

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: May 5, 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
John Connolly
Doug Westgate
Mark Carboni
Sandy Slavin, Associate Member
David Pichette, Agent

Members Absent: Donald Rogers
Louis Caron

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

A. ANRAD – Fred Cunningham, c/o Thompson Farland, Inc. – SE76-2119
(The Commission tabled this item until a representative was present).

B. NOI – Jennifer Walter, c/o G.A.F. Engineering, Inc. – SE76-2121

Present before the Commission:

Mr. Pichette described the project. The property is located at 10 Canedy Street (Rosepoint). The project involves the demolition of an existing dwelling & reconstruction of a new dwelling which is in the buffer zone to a coastal bank & partially w/in a coastal flood zone. The existing cottage will be removed & a new 28x34 ft. dwelling w/ associated deck & grading is proposed. Also proposed are 3 ft. wide crushed stone drip strips on either side of house to handle runoff. Haybales & silt fence are proposed between the work & resource area. The site where the majority of work will take place is relatively flat w/ minor grading around the waterside of the dwelling. A DEP file number has been assigned w/ no negative comments. He recommended the issuance of an OOC w/ standard conditions.

Audience members had no questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for Jennifer Walter. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Westgate moved to grant an Order of Conditions w/ standard stipulations & any added stipulations of the Agent for Jennifer Walter. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

III. PRELIMINARY BUSINESS

A. FEMA Disaster Relieve Notice
(To be handled later in the meeting)

IV. PUBLIC HEARINGS

A. NOI – Holly Cheever, c/o G.A.F. Engineering, Inc. – SE76-2122

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 231 Great Neck Rd. The project involves the demolition of an existing dwelling & the construction of a new dwelling & associated structures. Some work is in the buffer zone to a coastal bank. The demolition of the existing dwelling & follow-up landscaping is the work that would be done in the buffer zone to the coastal bank. This area would be loamed & seeded once the dwelling is removed. The new dwelling & Title V septic system are being pushed back away from the bank & outside the buffer zone. Silt fence will be placed between the work & the resource area. The site is w/in the estimated habitat of rare & endangered species. A comment letter has not been received from Natural Heritage. A DEP file number has been assigned. He recommended a continuance to await the letter from Natural Heritage.

Brief discussion ensued re: the map number of this property.

Audience members had no questions or comments.

MOTION: Mr. Westgate moved to continue the public hearing for Holly Cheever to May 19, 2010. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Judith Weatherby, Trustee, c/o Field Engineering Co., Inc.

The public hearing notice was read into the record.

The applicant has requested a continuance of this hearing.

MOTION: Mr. Westgate moved to continue the public hearing for Judith Weatherby to May 19, 2010. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. ANRAD – Fred Cunningham, c/o Thompson Farland, Inc. – SE76-2119
(To be handled later in the meeting).

B. NOI – Jennifer Walter, c/o G.A.F. Engineering, Inc. – SE76-2121 (DONE)

C. NOI – John & Theresa D’Albis, c/o J.C. Engineering, Inc. – SE76-2120

Present before the Commission: Brad Bertollo, J.C. Engineering, Inc.

Mr. Pichette described the project. The property is located at 12 Circuit Ave. The project involves the replacement of a retaining/seawall & the construction of a driveway & some walkways. The work is along a coastal bank & in the buffer zone to a coastal bank. Existing concrete seawall will be removed & replaced w/ a new poured concrete wall. The wall is approx. 65 ft. in length. At the last meeting, it was hoped the members would be able to visit the site. The nature of the work to be done will include a poured wall w/ a footing. There will need to be a trench dug along the edge of the beach. He expressed concern re: dewatering activities & how this will be handled. The engineer was asked to show detail on the plan re: dewatering & a containment area for water to be discharged into. The revised plan shows this, but it is located on the beach. He asked that this be placed in the upland area so the water can be watered through this system & infiltrate into this upland area before getting into a resource area. Haybales are proposed between work & resource area. The project will need to be geared around the tides re: excavation & pouring concrete. The existing wall needs to be replaced. Impacts need to be minimized & dewatering handled appropriately. A DEP number has been assigned.

