

# MINUTES OF MEETING OF WAREHAM Conservation Commission

**Date of Meeting: April 6, 2011**

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

The meeting was call to order at 7:06 P.M.

## **II. ROLL CALL**

Members Present: John Connolly, Chairman  
Louis Caron  
Doug Westgate  
Sandy Slavin  
Donald Rogers  
Mark Carboni (Arrived at 7:20 P.M.)  
Ken Baptiste (Arrived at 7:55 P.M.)  
David Pichette, Agent

**NOTE: The meeting proceeded w/ item IX. Any other business/discussion –  
B. Swifts Beach Conservation Property.**

Present before the Commission: Bruce Savaugau, Swifts Beach Conservation  
Property Sub-Committee & Swifts Beach  
Improvement Association  
Various members of said sub-committee &  
Association

Mr. Savaugau stated the sub-committee met w/ the BOS last evening to review the Conservation Restriction (CR) & to see where things are in the process. A decision was made to hold off decisions on this matter pending Town Counsel review. Information was submitted last evening to the BOS for Town Counsel review.

Ms. \_\_\_\_\_ discussed the CR & entities that are eligible to hold the CR & the fact that the Swifts Beach Improvement Association has applied to be the holder of the CR.

Mr. \_\_\_\_\_ spoke re: the purpose of the Swifts Beach Improvement Association, what they do, & membership.

Discussion ensued re: the land in question, CPC funding, & articles on a Town Meeting Warrant relative to funding for the land. Ms. Slavin suggested editing the language the sub-committee has to reference the issues just discussed. Brief discussion ensued.

The Associations/sub-committee read a document into the record.

Mr. Savaugau stated they will clean-up the CR language & submit it to the Commission's office along with a copy of their Association Bylaw.

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: January 19, 2011**

To be handled later in the agenda.

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Rose Point Improvement Association**

The public hearing notice was read into the record.

Present before the Commission:     Mrs. Heavey  
   Mr. Heavey

Ms. Heavey submitted the green abutters cards.

Mr. Pichette described the project. The property is located at Rose Point second beach (end of Bradford St.). The project involves the placement of beach nourishment in this beach area. It is proposed to place 22 yds. of beach sand on the beach (35x114). When he was there, he measured differently, but different points may have been measured. He measured to the high tide line which is where the sand should stay above. Placement of sand below the high tide line involves other permitting processes & is more complicated.

Ms. Heavey discussed where her measurements were taken from.

Mr. Pichette stated the sand should not be placed on any saltmarsh areas to fill the saltmarsh. He feels the plan submitted wasn't as detailed as it should have been & didn't quite accurately represent the shape of the beach. Brief discussion ensued.

Mr. Pichette recommended a more detailed plan to accurately represent what is there as well as more accurate measurements. Brief discussion ensued.

Mr. Pichette stated a question is access for vehicles & what size vehicles are envisioned to be dropping off the sand. Ms. Heavey stated the sand will be spread by hand. Discussion ensued re: amount of sand & how it should be delivered.

No-one from the audience spoke for or against this application.

**MOTION: Mr. Westgate moved to continue the public hearing for the Rose Point Improvement Association to April 20, 2011. Mr. Caron seconded.**

**VOTE: Unanimous (6-0-0)**

**B. NOI – Robert Schlauch, c/o G.A.F. Engineering, Inc. – SE76-2170**

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 17 Nobska Way (Cromesett). The project involves the armoring of a coastal beach, coastal bank area w/ a stone sloped revetment. The proposed revetment is approx. 100 ft. in length & would be constructed over existing coastal beach. The proposed revetment would be approx. 22 ft. wide underlaid w/ geotech style fabric & a 12-inch layer of crushed stone. He feels the Wetlands regulations don't support this type of project the way it is proposed, the regulations state that "no project should have an adverse affect on the coastal beach by increasing erosion, decreasing the volume, or changing the form of the coastal beach. He spoke to the engineer about this & recommended the applicant reconsider the project & look at other methodologies for stabilization that don't directly alter the coastal beach. The coastal beach can be protected & stabilized w/out armoring. A DEP file number has been assigned. He recommended continuing the hearing to obtain alternate designs vs. this proposal.

Mr. Grady responded briefly.

Audience members were asked for questions or comments.

Present before the Commission: A gentleman

The gentleman asked if the pictures the Commission have show an existing concrete wall. He stated there is an existing concrete wall. The pictures were reviewed. It is a retaining wall & it is very old.

Discussion ensued re: projects such as this being done some time ago, not recently, under the regulations in place.

