

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: September 21, 2011

I. CALL MEETING TO ORDER

The meeting was called to order at 7:12 P.M.

II. ROLL CALL

Members Present: John Connolly, Chairman
Kenneth Baptiste
Doug Westgate
Mark Carboni
Sandy Slavin (Arrived at 7:25 P.M.)
Joe Mulkern, Associate Member
David Pichette, Agent

Members Absent: Donald Rogers
Louis Caron

NOTE: The meeting continued w/ item V. Continued Hearings.

A. NOI – Judythe & Matthew Desmond, c/o G.A.F. Engineering, Inc.

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

Mr. Pichette described the project. The property is located at 246 Barker Road. The project involves the demolition of a dwelling & the reconstruction of a new dwelling in the buffer zone to White Island Pond. Also proposed is a new septic system. The existing cottage will be removed & a larger 28x36 ft. dwelling is proposed. The new dwelling is being set back further from the pond than the cottage & a walkout basement is proposed which will require additional excavation to be done into the slope of the property to create a level terrace back to the dwelling. There was an issue re: this at a previous meeting in terms of resulting grading being closer to the pond in the current dwelling location. The engineer has submitted a revised plan this evening.

Mr. Grady discussed the changes on the revised plan at length, for example, addition of drywells, roof gutters, concrete & timber will remain, & grading changes that are now being proposed. He discussed a proposal to still have a walkout basement w/ timber stairs & raising the steps. He stated where the steps would end are still w/in the existing footprint of the house. He briefly discussed the elevations.

Mr. Pichette understands the nature of the changes to be made & he recommends the issuance of an OOC. A DEP file number has been assigned. He recommended an OOC

w/ standard conditions & the added conditions that the area between the 100 ft. contour & the haybales be left as a seeded natural area.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for Judythe & Matthew Desmond. Mr. Westgate seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Baptiste moved to grant an Order of Conditions for Judythe & Matthew Desmond according to the plan submitted & standard conditions and w/ any added stipulations of the Agent. Mr. Westgate seconded.

VOTE: Unanimous (4-0-0)

B. NOI – Wal-Mart Stores/Mark Goldsmith, c/o Bohler Engineering – SE76-2172

Mr. Connolly stated the applicant has requested a continuance.

MOTION: Mr. Baptiste moved to continue the public hearing for Wal-Mart Stores to October 5, 2011. Mr. Westgate seconded.

VOTE: Unanimous (4-0-0)

III. PRELIMINARY BUSINESS

A. Minutes to be approved: April 6, 2011 & April 20, 2011

To be handled later in the meeting.

IV. PUBLIC HEARINGS

A. RDA – Frederick R. Schmidt

The public hearing notice was read into the record.

Present before the Commission: Frederick Schmidt

Mr. Pichette described the project. The property is located at 180 Swifts Beach Rd. The project involves the construction of a garage w/in a coastal flood zone. An 18x22 ft. garage is proposed in flood zone VE, elevation 17. There is an existing shed that will be removed to accommodate the garage. The site is relatively flat & there are no grade changes proposed. The work is not in the buffer zone to any other resource area. He recommended the issuance of a Negative Determination #2.

It was stated the driveway will be coming off of Wankinquoah Dr.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for Frederick Schmidt. Mr. Westgate seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Baptiste moved to grant a Negative #2 determination for Frederick Schmidt. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

B. RDA – Town of Wareham/CEDA, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

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

NOTE: Ms. Slavin arrived at this time.

Mr. Pichette described the project. The project site is on Main St. between Center St. & the post office. The project involves streetscape improvements w/in a coastal flood zone & partially w/in a riverfront area. The proposed improvements for this phase of the project will include sidewalk reconstruction, street resurfacing, catch basin improvements, & other landscaping improvements for this stretch of roadway. The work would be done w/in a coastal flood zone & a riverfront area of the Wankinco/Agawam River. The project will not result in any increase of impervious surfaces or significant grade changes. It is all existing roadway & sidewalks that will be resurfaced & reconstructed. Silt sacks will be installed in the catch basins during construction to prevent construction material & any sediments from entering the stormwater drainage system. The catch basins are to be fitted w/ hoods to improve stormwater treatment & reduce bacteria & hydrocarbons in the runoff water. The two alleyways leading back to Merchant's Way are also included in the scope of this phase of the project. The project is being broken down into several phases. This is the first phase. He recommended a Negative Determination #2 w/ the condition that the project contractor provide contact information prior to any commencement of work.