Brief discussion ensued re: what type of equipment will be utilized, how soil will be stockpiled as well as stockpiling of other materials, re-grassing of the area, use of fertilizers, the excavation, & the high water mark.

Audience members had no questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for John & Theresa D’Albis. Ms. Slavin seconded.

VOTE: Unanimous (5-0-0)

Brief discussion again ensued re: a dewatering plan.

MOTION: Mr. Connolly moved to grant an Order of Conditions w/ normal stipulations & any added stipulations of the Agent for John & Theresa D'Albis. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Joseph Ibrahim – Joes's Gas, c/o CEA, Inc. – SE76-2118

Present before the Commission: Mr. Evans, CEA, Inc.

Mr. Pichette described the project. The property is located at 341 Main St. The project involves site remediation to remove contaminated soils & groundwater. Work is in buffer zone to bordering vegetative wetland & riverfront area & w/in a coastal flood zone. The work involves removal of contaminated soils, groundwater, & follow-up testing. The contaminated soils will be excavated from site. Soils may be temporarily stockpiled & trucked away to be disposed of. The exact volume of material to be removed is unknown at this time until the full extent of soil contamination is found. This will be evaluated as the work is done. The area that is excavated will be backfilled w/ clean material. Any groundwater encountered will be removed & put on a tank truck to be taken off site. This meeting had been continued because the abutters had not been notified. Abutter notifications have since been received. A DEP file number has been assigned. He recommended the issuance of an Order of Conditions w/ standard conditions & the added conditions that reporting information be submitted to the Commission & all stockpiled materials be properly contained while left at the site & haybales be installed according to the revised plan submitted.

Mr. Westgate asked how long this project will take. Mr. Evans stated the excavation area is small, but it depends on how deep it goes. Brief discussion ensued.

Mr. Evans stated while this is going on, the business will still be in operation.

Audience members had no questions or comments.

MOTION: Mr. Connolly moved to close the public hearing for Joseph Ibrahim – Joe's Gas. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Connolly moved to grant an Order of Conditions w/ normal stipulations & added stipulations of the Agent for Joseph Ibrahim – Joe's Gas. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item A. ANRAD – Fred Cunningham, c/o Thompson Farland, Inc.

Present before the Commission: Christian Farland, Thompson Farland Rep.

Mr. Baptiste asked for the abutter notification cards. The representative stated he was under the impression that the hearing is held first. He doesn't have them in his file at the present time.

Mr. Pichette described the project. The property is located at 43 Long Beach Rd. The application is for an ANRAD for the delineation of bordering vegetated wetland on site. The site was flagged w/ flag #'s 1-6. Upon initial review, he requested several changes as to the way the line was delineated. Thus, the hearing was continued to obtain a revised plan which has been submitted this evening. The revised plan reflects the changes that were made. A DEP file number has been assigned.

The representative has the abutter receipts at the office. Discussion ensued re: how to proceed. It was stated the meeting should be continued to obtain the abutter cards.

MOTION: Mr. Westgate moved to continue the public hearing for Fred Cunningham to May 19, 2010. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

VI. ENFORCEMENT ORDERS

A. Fontes/Perry – Barker Road

Mr. Pichette stated these individuals were sent out a notice via certified letter after the last meeting. He has not received confirmation that they have signed for it. For the next meeting, he will have the letter hand-delivered by a Constable & then go from there. He explained there were two violations side by side on the neighbor property. This violation has not been corrected, the other wasn't as significant as this one. He briefly discussed the violation(s). Discussion ensued.

**VII. CERTIFICATES OF COMPLIANCE
(None)**

**VIII. EXTENSION REQUESTS
(None)**

IX. DISCUSSION

A. Doug Cameron – Public Access Board

Present before the Commission: Doug Cameron

Mr. Pichette stated Mr. Cameron is present to discuss the State site across from the Elk's Club on Rte. 6 & update relative to improvements to be made to this site. He understands some Commission members have concerns re: maintenance of this site as it currently exists.

