

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: July 7, 2010

I. CALL MEETING TO ORDER

The meeting was called to order at 7:07 P.M.

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. PRELIMINARY BUSINESS

A. Approval of meeting minutes: January 20, 2010 & May 19, 2010

MOTION: A motion was made & seconded to approve the meeting minutes of January 20, 2010.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to approve the meeting minutes of May 19, 2010.

VOTE: (4-0-1)

Mr. Westgate abstained

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

A. NOI – John J. Nolan, c/o J.C. Engineering, Inc. (Blackmore Pond Road) – SE76-2129.

The applicant has requested a continuance to July 21, 2010.

MOTION: Mr. Connolly moved to continue the public hearing for John J. Nolan (Blackmore Pond Road) to July 21, 2010. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

B. NOI – John J. Nolan, c/o J.C. Engineering, Inc. (French Ave.) – SE76-2130.

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

Mr. Pichette described the project. The property is located at 14 French Ave. (Rose Point). The project involves the construction of a single family dwelling in the buffer zone to bordering vegetated wetland. A 26x36 ft. dwelling is proposed approx. 67 ft. from the edge of wetland. The wetland flags were checked & some flag changes were requested. A revised plan has been submitted that reflects these changes. The limit of work would be approx. 30 ft. from edge of wetland. A split rail fence is proposed along the limit of work & during construction, there will be a silt fence & haybale barrier installed. A 12x16 ft. deck is also proposed. The site would be re-graded & two drywells included to handle roof runoff for the proposed work. A DEP file number has been assigned. He recommended the issuance of an Order of Conditions w/ standard conditions along w/ the condition to include the split rail fence on the limit of work & the limit of work remain as such as a continuing condition.

Brief discussion ensued re: the silt fence & haybale barrier & where this is shown on the plan.

No-one from the audience had any questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for John J. Nolan.
Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Westgate moved to grant an Order of Conditions w/ standard conditions & any other conditions/stipulations per the Agent for John J. Nolan. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Joseph Frias, c/o EBT Environmental Consultants, Inc. – SE76-2131

Present before the Commission: Glen Krevosky, EBT Environmental Consultants

Mr. Pichette described the project. The property is located at 10 Filmore St. (Briarwood). The project involves the demolition of an existing dwelling & the construction of a new dwelling in the buffer zone to salt marsh w/in a riverfront area & also w/in a coastal flood zone. Several issues were discussed at the last meeting re: work w/in the riverfront area & the fact that this project will increase the amount of altered riverfront area w/ no

alternatives submitted originally. Alternatives were requested & subsequently have been submitted, but there was also discussion of showing a revised plan addressing comments & concerns. He did not receive the revised plan until this afternoon & did not have a chance to review it. He suggested continuing the hearing to July 21st to allow for adequate time to review the proposed changes. He noted the representative wanted to be present this evening to discuss the changes & answer any questions.

Mr. Westgate would prefer the Agent giving his thoughts to the Commission after he has reviewed the plan. Brief discussion ensued.

Discussion ensued re: how many bedrooms the dwelling will have & the impact to the Town's sewer system. The representative stated there will be five bedrooms. Mr. Pichette stated there is no language in place that restricts increases in the number of bedrooms.

The representative stated his applicant will not attempt to put in a dock, but will be working on the walkway. He is proposing to leave the access way & the new plan will show a reduction.

The Commission members concurred to continue this hearing to the next meeting.

Mr. Pichette stated on the plan that shows the new home, he asked if the existing home could be superimposed on the plan vs. having two separate plans. The representative stated he will do this. The representative stated the parking area & the structure have been reduced from what was originally proposed.

MOTION: Mr. Westgate moved to continue the public hearing for Joseph Frias to July 21, 2010. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

D. NOI – MCJ Management, c/o J.C. Engineering, Inc.

The applicant has requested a continuance of this hearing.

MOTION: Mr. Westgate moved to continue the public hearing for MCJ Management to July 21, 2010. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

E. RDA – Michael Fitzgerald, Trustee (Scooter Realty Trust, Finbar, LLC)

Present before the Commission: Michael Fitzgerald

Mr. Pichette described the project. The property is located at 367 & 381 Main Street. The project involves the removal of five trees, installation of gas lines, site cleanup w/in a coastal flood zone, & w/in a riverfront area. This application was in response to a violation that occurred at this site which involved tree cutting work w/ no permits. The applicant wants to finish the tree cutting. The hearing was continued because the applicant had not notified the abutters, which has now been done & green return receipts have been submitted. Gas lines are proposed to run to the buildings from the street & would require trench work. Site cleanup of trash/debris will be removed & growth around buildings would be cleaned up. He recommended approval of this work, but any further work (site work, landscaping, removal of containment field, stormwater issues, etc.) should come under a separate NOI. The only trees he feels should be left are ones along the tracks. He recommended a Negative Determination #2.