Brief discussion ensued if any new impervious surfaces will be installed. Mr. Grady stated there are no new impervious surfaces being proposed.

Brief discussion ensued re: the sequence of work. Mr. Grady briefly discussed where the project will commence. Ms. Slavin expressed concern re: Pezzoli Square planting & as a member of the Garden Club, she asked that this not be disturbed.

Audience members had no questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for the Town of Wareham/CEDA. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Westgate moved to grant a Negative Determination #2 for the Town of Wareham/CEDA w/ the condition that the contractor provide contact information prior to commencement of the project. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

C. RDA – John J. Nolan, c/o J.C. Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 46 Avenue A (Oakdale). The project involves the construction of a single family dwelling & garage w/in a coastal flood zone. A 26x36 ft. dwelling w/ an attached 24x24 ft. garage is proposed w/in coastal flood zone AE, elevation 15. The project is not in a buffer zone to any other resource areas. The limit of work line is being proposed at the 200 ft. riverfront area outer edge as a portion of the lot is w/in the riverfront area of the Agawam River. No work is proposed in the riverfront area. Grade changes are proposed around the dwelling & the garage. The house will be serviced by Town water & sewer. He recommended the issuance of a Negative Determination #2.

Ms. Slavin asked if there will be any vista pruning to see the river from the house. Mr. Bertollo stated no. Ms. Slavin stated there seems to be a lot of debris on site. Mr. Bertollo stated the whole property will be cleaned prior to construction.

Audience members had no questions or comments.

Brief discussion ensued re: drywells & downspouts & implementation of these depends on how close the water the dwelling is.

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

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for John J. Nolan. Mr. Westgate seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Paula Wright/Bristol South Management, c/o J.C. Engineering, Inc. – SE76-2196

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 21 Bayberry Rd. (Little Harbor area). The project involves upgrading a septic system in the buffer zone to a coastal bank & w/in a coastal flood zone. An existing cesspool will be replaced w/ a new Title V system. The new septic tank & pump chamber will be installed approx. 50 ft. from the top of the coastal bank which is a seawall to pump sewage up to the new leach field which will be located outside the buffer zone to the coastal bank in the corner of the lot near the street. Work is w/in coastal flood zone VE, elevation 18 & AE, elevation 16. The existing water line will need to be relocated to accommodate the proposed leach field. Haybales will be placed between the work & the resource area. A DEP file number has been assigned. He recommended issuing an OOC w/ standard conditions.

Audience members had no questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for Paula Wright/Bristol South Management. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Westgate moved to grant an Order of Conditions for Paula Wright/Bristol South Management per plan submitted and with standard conditions & any other stipulations of the Agent. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Jaime Herring, c/o Indian Neck Association, c/o G. Bourne Knowles & Co., Inc. – SE76-2197

The public hearing notice was read into the record.

Present before the Commission: Gray Watson
Ms. Rapoza

Mr. Pichette described the project. The property is located at Warren Point Rd. The application is being filed in response to an Enforcement Order that was issued for the un-permitted alteration of boarding vegetative wetland & land in the buffer zone to the wetland. Trees & under-story shrubs & ground cover vegetation were cleared w/in the wetland & w/in the buffer zone to the wetland. An Enforcement Order was issued

requiring that the area be restored & an NOI submitted proposing the restoration project of the altered wetland in the buffer zone. The initial submittal did not include many plantings to restore the disturbed area. He met on sight w/ Mary Rapoza about the issue, & he recommended the numbers & types of trees & shrubs that should be installed should be increased. Also the plan that was submitted was not an engineered site plan & did not identify the edge of the wetland resource area. He recommended an engineered site plan be required that accurately depicts the site, the resource area, & the planting scheme. A DEP number has been assigned. A revision re: the number of plantings was submitted this evening by Ms. Rapoza & it looks like 13 trees are on the revision. With the information just submitted, he recommended continuing the hearing so a more detailed plan can be submitted & time to evaluate what was just submitted. He also recommended the Commission recommend, under the Enforcement Order, allowing some of the restoration planting to start before the end of the season. The removal of the woodchips as a result of the work that was done could be disposed of immediately.