**MOTION: Mr. Caron moved to continue the public hearing for Robert Schlauch to April 20, 2011. Mr. Westgate seconded.**

**VOTE: Unanimous (6-0-0)**

**C. NOI – Janice Lucchesi, c/o G.A.F. Engineering, Inc. – SE76-2167**

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 10 Barnacle Road (Pinehurst). The project involves the demolition of an existing dwelling & the construction of a new dwelling in the buffer zone to a coastal bank & w/in a coastal flood zone. An existing 24x34 ft. dwelling will be demolished & a new 24x42 ft. dwelling will be constructed in the same general area of the existing dwelling. The existing dwelling is approx. 10 ft. from the existing seawall. Also proposed is to push the new dwelling back approx. 10 ft. so it would be approx. 20 ft. from the seawall. The new dwelling would be on pilings since the site is in a velocity flood zone, zone VE, elevation 18. There will be drive-under parking since the new dwelling will be elevated approx. 10 ft. above the existing grade. The area between the road & the dwelling will be graded & a new gravel driveway installed. The proposed grade changes are minor, but the area will be disturbed. He recommended the haybale barrier be placed further up each side of the property to contain the disturbed area. The engineer concurred this was something that could be done. Also discussed w/ the engineer was the installation of drywells for roof run-off. This was not shown on the original plan. The existing seawall will remain in place. A DEP file number has been assigned. He recommended approval of the project w/ the standard conditions & the added conditions of the haybales on each side of property & the drywells be installed for roof runoff.

Brief discussion ensued re: the project. It was stated a new plan will be needed to show the inclusion of the drywells.

Audience members were asked for questions or comments.

Present before the Commission: Mr. Watson

Mr. Watson stated he is a direct abutter. He stated he may propose a similar project.

**MOTION: Mr. Westgate moved to close the public hearing for Janice Lucchesi. Mr. Carboni seconded.**

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

**MOTION: Mr. Westgate moved to grant an Order of Conditions for Janice Lucchesi w/ standard stipulations & the added stipulations relative to the installation of haybales along each side of the property, the installation of drywells for roof runoff, & an amended plan to show the drywells. Mr. Carboni seconded.**

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

**D. NOI – Michael & Deborah Cook, c/o Charles L. Rowley & Assoc. – SE76-2169**

**E. NOI – Bridget Cunningham, c/o Charles L. Rowley & Assoc. – SE76-2168**

**NOTE: Items D & E will be handled later in the evening.**

**NOTE: The meeting continued w/ item IX. C. Discussion: Karl Clemmey – Burgess Point.**

Present before the Commission: Karl Clemmey

Mr. Pichette stated Mr. Clemmey is present to discuss the issue of work done on his property on Burgess Point where a trail area cleared/widened w/ no prior approval from the Commission. There are other issues relative to brush & leaf piles that need to be cleaned up since they are near wetland areas. He has since been back to the property & all the areas have been cleaned up as asked by the Commission. Mr. Clemmey also stated he would have photos of the site to show there was a trail there previously. When he met w/ Mr. Clemmey, he was shown photographs, but they were not clear. There may have been a footpath there at some time. He stated Mr. Clemmey has more photographs w/ him this evening.

Mr. Clemmey stated he purchased the property seven years ago, the previous owner noted all the paths around the property. He brings his horses to the property in the summer & ride these paths. He displayed pictures to the Commission & explained the paths at length as well as the path in question. He stated the path in question (abutting the Decas property) has been there since he has been there.

Mr. Pichette feels the path as it exists now is wider than what it originally was. He suggested & recommended some plantings be placed to make the path less wide. Discussion ensued.

Mr. Pichette stated where he parked his vehicle up in front of Mr. Clemmey's property, there looks like some freshly cut vegetation after that. He asked if this is something Mr. Clemmey did. Mr. Clemmey stated \_\_\_\_\_. Discussion ensued.

Mr. Connolly suggested a continuance to allow Commission members that have not yet visited can do so. Mr. Clemmey gave permission to allow the Commission members to visit his property.

**MOTION: Mr. Westgate moved to continue the discussion w/ Mr. Clemmey on April 20, 2011. Mr. Caron seconded.**

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

**NOTE: The meeting continued w/ item IX. D. Discussion: Butch Merritt – 2 Open Hearth Drive.**

Present before the Commission: Butch Merritt

Mr. Pichette stated Mr. Merritt is present this evening to discuss work done at a site where a wetland exists off Mr. Merritt's property in the buffer zone to his property. He

has spoken to Mr. Merritt about this in the past. Mr. Merritt has some things he would like to do. Mr. Pichette feels some of this work has already been done in terms of cutting vegetation & sprucing up. There is a need to determine if a filing is needed to finish the work that Mr. Merritt wants to do & to establish a boundary at which the limit of work should be & nothing beyond this point.