Mr. Cameron stated there is still no funding for construction, however, a preliminary plan design has been started for improvements to this site. Improvements will consist of widening the entrance into the facility, bringing an access road into the boat ramp area, installing a pre-fabricated pad (concrete boat ramp) in place of the existing gravel ramp, & providing parking for six single cars & 12 trailer spaces, one of which will be handicapped accessible. Nothing is cast in stone presently. He discussed existing conditions at the site & proposed improvements. He stated details will be worked out re: stormwater runoff at several locations on the site. Discussion ensued.

Mr. Westgate expressed concern re: problems w/ backwash & big boats using this area. Large boats create backwash over the land mass. The Harbormaster has checked on this problem & speed signs have been posted. The problem is the large boats utilizing this area. He feels an Order of Conditions should limit the size of boats going into this area & utilizing the boat area. Mr. Cameron feels the best way to deal w/ this problem is w/ a Bylaw. Mr. Westgate feels Mr. Cameron should be the one to govern it. Mr. Cameron stated it is not under his jurisdiction. Mr. Westgate stated Mr. Cameron's group put the ramp there & they should be responsible for it. Mr. Cameron again stated a Bylaw can regulate the Town's water body & jurisdiction. In terms of the property itself, this is something else. Mr. Westgate doesn't feel Mr. Cameron's group is taking responsibility for what is let in there. Mr. Cameron stated that on Long Pond in Plymouth, there is a Bylaw in place re: certain sizes of boats that can utilize the ramp.

Mr. Pichette asked if the Town came up w/ some sort of Bylaw that limited speed, access, etc., would the State be willing to have signage displaying this information so boaters will recognize the information. Otherwise, no-one will know. If the State allows signage to be put up, it will go a long way to accomplishing the goal. Again, Mr. Cameron feels a restriction (Bylaw) for the pond is needed. The activity is on the pond, not the facility. Mr. Westgate feels Mr. Cameron's group should manage the area.

Brief discussion ensued re: how a smaller boat ramp doesn't always deter bigger boats from utilizing them.

Mr. Westgate would like the Harbormaster to attend the next meeting. Mr. Pichette stated he spoke to the Harbormaster & his concern is that there is no-one to enforce anything. There are only several people to enforce matters in the whole town. Mr. Connolly suggested having the Police Chief in to address enforcement.

Mr. Cameron noted if the Town goes through w/ a Bylaw, it needs to go before the Environmental Police as well. He stated if there are issues w/ maintenance at the ramp, such as trash, contact him.

Discussion continued.

B. Bill Lockwood – Sunset Avenue

Present before the Commission: Bill Lockwood

Mr. Pichette stated this is a site the Commission approved the construction of a dwelling & deck at this site on Sunset Island in Onset. There were site constraints at the time when the OOC were issued (the OOC stated there would be no further expansion of the site as far as expanding onto the footprint). The condition stated as follows:

- A restriction shall be placed on the deed to the property stating that no further additions are to be allowed at this site beyond the footprint of construction on the approved site plan.

The question is would the Commission consider an addition onto the existing deck footprint. A new property owner purchased this site & wants to do some things. He doesn't believe the new property owner knew these conditions existed. He told Mr. Lockwood this was a touchy situation given the constraints at the site. On this particular issue, the Commission would need to render an opinion. The other question is can they create a garage under the house/drive under garage. He doesn't see this as an issue because it is w/in the same footprint. The addition is trickier. Basically, the new owner wants to put an addition on where the existing deck is. Discussion ensued re: the proposal & the as-built plans. Discussion ensued re: the drive under garage proposal.