Ms. Rapoza discussed the trees/shrubs she envisions.

Ms. Slavin asked re: a maintenance plan. Ms. Rapoza stated a maintenance plan was discussed. Mr. Pichette stated w/in the OOC, the maintenance issues can be conditioned. Brief discussion ensued re: invasive plantings & size of trees, such as the diameter.

Mr. Carboni asked how far back these plantings are being proposed for. Mr. Pichette stated some of the clearing was in the wetlands for a certain distance & there was another area that was cleared. Part of the issue is the plan does not give wetland delineations & that is why a new plan is being requested depicting this.

MOTION: Mr. Westgate moved to continue the public hearing for Jamie Herring to November 2, 2011 & further, for the applicant to commence w/ various re-planting under the Enforcement Order. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Peter & Anne Marie Turlo, Alpha Surveying & Engineering – SE76-2192

The public hearing notice was read into the record.

Present before the Commission: Alpha Surveying & Engineering Representative

Mr. Pichette described the project. The property is located at 18 Pine Tree Drive. The project involves the construction of two additions & decks in the buffer zone to a coastal bank & a coastal beach. A 10x10 ft. addition & a second larger addition of varying dimensions w/ an attached 14x42 ft. deck is proposed. The nearest point of the work is approx. 28 ft. from the top of the coastal bank. He had asked that the coastal bank line be accurately depicted on the plan which it has been. He also recommended the Commission require the normal 30 ft. setback distance from the coastal bank as required

in the Town's Wetland Bylaw. Silt fence is proposed between the work & the resource area & he recommended requiring both haybales & silt fence for the work since there will be significant excavation & also on a sloped area. The area of the proposed addition & deck is currently existing landscaped lawn area. A DEP file number has been assigned. He recommended approval of this project w/ the condition that there be an adherence to the 30 ft. no activity zone, thus making the deck reduced or scaled back in some way to meet the 30 ft. setback, & further, that silt fence & haybales be utilized for the project.

The representative requested they be allowed a slight overlap of the deck under the 30 ft. setback which he explained. He is only asking for a difference of 14 inches. He discussed what the deck material to be used will be. Discussion ensued re: the request by the representative. Mr. Carboni & Mr. Westgate feel the 30 ft. setback should be adhered to. Ms. Slavin expressed concern re: heavy equipment being used for the project & intruding into the 30 ft. setback. The representative discussed how they plan to conduct the project w/out intruding into the 30 ft. setback. Ms. Slavin asked re: the pilings & their locations. The representative discussed.

Audience members had no questions or comments.

Mr. Carboni feels there is a lack of detail of where the pilings will be, the deck overhang, etc. Mr. Pichette stated this detail is sometimes on plans & sometimes not. In this case, it is not right up to a resource area, but on their lawn, it is not critical, but if the Commission would like to see this on the plan, they can request it.

Discussion ensued re: the positioning of the sono-tubes. Mr. Baptiste made a suggestion re: the sono-tubes. Mr. Pichette stated he would recommend against this because someone else would want a larger & larger overhang. The intent is to limit the work, on the ground or vertical.

MOTION: Mr. Westgate moved to close the public hearing for Peter & Anne Marie Turlo. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Westgate moved to grant an OOC w/ standard conditions & the stipulation that the corner of the deck be either a 45° angle or move the deck back to meet the 30 ft. setback for Peter & Anne Marie Turlo & further, to provide a revised plan. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

G. Winship, LLC, c/o Environmental Consulting & Restoration, LLC – SE76-2194

The public hearing notice was read into the record.

Present before the Commission: Representative of Environmental Consulting &

Restoration, LLC
Karl Clemmey

Mr. Pichette described the project. The property is located at 18 Winship Ave. (Burgess Point). The NOI is being filed in response to a violation that involved the alteration of bordering vegetative wetland to create a path along a wetland along the edge of the property. The path was cleared with varying widths & approx. 320 ft. long. It was cleared & woodchips spread over the cleared area. The site is also w/in the estimated habitat of rare & endangered species. The project proposes restoration of disturbed area by the removal of the material placed in the wetland & reseeding the disturbed area w/ a wetland seed mix. The proposal also includes maintaining a 4 ft. wide pathway in the area for pedestrian & equestrian access. Maintenance of the 4 ft. wide path will include pruning of overhanging limbs & an annual fall mowing of ground vegetation of a height of 6 inches. The project narrative states that "removal of woodchips would be done by hand w/ no need for motorized vehicles." He asked if this is still the case. There had been talk about using a backhoe. He wouldn't have a problem either way as long as things were kept where they need to be kept & the material that was removed was placed in an appropriate area, not in another wetland or coastal dune.

