was stopped. An outstanding Enforcement Order was also placed on this project. This needs to be complied w/ & do the project correctly. The project was stopped before getting to out of hand. Mr. Pichette stated there was a violation.

Ms. Chen stated the area where plants were taken out should be replanted. Mr. Pichette stated the property owner's property doesn't go as far as the pond. He can only do work on his own land. There is no proof that work was done off his property.

Mr. Madden stated he will submit a revised plan to the Commission.

MOTION: Mr. Carboni moved to continue the public hearing for Donna Feeney to March 3, 2010. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED HEARINGS

A. NOI – Richard Brooks – SE76-2097 (DONE)

VI. EXTENSION REQUESTS

A. Donna Feeney – 16 Bartlett Lane (Handled previously in the meeting)

VII. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Dewatering Plan, P. Gioioso & Sons, Oakdale/Cromesett Sewer Project

Present before the Commission: Frank Tucci, Gioioso & Sons

Mr. Pichette stated the purpose of this discussion is to go over the dewatering plan for this project, which involves sewer main installation in Cromesett & Oakdale areas. The OOC requires the applicant come before the Commission & discuss their plans for how the dewatering issues will be handled. He stated the prior project had issues w/

dewatering based on the volume of water coming out of the sites & settling basins not as big as they should have been. The intent is not to repeat these issues. The plan submitted does propose additional measures not part of the previous plan. The main feature involves the larger dewatering tank.

Mr. Tucci explained he doesn't anticipate the volume of water (dewatering) for this project vs. the previous project. They anticipate starting in March sometime.

Discussion ensued re: placement of a tank in Parkwood where there was a lot of silt. Mr. Connolly wants to make sure that silt sacks are placed in all the manholes for this project. Brief discussion ensued.

Mr. Pichette asked where Mr. Tucci envisions having settling basins (around Avenue A). Mr. Tucci discussed placement of the small tank & large tank. The pump station to be placed on Avenue A may be relocated (per the BOS). Mr. Tucci discussed the open portable tank.

Discussion ensued re: work to be done near Route 6.

B. 30' Buffer Zone Bylaw

Mr. Pichette stated the attorneys are reviewing the Bylaw presently. He asked if he obtains a response from the attorneys before the end of the week, is the Commission comfortable w/ him setting up a public hearing at 6:30 P.M. prior to the next meeting. The deadline for filing the Bylaw for Town Meeting is March 12th. Brief discussion ensued. The Commission concurred to hold a public hearing at 6:30 P.M. on March 3rd if the attorneys submit their comments by the end of the week.

C. Support Letter – Patterson Brook Conservation Project (DONE)

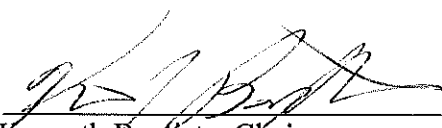
D. Wareham Nitrogen Consensus Meeting (DONE)

VIII. ADJOURNMENT

MOTION: Mr. Connolly moved to adjourn the meeting. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

Attest:


Kenneth Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date signed: 2/2/11

Date copy sent to Town Clerk: 2/25/11