No-one from the audience had any questions or comments.

MOTION: Mr. Connolly moved to close the public hearing for Michael Fitzgerald. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Connolly moved to grant a Negative Determination #2 for Michael Fitzgerald. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

F. Amended OOC – Robert E. Fast

Present before the Commission: Robert Fast
Lisa Fast

Mr. Pichette described the project. The property is located at 13 Sias Point Rd. The project involves the construction of a deck in the buffer zone to a coastal bank & w/in a coastal flood zone. A 7x22 ft. deck is proposed approx. 99 ft. from the top of the coastal bank & w/in a coastal flood zone which is a velocity zone, elevation 18. A new 5x7 front porch is also proposed for the street side of the house. There was also an outdoor elevator system installed at the northeast corner of the house that is not shown on the plan. This involved the installation of a concrete pad & elevator structure. The rear deck & stairs would be six 10-inch sono-tube footings. The front porch would require two footings. The area is relatively flat & is part of the existing yard area. This hearing had previously been continued because the abutters had not been notified, but this has now been done. He recommended approval of the proposed plan change & require that the elevator structure be shown on the as-built plan upon requesting the Certificate of Compliance for the project.

No-one from the audience had any questions or comments.

MOTION: Mr. Connolly moved to close the public hearing for Robert E. Fast. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Westgate moved to grant an amended OOC including the stipulations of the Agent for Robert E. Fast. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. Amend OOC – Joseph DeLuca, c/o J.C. Engineering, Inc.

The public hearing notice was read into the record.

Mr. Pichette explained a request was received to remove this application from the agenda because it was determined the OOC has already expired, thus the Commission cannot amend an expired OOC. A new application will need to be filed to finish any work that needs to be completed.

MOTION: Mr. Connolly moved to remove the application to amend an Order of Conditions w/out prejudice for Joseph DeLuca. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

B. ANRAD – John J. Veiga & Tyrone J. Donovan, c/o G.A.F. Engineering, Inc. – SE76-2134

The public hearing notice was read into the record.

The applicant has asked for a continuance of this hearing until July 21, 2010.

MOTION: Mr. Connolly moved to continue the public hearing for John J. Veiga & Tyrone J. Donovan to July 21, 2010. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

- A. NOI – John J. Nolan, c/o J.C. Engineering, Inc. (Blackmore Pond Road) – SE76-2129 (DONE)**
- B. NOI – John J. Nolan, c/o J.C. Engineering, Inc. (French Avenue) – SE76-2130 (DONE)**
- C. NOI – Joseph Frias, c/o EBT Environmental Consultants, Inc. – SE76-2131 (DONE)**

- D. NOI – MCJ Management, c/o J.C. Engineering, Inc. (DONE)
- E. RDA – Michael Fitzgerald, Trustee (Scooter Realty Trust, Finbar, LLC) (DONE)
- F. Amended OOC – Robert E. Fast (DONE)

NOTE: The meeting proceeded w/ item IX. Any other business/discussion. A.
Discussion: Wayne Travis – 61 Jefferson Shores Road.

Present before the Commission: Wayne Travis
_____, Representative

Mr. Travis stated he is looking to build a 16 ft. deck. He was present before the Commission a few weeks ago for discussion. He would like to know what his options are. He understands some of the members had concerns re: footings. He discussed the placement of stairs or a retaining wall.

Mr. Pichette stated originally that he didn't think it would be a good idea to have the deck extend all the way to the edge of the coastal bank. The original project as described didn't include an extra deck; it was just building the sunroom onto the existing porch, then after the fact, it included the deck. When it was realized the deck would go to the edge or even overhang the coastal bank, this is when he stated this may not be the best way to go & should have some space around the coastal bank.

The representative stated that many neighbors have their decks overhanging the coastal bank. Mr. Pichette stated there are a lot of things that were done in the past that may not have been acceptable in today's permitting world or done illegally. The representative stated that nothing has happened to the coastal bank from these other structures.

Mr. Westgate stated there should be some sort of setback to walk around (the deck). Discussion ensued. Mr. Travis would rather have people go up & over the deck vs. walk around the deck. Mr. Westgate explained the significance of a coastal bank.

Discussion again ensued re: the proposed stairs.