Mr. Pichette again recommended all the material placed be removed, the whole area be seeded over, & the 4 ft. width path be maintained on what would be the natural ground & vegetation that grows into the area vs. keeping a surfaced area. The area to be restored will likely in time be taken over by phragmites. Also requested is to include the construction of a horse barn which has already been constructed which happens to be w/in the coastal flood zone. Comments were received from Natural Heritage which stated there were no negative comments & would not adversely affect any endangered species at the site. A DEP file number has been assigned. The plan was not stamped by the engineer & the representative will provide. He recommended a continuance of this hearing until the stamped plan is received.

The representative believes it would be easier to have a small bobcat machine to pull out some of the woodchips vs. by hand. He has spoken to Mr. Pichette about this. He will obtain the stamped plan. He spoke re: what is on the plan.

Discussion ensued re: the scale on the plan, measurements, & elevations.

Mr. Baptiste expressed concern re: the property owner's actions. He expressed the importance of following what is on the plan & not veering from it.

Ms. Slavin discussed the pathway issue. The representative discussed the pathway. Ms. Slavin stated at the end of one pathway, there are a lot of woodchips. She would like to see all the woodchips removed, not just the ones along the pathway. Mr. Pichette feels this area was an area where there was material cleaned out of & an area that did look disturbed. He has seen this area in the past & there was always a clearing.

Audience members had no questions or comments.

Mr. Clemmey discussed the gates on the property. Mr. Baptiste feels the gates were put up after the Enforcement Order was processed. Mr. Clemmey stated they were already there prior to the enforcement. Mr. Pichette stated the gate was put up after the fact that there was a violation. He stated the first time he (Mr. Pichette) went to the property, the gates were not there. The gate is in the buffer zone to the wetlands, but not in the wetlands. Permission for the gates did not come before the ConCom.

MOTION: Mr. Westgate moved to continue the public hearing for Winship, LLC to October 5, 2011. Mr. Baptiste seconded.

Mr. Baptiste stated for the next meeting, there should be a submitted stamped plan & the gate issue should be addressed.

Mr. Clemmey stated by law, he doesn't need to get permission for the gate. Mr. Baptiste expressed frustration at Mr. Clemmey doing things he shouldn't do & doing things after the fact, in his opinion. Brief discussion ensued. Mr. Pichette stated when a violation occurs, the area is in violation & nothing can be done until the violation is squared away.

VOTE: Unanimous (5-0-0)

H. NOI – 47 Agawam Lake Shore Drive Nominee Trust, c/o G.A.F. Engineering, Inc. – SE76-2195

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 47 Agawam Lake Shore Dr. The project involves the reconstruction of a deck, installation of a water service in the buffer zone to Agawam Mill Pond. An existing 12x32 ft. deck & associated stairs will be removed & replaced w/in the same footprint. New sono-tube footings will be installed. The stairs are only approx. 5 ft. from the edge of the pond. Silt fence is proposed between the work & the pond. Also proposed is a new water service along the west side of the dwelling. Work is relatively minor & no grade changes are proposed. Anything being done is reconstruction of existing structures in the same footprint, w/ the exception of the water service. He recommended an OOC w/ standard conditions. A DEP file number was assigned.

Ms. Slavin expressed concern re: approx. nine trees having been cut down less than a foot above the surface. These trees were holding up the banking. She asked why the trees were cut. She displayed photographs to the Commission.

Ms. Slavin questioned if anything will be done w/ the deck that is falling down. It is not included on the plan.

MOTION: Mr. Westgate moved to continue the public hearing for 47 Agawam Lake Shore Drive Nominee Trust to October 5, 2011 w/ the request that the property owner be present. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED HEARINGS
DONE

VI. EXTENSION REQUESTS
NONE

VII. ENFORCEMENT ORDERS

A. Franklin – Green Gate Lane

Present before the Commission: Mr. Franklin
Ms. Theresa Sprague

Mr. Franklin stated he is present to put forth a restoration plan for the immediate face coming off the beach to address the Enforcement Order.

