

## MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 18, 2012

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

The meeting was called to order at 7:02 P.M.

### **II. ROLL CALL**

Members Present: John Connolly, Chairman  
Sandy Slavin  
Louis Caron  
Doug Westgate  
Donald Rogers (Arrived at \_\_\_\_\_)  
Ken Baptiste (Arrived at \_\_\_\_\_)

Joe Mulkern, Associate Member  
David Pichette, Agent

Members Absent: Mark Carboni

### **III. PRELIMINARY BUSINESS**

There were no items under Preliminary Business.

**NOTE: The meeting proceeded w/ item V. Continued Public Hearings. A. NOI – James & Sue Kallstrom, c/o G.A.F. Engineering, Inc. – SE76-2213.**

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Madden questioned the quorum for this hearing. He asked what the intention of this hearing will be relative to the same four members reviewing this hearing, because there is one member that was present at the last hearing that is not present now. Brief discussion ensued on how to proceed. Ms. Slavin stated at a previous Town Meeting she understood that the rules changed in that the same people were not needed for every single hearing, that they could miss one meeting, and then be brought up to speed from notes or minutes and still participate in the hearing. Discussion continued.

**MOTION: Mr. Westgate moved to table the continued public hearing for James & Sue Kallstrom. Ms. Slavin seconded.**

**VOTE: Unanimous (4-0-0)**

**B. NOI – Patricia Lapanna, c/o G.A.F. Engineering, Inc. – SE76-2209**

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Madden submitted revised plans to the Commission.

Mr. Pichette described the project. The property is located on Ocean Ave. on Onset Island. The project involves the restoration of a section of coastal bank & w/in a coastal flood zone. It is proposed to restore approx. 35 ft. of coastal bank by installation of enviro-lock bags which are sand-filled geo-textile bags. These bags would be installed according to plan detail & planted w/ beach grass plugs to stabilize & vegetate the reconstructed bank. The initial plan showed the new restored bank would be built out into what was the eroded area & backfilled w/ sand. At the last meeting, the Commission had asked for a plan revision to have the bank stabilization work follow the existing eroded bank contour, thus a revised plan has been submitted that reflects a change in terms of how the coastal bank restoration is to take place & it does follow the eroded bank. Further, some members wanted to visit the site which was done. A DEP file number has been assigned. He recommends approval of the project based on the revised plan w/ the standard conditions & the added condition that any unnatural rip rap material, for example, bricks, concrete, etc. be removed from the site & not reused for the project.

Mr. Madden discussed the use of the geo-textile bags, maintenance of the beach grass, & how the project will be implemented.

Audience members were asked for questions or comments.

Present before the Commission: Cheryl Elder

Mrs. Elder stated she is an abutter to the property. She supports the project. She asked if the project is on Onset Islanders property.

**MOTION: Mr. Westgate moved to close the public hearing for Patricia Lapanna. Mr. Caron seconded.**

**VOTE: Unanimous (4-0-0)**

**MOTION: Mr. Westgate moved to grant an Order of Conditions for Patricia Lapanna w/ the requirement to remove the debris from the project. Mr. Caron seconded.**

**VOTE: Unanimous (4-0-0)**

#### **IV. PUBLIC HEARINGS**

##### **A. NOI – Kathleen M. Hughes, c/o G.A.F. Engineering, Inc.**

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 84 Pinehurst Drive. The project involves the reconstruction/repair of an existing seawall on banks of the Wareham Harbor. An existing seawall, approx. 58 ft. in length will be reconstructed. Part of the concrete wall has cracked & is breaking away from the land towards the beach area. Sediment from behind the wall is eroding away onto the beach area leaving a sinkhole on the upland side of the wall. It is proposed to remove the broken section of the concrete wall & replace it w/ vinyl sheetpiles. The remaining existing concrete wall would remain in place & have vinyl sheet piles driven in front of the concrete as close to the wall as possible. Tie-backs will be utilized to stabilize the wall & anchor it. Work would be performed on the upland side of the wall. Comments were received from the Div. of Marine Fisheries stating that they would like to see the work done from the upland side & work should be done to minimize any encroachment into shellfish habitat. A DEP file number has not been assigned at this time. He asked re: the methodology. Mr. Madden explained the methodology to be utilized. Brief discussion ensued re: if drilling will be done into the land. Mr. Madden explained. He briefly noted the anticipated start time for the project & how temporary bracing could be utilized before the commencement of the project so further destruction doesn't occur on the beach. Some Commission members feels this should be done right now if the wall isn't going to be fixed for a while.

