

**EXECUTIVE SESSION MEETING MINUTES OF WAREHAM
CONSERVATION COMMISSION**

Date of Meeting: July 7, 2010

I. CALL MEETING TO ORDER

The Executive Session meeting was called to order.

II. ROLL CALL

Members Present: Kenneth Baptiste, Chairman
John Connolly
Donald Rogers
Doug Westgate
Sandy Slavin
David Pichette, Agent

Members Absent: Mark Carboni
Louis Caron

**III. DISCUSSION RE: ONGOING LITIGATION RELATIVE TO CHAD
EDWARDS – 38 LEONARD STREET**

Mr. Pichette explained the purpose of this discussion is to address a project on 38 Leonard Street – Chad Edwards in which the Commission denied the construction of a single family dwelling. The case is now under appeal in Plymouth Superior Court.

Mr. Pichette explained during the court proceedings, the attorney (Bob Perry) for the applicant is requesting to include additional documents into the record which were not included in the record originally. In speaking to the Commission's attorney, it was felt the only way to do this would be to remand the hearing back to the Commission so the Commission could re-open the hearing & then include the additional documents. This is the only way to include additional documentation/information. The Commission's attorney feels this is a good thing to do because at that point, the attorney could draft an order w/ the denial language w/ all the legal verbiage that wasn't included in the original denial & should be more supportable in court. This will allow for a more defensible Order of Conditions.

Mr. Pichette stated thus, the Commission has been asked to decide whether to allow a remand or not. Mr. Baptiste would tend to go along w/ the attorney's recommendation. Discussion ensued.

Mr. Pichette feels some of the additional information/documents the applicant wants to include are superseding OOC's from DEP that were not part of the record because it came after the hearing & possibly other cases where courts decided against the

Commission. The Commission could also submit additional information as well. Mr. Westgate feels DEP is not the regulatory body they are supposed to be.

MOTION: Mr. Westgate moved to remand the case re: Chad Edwards – 38 Leonard Street back to the Commission for a new hearing. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

IV. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Attest: 
Kenneth Baptiste, Chairman
WAREHAM CONSERVATION COMMISSION

Date signed: 3/2/11
Date copy sent to Town Clerk: 3/3/11