Mr. Pichette described the Enforcement Order. This discussion is in regards to the violation that occurred at 75 & 77 Green Gate Lane which involved clearing of vegetation along the coastal bank & in the buffer zone to the coastal bank. An Enforcement Order was given requiring the site be restored w/ a proposed restoration plan. An NOI has been required which is in the process of being put together, but is not 100% complete yet. At the site, discussion was held re: allowing some of the restoration work to begin (steep face of coastal bank to stabilize through the winter) & then complete the NOI to deal w/ the restoration of the entire violation area.

Ms. Sprague discussed, in detail, the restoration proposed for the coastal bank & plantings/materials to be utilized.

Mr. Pichette recommended the Commission allow, under the Enforcement Order, to begin w/ restoration work so the planting season is not missed. Brief discussion ensued re: the removal of brush.

MOTION: Mr. Westgate moved to allow the stabilization work to commence under the Enforcement Order & the Commission's oversight for Franklin – Green Gate Lane. Mr. Baptiste seconded.

Unanimous (5-0-0)

Mr. Pichette asked to be notified several days prior to work commencing.

B. Herring – Bourne Cove

There was no discussion re: this item.

C. Wood – 3041 Cranberry Highway

Present before the Commission: Mr. Wood

Mr. Pichette stated Mr. Wood is the owner of the property next to Subway on Cranberry Highway where there was a violation where trees were removed in the buffer zone to a wetland. Mr. Wood has been before the Commission prior to discuss the matter & had requested time to evaluate the scenario as far as what he may or may not be able to do. Mr. Wood has been in touch w/ the Town Planner. He is present this evening to give an update relative to where things stand.

Mr. Wood stated originally he had planned to add parking to Subway. He took trees down between Kent's Welding & Subway. Kent's Welding wanted more parking as well. This was done in May. He received a violation notice sometime in June. He did leave trees by the roadside. Since then, he is trying to get an idea of what he can do, for example, possibly getting a site plan through the Planning Board to have a small dirt parking area for the overflow for the help at Subway. He has attempted for three weeks to get the Town Planner on the phone. He finally went to Town Hall to discuss the matter w/ the Town Planner, but there was no discussion about the possibility of putting dirt there to make a parking lot. He asked re: filing an NOI & filing a formal parking site plan review. He stated he had a site visit w/ GAF Engineering & obtained recommendations from them. He noted since May, nothing has been touched.

Mr. Pichette clarified what Mr. Wood has stated. He feels Mr. Wood is not going to pursue filing to obtain a parking expansion. If this is the case, he suggested the Commission make a requirement for restoration of what has been altered w/ the area that has been cleared to re-establish a vegetative buffer between the wetland & the cleared area. He didn't recommend this previously because he wasn't sure what Mr. Wood was going to do.

Discussion ensued re: what type of vegetation/trees were there & exist presently. Mr. Pichette stated it could take years to have the area re-vegetated as it was. He suggested having some native shrubs planted w/in a certain width to try to re-establish some naturally vegetated buffer. Brief discussion ensued.

Mr. Pichette stated a lot of the site that was worked on is w/in 100 ft. of the wetland & there was some bigger vegetation cut out of the buffer zone.

Mr. Pichette will meet w/ Mr. Wood to go over the re-planting issue.

The Commission concurred to continue this matter to the next meeting.

VIII. CERTIFICATE OF COMPLIANCE

To be handled later in the meeting.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Swifts Beach Conservation Property

Present before the Commission: Bruce Savaugau, Swifts Beach Improvement
 Assoc. Conservation Restriction Sub-Committee

Mr. Savaugau submitted a binder to the Chair, prior to the meeting, containing a preliminary application for recognition of the organization to the Commonwealth. He also received back a letter inviting his group to apply w/ a file number that he also gave to the Chair. Last time his group met w/ the Commission, they were told once they received information that they have been granted recognition, then they would entertain a joint application. He formally requested a joint application w/ the ConCom for application to the State to hold the CR & secondly, to request access to Mr. Pichette for help in finalizing the application.

Mr. Pichette clarified that the State would not give a letter of recognition. Mr. Savaugau noted the protocol the Commission requested the group follow. He stated the letter doesn't seem to imply or not imply that the State provides recognition. He discussed what the State is looking for.