**MOTION: Mr. Westgate moved to grant an Emergency Certificate for Kathleen Hughes to shore up the wall prior to commencement of the project. Mr. Caron seconded.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Mr. Westgate moved to continue the public hearing for Kathleen Hughes to February 1, 2012. Mr. Baptiste seconded.**

**VOTE: Unanimous (5-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. NOI – James & Sue Kallstrom, c/o G.A.F. Engineering, Inc. – SE76-2213**

Mr. Madden again spoke re: the quorum issue w/ this public hearing & how he would like the members that were not present at the opening of this hearing to review the file to bring them up to speed on the proposed project.

Mr. Pichette stated the project can be discussed tonight & then continued so members have a chance to review the project. Brief discussion ensued.

**MOTION: Mr. Baptiste moved to take the continued public hearing for James & Sue Kallstrom off the table. Mr. Westgate seconded.**

**VOTE: Unanimous (5-0-0)**

Mr. Pichette described the project. The property is located at 29 Prospect St. The project involves the construction of an in-ground pool & landscaping activity in the buffer zone to a coastal bank. A 9x14 ft. wading pool w/ associated landscaping which includes the expansion of a paver patio area is proposed. The patio extension work will be approx. 7 ft. to top of coastal bank & the pool structure would be approx. 27 ft. from the top of the bank. A significant portion of the work is proposed w/in the 30 ft. no activity zone to the top of the coastal bank. He had recommended the plan be modified to pull any new work back so it is outside the 30 ft. no activity zone. A silt fence is proposed between the work & resource area. A DEP file number has been assigned. A letter re: this project was submitted by Mr. Madden relative to their viewpoints on the project & the feeling the project should be allowed even within the 30 ft. no activity zone. Mr. Pichette stated his viewpoint is there is a Bylaw pertaining to the 30 ft. no activity zone & he feels it should be upheld.

Mr. Madden discussed how he represented the excavation on the plan. He stated the issue is for protecting the values identified in the Bylaw. The resource area values are listed in the Bylaw, none of which have a definition or define what the resource area values are. If there isn't a specific definition in the Bylaw, you revert back to DEP definitions. He went through each & every resource area value listed in the Bylaw & described what it means. This can be found under the summary of value & impacts submitted to the Commission & gave several examples. He noted re: this particular project, none of the project area is noted to fall w/in an area of public water drinking supply & there are no future areas defined, etc. Thus, this project would have no impact on the resource area. He discussed a coastal bank. He stated the Town's Bylaw requires evaluation of all resource area values. He stated that a coastal bank does not protect groundwater. He stated this project does not have any impact on the resource area at all. The project does not play a role in any way to impact to the resource area. It is very subjective as to what is recreation & what is aesthetics. Discussion ensued re: landscaping, mulch, the proposed hot-tub, & pool (area).

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

**MOTION: Mr. Baptiste moved to continue the public hearing for James & Sue Kallstrom to February 1, 2012. Mr. Westgate seconded.**

**VOTE: Unanimous (5-0-0)**

**B. NOI – Patricia Lapanna, c/o G.A.F. Engineering, Inc. – SE76-2209 – DONE**

**C. NOI – WalMart Stores/Mark Goldsmith, c/o Bohler Engineering – SE76-2172**

It was stated that WalMart has requested a continuance of this hearing.

**MOTION:** Mr. Westgate moved to continue the public hearing for WalMart Stores to February 1, 2012. Ms. Slavin seconded.

**VOTE: Unanimous (5-0-0)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Michael Trojano – 1 Plover Road**

Mr. Pichette stated this was a pier construction & has been completed according to the plans. He recommended issuance of the COC.