MOTION: Mr. Westgate moved to continue this discussion to May 19, 2010 so as the members can go visit the site on Sunset Avenue. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

C. Union Pond Project

Present before the Commission: Union Pond representatives

Mr. Pichette stated representatives of the Union Pond project are present to discuss the landscape plan & the issue of the chain-linked fence or other type of fence that was not part of the original plan.

Mr. Westgate would like to see some other kind of fence vs. a split rail. The representative spoke re: utilizing a vinyl type of fencing. Brief discussion ensued.

Mr. Westgate asked re: the tree layout & maintenance of. The representative discussed the basis for choosing the plant material to be installed. Brief discussion ensued.

Mr. Westgate would like the fencing to look natural & part of the environment. The representatives want to utilize material that can be easily maintained.

Mr. Connolly asked if there will be a maintenance agreement at the end of the project. Mr. Pichette stated there will be a stormwater maintenance plan. Mr. Pichette stated snow removal & trash removal language is already in the maintenance plan.

D. Discussion w/ Mr. Verderber

Present before the Commission: Mr. Verderber

Mr. Pichette stated the property is located at 61 Jefferson Shores Rd. The project was to build a sunroom addition onto an existing deck. Mr. Verderber had intended the application to read to build the addition onto the existing deck & also build a new deck further out to replace the deck that was then being taken up. This would put the new deck up to the edge of the coastal bank. This is not what he (Mr. Pichette) understood the project to be. He hadn't seen the sketch that had been submitted. He only looked at the site plan & at the application language.

Discussion ensued re: why Mr. Verderber wants such a large deck & the lot size. Some Commission members expressed concern re: the small lot size. Discussion ensued re: possibly scaling back the project & how this could be done.

D.Pichette stated his main concern is the stability of the bank. Lengthy discussion continued how to modify/scale back the project. The Commission concurred to have Mr. Verderber submit another site plan indicating what he wants & incorporating some changes.

E. Makepeace Sewer Line re-route

Mr. Pichette discussed the Makepeace medical office building project. The original plan when it was developed, ties their sewer line into the line that already exists. The State does not want this line running down the ramp (of the highway). He discussed the alternative re-routing of the line.

Mr. Westgate asked how this re-routing/placing of pipe would effect the dyke that is there. Mr. Pichette stated this change would not affect this. He feels this alternative route may be better.

F. PIYC Conservation Restriction

Mr. Pichette stated as part of the PIYC review process for their expansion, the ZBA issued their approval after all the court appeals. One of the conditions was to place a restrictive covenant on the site so PIYC cannot expand or add anymore slips for 12.5 years. In order for this restriction to be put in place & recorded, someone needs to hold the restriction. The ConCom is being looked at to do this. Town Counsel has suggested

this to the Town Administrator. There are no expenses incurred by the Town. Brief discussion ensued re: liability issues. The Commission members want to make sure that they don't have any liability responsibilities.

Mr. Pichette stated the ConCom's stewardship responsibility relative to the restriction would be to make sure they don't add anymore slips.

Mr. Pichette read the settlement agreement condition re: the restriction covenant into the record. Mr. Baptiste feels there needs to be pictures & inventory made available to the Commission so it is shown what is there currently.

The Commission concurred to hold the restriction.

G. Robery Appointment Request

Mr. Pichette explained he told the BOS that the Commission wanted to discuss the issue & the Commission did not have a recommendation at this time & it would after the meeting on the 19th. The general consensus of the Commission is that they are not in favor of this appointment. Brief discussion ensued.

NOTE: Discussion went back to the PIYC Conservation Restriction & language w/in the restriction.

MOTION: A motion was made & seconded to have the Conservation Commission sign the restrictive covenant for PIYC.

VOTE: Unanimous (5-0-0)

Discussion went back to the Robery appointment request. Ms. Slavin feels Mr. Robery should come before the Commission before making a recommendation to the BOS. Brief discussion ensued. The Commission concurred to revisit this matter on the 19th.

X. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting.

VOTE: Unanimous (5-0-0)

Attest:


Kenneth Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date signed: 2/23/11

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