Mr. Pichette feels the process seems backwards (re: the State). Mr. Savaugau stated there is technical information being requested that his group may need assistance w/ from Mr. Pichette. Mr. Pichette stated he will be glad to assist.

NOTE: The meeting proceeded w/ item VIII. Certificates of Compliance.

A. Lydon – 11 Sias Point Road

Mr. Pichette stated this was apparently an item the Commission had on the agenda when he was not present & the Commission voted to issue the Certificate of Compliance, but this application was the one that had a stairway the Commission felt should be moved back. He went to the property, the stairway has still not been moved, thus he has not mailed out the Certificate of Compliance yet. He will attempt to contact the applicant to notify the applicant that the COC will not be issued until the stairway issue is resolved.

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

B. Discussion: Violations.

There was no discussed re: this item.

C. Discussion: Drainage structure – Onset.

Mr. Pichette explained this item deals w/ the stormwater treatment structure put in place at the Onset Mobile Home Park. It is not working properly. The Conservation Dept. was asked to go down & meet at the site to discuss modifying the structure in order to make it work more properly. Some of the things suggested, in his opinion were going to make water flow through it, but not result in the treatment it was designed to do. It was stated that this wasn't going to be acceptable, thus, this matter was going back to the drawing board to decide what other options there may be. The company that put the structure in has since decided to replace the structure w/ another structure w/ a slightly different design. The issue was there was a screening matter inside the structure so when the water flowed through it, it was getting clogged up. A request to modify the OOC will come before the Commission again w/ additional details.

Mr. Carboni stated he heard that this replacement was to only be a temporary fix. Mr. Connolly stated there will always be water there due to the contouring of the property. The structure has made a difference, but w/ the screening, it gets plugged up. Mr. Pichette stated at the original hearing, the final fix was to install this structure to handle a certain volume of runoff, but if the volume became more than it could handle, there was a secondary force main pump put in that would pump water out by a mechanical means. The permanent solution was built, but there is a problem now w/ this solution.

Ms. Slavin expressed concern re: the Town building something w/ haybales around it w/out coming before the Commission. Mr. Pichette explained that a force main was put in to handle the additional water. Where the stone was is where the outfall of the force main is. Water would be pumped & would come blowing out of the pipe & end up in the trap rock area. What was happening was it was filling up & overflowing onto the beach & gulying out the beach. Because this area couldn't stabilize the area re: erosion, the decision was made to take the pipe & have it flow into the manhole. The force main was re-routed into the main pipe system so it no longer flows over land.

Ms. Slavin asked when the haybales will be removed. Mr. Pichette stated the haybales are meant to be there until the grass grows back/fills in. Discussion ensued.

D. Discussion: Frank O'Brien

Mr. Connolly stated he & Mr. Pichette have been having discussions w/ Mr. O'Brien. He stated Mr. O'Brien wants to repair his existing dock (taking the whole top of the pier off & putting in a new one). A barge would be needed. Mr. O'Brien has been told that he needs to file & Mr. O'Brien doesn't feel he has to do this. Under Chapter 91, maintenance can be done on the dock, but this is not what Mr. O'Brien wants to do. Mr. O'Brien stated he could piece-meal it. Mr. Pichette concurs the dock needs to be repaired, but he feels Mr. O'Brien is confusing some things. For example, initially, Mr. O'Brien thought that the Chapter 91 license said he could do the repairs, which they all can do, & Mr. O'Brien felt under this, he can just do the repair, but under the Chapter 91 license, it clearly says any required permits under the wetlands law are applicable. Also,

now that Mr. O'Brien understands there are two separate processes (under Chapter 91 & the Wetlands permitting), Mr. O'Brien still feels he doesn't have to file an NOI because he is saying he is not doing any work in the resource area; he is not changing the pilings or the support of the dock, he is taking the deck off & putting a new deck on. This is fine, but the problem is a 100 ft. barge will be needed to do this. This is the sort of thing the Commission should be conditioning. Mr. Connolly noted the new Wetland Bylaws & there may not be enough water to place a barge there.

Mr. Pichette noted a letter sent by Mr. O'Brien. One thing stated in the letter is a request of where in the Bylaw it states he has to file. Mr. Pichette stated he made a copy of the Bylaw & highlighted the applicable areas re: filing. He stated Mr. O'Brien could not be present this evening, but will be at the Commission's next meeting on October 5, 2011.