**MOTION:** Mr. Westgate moved to issue a Certificate of Compliance for Michael Trojano – 1 Plover Road. Mr. Caron seconded.

**VOTE: Unanimous (5-0-0)**

**B. Beverly Peduzzi – 44 Circuit Avenue**

Mr. Pichette stated this was for a small retaining wall violation project. It has been completed according to the plan. He recommended issuance of an COC.

**MOTION:** Mr. Westgate moved to issue a Certificate of Compliance for Beverly Peduzzi – 44 Circuit Avenue. Mr. Caron seconded.

**VOTE: Unanimous (5-0-0)**

**C. Anthony Drumheiser – 43 Gault Road**

Mr. Pichette stated there was an Order of Conditions that the Commission approved, but the applicant never commenced w/ the project, thus, the Order has expired. Someone is looking into purchasing the property & the attorney is interested in getting the OOC cleared up. Thus, the project was never done so he recommends issuing the COC stating that the OOC expired & the project never commenced.

**MOTION:** Mr. Westgate moved to grant a Certificate of Compliance for Anthony Drumheiser – 43 Gault Road. Mr. Baptiste seconded.

**VOTE: Unanimous (5-0-0)**

Mr. Pichette noted that on this same property there are two other older OOC's that the Commission will be dealing w/ at the next meeting.

**D. William Earle – 14 Old Woods Road**

Mr. Pichette stated this was a septic repair upgrade which has been completed according to the plans. He recommended issuance of a Certificate of Compliance. This also dealt w/ the reconstruction of the house.

**MOTION:** Mr. Westgate moved to issue a Certificate of Compliance for William Earle – 14 Old Woods Road. Ms. Slavin seconded.

**VOTE: Unanimous (5-0-0)**

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Swifts Beach Conservation Property.**

No discussion ensued.

**B. Discussion: Violations.**

Mr. Pichette stated there is nothing new at the moment. Ms. Slavin asked re: the violation on Barker Road. Mr. Pichette stated he wants to get the person in before the Commission before speaking about this matter.

**C. Discussion: McCabe Property.**

Mr. Pichette explained that J.C. Engineering, Inc. has started the survey work on this site. In the future, the Commission should have better detail on this property as well as bounds identified & things of that nature.

**D. Discussion: Myles Burke – Director of Inspectional Services.**

Mr. Burke was not present for this meeting. Brief discussion ensued re: issue on Robinwood & if this project has been stopped by the Inspectional Office. Mr. Pichette explained what will be transpiring from here.

**E. Discussion: Associate Member Application.**

Present before the Commission: Mr. Leggett

Mr. Pichette stated the Commission received a copy of Mr. Leggett's application to be an Associate member on the Commission. The BOS sent the application to the Commission. Mr. Leggett also got notice to meet w/ the BOS last night.

Ms. Slavin asked if Mr. Leggett has read the Wetland Bylaws. He stated he has downloaded them.

Mr. Westgate asked Mr. Leggett why he wants to serve on the Commission. Mr. Liget stated he is interested in preserving resources. He presently is rehabbing homes at the present time.

Brief discussion ensued re: Mr. Leggett's application.

Ms. Slavin stated she attending the BOS meeting during Citizens Participation asking the BOS to delay the appointment of Mr. Leggett until the Commission had a chance to meet w/ him & make a recommendation & to allow Mr. Leggett to attend some of the meetings. She doesn't feel this was received very well by the BOS. She discussed her intention relative to her request, but she feels it was taken a different way. Discussion ensued re: the Commission trying to follow the policy the BOS established.

**MOTION:** A motion was made & seconded to recommend the appointment of Mr. Liget as an Associate member of the Conservation Commission after he attends two more Commission meetings.

**VOTE:** Unanimous (5-0-0)

**X. ADJOURNMENT**

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

**VOTE:** Unanimous (5-0-0)

Date signed: 6-6-12

Attest: John Connolly

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: Kelly Barraco  
6/7/12