Mr. Merritt discussed what he wishes to do at his property, for example, extending his fence, cut/extend grass towards the wetland, & add on to the back of his shed.

Mr. Westgate asked if an NOI or an RDA would be required. Mr. Pichette feels this could be done w/ an RDA as long as it is limited in terms of distance from the wetland. He recommended the 30 ft. distance that is in the Bylaw now which would be the distance that should be the limit of work. The wetland isn't on Mr. Merritt's property, but his property line is very close to it. He discussed what the RDA & the NOI applications are. Back in 1995, Mr. Merritt had filed an RDA.

Mr. Merritt stated he doesn't plan on doing anything right now. He asked for clarification of the 30 ft. distance. Mr. Pichette stated this 30 ft. buffer would need to start from the edge of the wetland. Mr. Merritt is clear that nothing else should be done until he files an RDA application.

**NOTE: The meeting proceeded w/ item IX. E. Discussion: Jesse Ferreira – Wareham Land Trust.**

Present before the Commission: Jesse Ferreira, Wareham Land Trust

Mr. Pichette stated the Land Trust would like to discuss an article that is on the Town Meeting Warrant to get some conservation properties preserved. There is an article to permit the Town to enter into a Conservation Restriction (CR) & purchase a piece of property as well. He wants the Commission to be clear of what the purpose of the article is.

Mr. Ferreira spoke re: Phase I of the project & Phase II (which is included in this particular article). There are a group of projects that includes a network of conservation lands along the lower part of the Weweantic River.

Mr. Ferreira discussed Phase II of the project. The Community Preservation Committee has offered \$375,000 towards the combined project for the Town to acquire the northern parcels & to acquire a CR on the other parcel. To finish the project, the CPC monies would need to be matched by a State grant. The Land Trust would do the leg work for the State grant.

Mr. Ferreira discussed how this article & map will be presented at Town Meeting. Lengthy discussion ensued.

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

**F. NOI – Michael & Deborah Cook, c/o Charles L. Rowley & Assoc. – SE76-2169**

The public hearing notice was read into the record.

Mr. Pichette stated the applicant has requested a continuance to the next meeting.

**MOTION: Mr. Caron moved to continue the public hearing for Michael & Deborah Cook to April 20, 2011. Mr. Westgate seconded.**

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

**G. NOI – Bridget Cunningham, c/o Charles L. Rowley & Assoc. – SE76-2168**

The public hearing notice was read into the record.

Mr. Pichette stated the applicant has requested a continuance to the next meeting.

**MOTION: Mr. Westgate moved to continue the public hearing for Bridget Cunningham to April 20, 2011. Mr. Caron seconded.**

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

Mr. Connolly suggested Commission members visit this site.

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – Town of Wareham/Municipal Maintenance**

Mr. Pichette stated this application is for a project at the Fearing Hill Conservation Area. The application has been submitted by the Municipal Maintenance Dept. The project involves maintenance activities which include the installation of a post & rail fence around the parking area, clearing of an existing trail, & the replacement of a culvert pipe that has caved in & exists under a woods road that enters the property.

Discussion ensued re: if the Land Trust has discussed this project.

Audience members had no questions or comments.

**MOTION: Mr. Westgate moved to close the public hearing for Town of Wareham/Municipal Maintenance. Mr. Caron seconded.**

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

**MOTION:** Mr. Westgate moved to grant a Negative #2 determination for the Town of Wareham/Municipal Maintenance. Mr. Carboni seconded.

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

**NOTE:** The meeting proceeded w/ item III. Preliminary Business – A. Approve meeting minutes – January 19, 2011.

**MOTION:** Mr. Caron moved to approve the meeting minutes of January 19, 2011. Mr. Rogers seconded.

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

**B. NOI – A.D. Makepeace Company, c/o Allen & Major Associates, Inc. – SE76-2165**

Not handled.

**VI. EXTENSION REQUESTS**

None.

**VII. ENFORCEMENT ORDERS**

None.

**VIII. CERTIFICATES OF COMPLIANCE**

None.

**IX. ANY OTHER BUSINESS/DISCUSSION**

- A. Emergency Certificate: Bourne – Edgewater Drive (Not handled)**
- B. Swifts Beach Conservation Property (DONE)**
- C. Discussion: Karl Clemmey – Burgess Point (DONE)**
- D. Discussion: Butch Merritt – 2 Open Hearth Drive (DONE)**
- E. Discussion: Jesse Ferreira – Wareham Land Trust (DONE)**

**X. ADJOURNMENT**

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

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



Date signed: 9-21-2011

Attest:   
John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date filed at Town Clerk: 9/22/11