E. Discussion: McCabe Property.

Mr. Pichette stated this is the conservation property the Town recently purchased. He would like to get quotes from engineers to produce a plan to construct a parking area & set boundary markers. He asked permission from the Commission to seek out quotes from engineers for this work. A formal access & parking area is needed for this property. This work would also require a filing before the Commission.

Ms. Slavin stated there is a BOS policy that states that someone cannot do work in the Town of Wareham if they go before a Town board. Further, when a request was made for CPC funding for this project, the Wareham Land Trust & the Coalition stated they would build a parking lot. That was part of their cost analysis. Mr. Pichette stated either way, a plan needs to be done. He stated sometimes engineers may do this work for free. Discussion ensued re: checking w/ the BOS re: the policy & signage.

F. Discussion: Cook Project – RLDS

Mr. Pichette stated the contractor started the work w/out following the OOC & he wasn't asked to come & inspect the haybales or give him the contact information. He received a call from a neighbor that work had commenced. He went to the site & spoke to the person working. There was no DEP sign posted. He went over the issues w/ this person. He then called the property owner & noted the issues. He heard from the contractor today & the contractor apologized for "jumping the gun" on the project. One thing that occurred was the haybales were not put in the correct spot. He spoke to Mr. Connolly about the haybales & it was agreed that the haybale placement needed to be fixed. Brief discussion ensued re: a cease & desist.

MOTION: Mr. Westgate moved the Commission issue a Cease & Desist for the Cook Project in the RLDS Campground & that a \$300.00 fine be issued & further, if the OOC standards are not met, the Commission will consider daily fines until the standards are met. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

G. Discussion: Open Meeting Law.

Discussion ensued re: laws relative to meeting minutes & tape recording tapes. Mr. Pichette stated the Commission doesn't have to change their practices. The process is already being followed by the Commission.

H. Discussion: Associate Member.

Mr. Connolly stated Mr. Pichette went to the BOS office & obtained the phone number of the supposed Associate member. Mr. Connolly stated he called the number & left a message to attend the meeting tonight. The Associate member was appointed in July, but the Commission never met this person nor recommended this person. Ms. Slavin stated the BOS are not following their own policy. She noted what the policy states. Lengthy discussion ensued.

I. Any other business.

Mr. Pichette noted that he met w/ the Parkwood Beach Association & they concurred that cutting was done that shouldn't have been done. The end result is they are not going to have this area cut any more & they are distributing information to the members of the Association that permission from the Association is needed to cut certain areas.

Ms. Slavin asked why the Edgewater Drive item has been dropped from the agenda. Mr. Pichette stated it was dropped because the NOI hasn't been filed yet. He has been told more than once that it was going to be submitted, but he has not seen it. He will contact G.A.F. Engineering about this matter.

Ms. Slavin spoke re: 76 Bayview St. & having the posts pulled back. It was stated a filing was supposed to have been done. Mr. Pichette has spoken to the property owner several times to explain the matter.

Ms. Slavin asked re: the issue on Granston Way relative to the oyster farm. Mr. Pichette stated this property owner was given until October 6th to complete the removal. He spoke to the property owner & was told that the crop of seed that was received had issues & a lot of them died. A second batch was received, thus the property owner is requesting another months time to get them started. Ms. Slavin asked re: the things that were supposed to be immediately removed & if it has been done. Mr. Pichette stated he has not been to this property recently & he is not sure. He will contact the property owner about this.

Ms. Slavin asked re: Conservation Restrictions & the Commission doing their own stewardship.

Ms. Slavin would like to have a discussion placed on the agenda re: Article 16. Discussion ensued re: the intent & purpose of the article. Mr. Pichette stated he will put

this matter on the next agenda. Ms. Slavin asked for the Commission's support of the article.

NOTE: The meeting proceeded w/ item III. Preliminary Business – A.
Minutes to be approved: April 6, 2011 & April 20, 2011.

MOTION: A motion was made & seconded to approve the meeting minutes of April 20, 2011.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to approve the meeting minutes of April 6, 2011.


VOTE: Unanimous (5-0-0)

X. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 9:59 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 11-18-2011

Attest: 

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date filed w/ Town Clerk: 11/17/11