Mr. Pichette noted several options the Commission can consider. One is to entertain a revised plan showing detail under the current application. The other is to require an NOI be filed which would require a specific plan w/ detailed information. He explained the Commission already issued a Negative Determination on what they thought was just the sunroom addition. Then it was found there were different sets of plans & the expansion of the deck issue.

The consensus of the Commission was to have Mr. Travis file an NOI.

NOTE: A gentleman asked to address the Commission.

Present before the Commission: Peter Rivers, Cooperative Environmental Advisors

Mr. Rivers stated he was before the Commission some time ago re: the Joe's Gas property w/ soil contamination in the back of the existing gas station building. An NOI was filed & the project was started in the last week of June. When they got into the ground however, there was more contamination in the soil than was anticipated. After two days of digging, they had to stop because they were approaching the maximum amount of soil volume they had felt would need to be excavated & approaching the square foot areas of disturbance stated in the OOC. The property across the street may have some soil contamination as well. Groundwater test wells will be set up at this property to confirm or deny any contamination.

Mr. Baptiste stated when Mr. Rivers contacted Mr. Pichette, he was informed of the matter & the thought was that the Commission didn't want the work stopped so that any contamination would not migrate. He feels the work should keep going. Mr. Pichette stated as long as erosion control is in place & stockpiling is being done according to the rules, there shouldn't be a problem. Mr. Rivers discussed other delays, such as lab test result delays that contributed to an abatement to the work.

Mr. Baptiste stated again that the work should keep going & an after the fact NOI could be filed later. Mr. Westgate asked as the work progresses, that Mr. Rivers keep in contact w/ Mr. Pichette.

MOTION: Mr. Westgate moved to allow work to continue. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

A. Lisa Bindas – Maple Springs Road

Mr. Pichette explained this permit was to construct a dock & due to financial issues, the applicant has been unable to do so. Thus, the applicant is requesting a one-year extension.

Mr. Connolly asked if the pallets are still going down to the water. Mr. Pichette stated the last time he was there, he did not see any pallets. Brief discussion ensued.

MOTION: Mr. Westgate moved to grant a one-year extension for Lisa Bindas – Maple Springs Road. Mr. Connolly seconded.

VOTE: Unanimous (5-0-0)

B. Sherman Briggs – Marion Road

Mr. Pichette explained Mr. Briggs has started the work over by Kool Kone. The permit is due to expire & the request is for a one-year extension. He questioned re: if the limit

of work area was followed. An engineer was supposed to go in & verify this & he has yet to hear anything about this. Brief discussion ensued re: the road width.

Discussion ensued re: options on how to proceed, such as granting an extension & if there are issues, than a cease & desist can be issued.

MOTION: Mr. Connolly moved to grant a one-year extension for Sherman Briggs – Marion Road. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

C. Edgewood Development – County Road/Squirrel Island Road

Mr. Pichette explained this is the Whitehead subdivision. The applicant is requesting a three year extension.

MOTION: Mr. Connolly moved to grant a one-year extension for Edgewood Development – County Road/Squirrel Island Road. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

Mr. Pichette stated that the applicant has moved the old structure out of the property.

**VII. ENFORCEMENT ORDERS
(NONE)**

**VIII. CERTIFICATES OF COMPLIANCE
(NONE)**

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Wayne Travis – 61 Jefferson Shores Road (DONE)

B. Reorganization of the Commission

The Commission concurred to wait until a full compliment of the Commission is present to reorganize.

Mr. Pichette stated the Commission is allowed to have seven voting members & three associate members. Brief discussion ensued.

C. Open Meeting Law Change.

Mr. Pichette announced that on July 22, 2010 @ 5:30 P.M., there will be a meeting on the Open Meeting Law changes if any Commission members wish to attend. He encouraged members to attend. Brief discussion ensued.

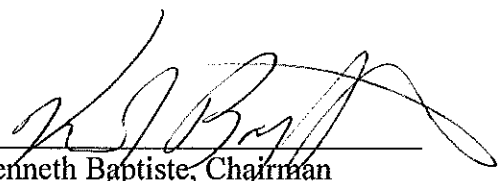
D. Executive Session – Edwards – 38 Leonard Street

MOTION: A motion was made & seconded to adjourn the regular meeting & to enter into Executive Session for the purpose of discussing ongoing litigation re: Chad Edwards of 38 Leonard Street.

POLLED VOTE: Ms. Slavin – Yes
Mr. Westgate – Yes
Mr. Connolly – Yes
Mr. Rogers – Yes
Mr. Baptiste – Yes

VOTE: Unanimous (5-0-0)

Attest: _____


Kenneth Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date signed: _____

Date copy sent to Town Clerk: _____

3/2/11
3/3/11