

## **MINUTES OF MEETING OF WAREHAM FINANCE COMMITTEE**

**Date of Meeting: March 21, 2012**

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

The meeting was called to order at 7:03 P.M.

### **II. ROLL CALL**

Members Present: John Connolly  
Donald Rogers  
Ken Baptiste  
Doug Westgate  
Sandy Slavin (Arrived at 7:06 P.M.)  
Louis Caron (Arrived at 7:11 P.M.)  
Mark Carboni (Arrived at 7:15 P.M.)  
Joe Mulkern, Associate Member  
David Pichette, Agent

### **III. PRELIMINARY BUSINESS**

There was no preliminary business.

**NOTE:** The meeting proceeded w/ item V. Continued Public Hearings – A. WalMart Stores/Mark Goldsmith, c/o Bohler Engineering – SE76-2172.

The WalMart representative asked to hold off on discussion until other members of the Commission arrive. Brief discussion ensued.

**MOTION:** Mr. Westgate moved to table the application of WalMart Stores. Mr. Baptiste seconded.

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

**NOTE:** The meeting proceeded w/ item VIII. Certificates of Compliance – A. John J. Ryan – 2739 Cranberry Highway.

Mr. Pichette stated this project involved upgrading a septic system at an existing hotel. This project has been completed according to plan & there is an as-built. He recommended the issuance of a the COC.

**MOTION:** Mr. Westgate moved to grant a Certificate of Compliance for John J. Ryan. Mr. Baptiste seconded.

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

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

Ms. Slavin stated she was at the site last week & there are car tracks going onto the conservation land. They had to remove the fence to get in there. The other area between the two parking lots, there is a lot of traffic between these two areas. This area needs to be watched closer for violations.

Mr. Connolly asked Mr. Pichette to speak w/ Mark Gifford, Municipal Maintenance Director re: placing some signs in this area. Mr. Pichette stated he can do this & it was previously discussed re: putting up a permanent guard rail there.

**B. Discussion: Violations.**

Mr. Pichette stated there is a new violation in the Jefferson Shores area which involves altering of land in a flood zone. The property owner will be asked to attend the next meeting.

Mr. Pichette stated he met w/ Mrs. Fishman & another person involved in the cutting work at 30 Bourne Point Road. They are planning to attend this evening.

**C. Discussion: Westgate property.**

Mr. Pichette updated the Commission on the survey work that has been completed. The parking area plan is almost complete. Once all the information is received, the permitting process can commence.

**NOTE:** The meeting proceeded w/ item V. Continued Public Hearings – WalMart Stores/Mark Goldsmith, c/o Bohler Engineering – SE76-2172.

**MOTION: Mr. Westgate moved to remove the WalMart application from the table. Mr. Baptiste seconded.**

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

Mr. Pichette described the project. The property is located at the corner of Tobey Rd. & the corner of Rte. 28. It is the site of the proposed WalMart. The proposed project involves the construction of a new commercial retail box store w/ associated structures, including parking lots, stormwater drainage structures, utilities, etc. This work is in the buffer zone to bordering vegetated wetland & also w/in the estimated habitat of rare & endangered species. 158,000 sq. ft. building w/ a little more than 600 parking spaces is proposed. The limit of work would be 50 ft. from the edge of the bordering vegetative wetland. The wetland line was reviewed & some changes were made, but the recent plans reflect the adjusted wetland boundaries. The hearing had been continued because

the Town had not received any further information from the applicant's representative re: the endangered species habitat issue. This is the remaining issue. The project has been reviewed by the Town's consulting engineer who provided comments re: the stormwater system. These comments have been addressed by the applicant. There were several comments in the letter that the applicant stated would be issues they would address during construction. He did not hear whether the Planning Board/Zoning Board were comfortable w/ those responses. The entire site that is proposed to be disturbed is endangered species habitat. At this time the proposed mitigation is to provide funds to Natural Heritage which they would then use to protect land somewhere else in the State, potentially. He expressed concern re: mitigation should be done in the Town of Wareham vs. some other town. He has not heard any solid response to this issue. A DEP file number has been assigned.

Present before the Commission:      Matt Smith, Bohler Engineering  
   Susan Kincaid  
   Don Shall

Mr. Smith summarized what transpired at the last meeting re: plans for stormwater management, endangered species, etc. He understands Mr. Pichette's concern re: the mitigation of endangered species & having this in Wareham vs. somewhere else. Natural Heritage is proposing new mapping in 2012. He is awaiting MEPA's response to the filed draft EIR. Met w/ Planning Board/Zoning Board & both boards have agreed they are coming to the end of the review. The Planning Board then met separately to come up w/ their list of conditions/recommendations for the Zoning Board.

Mr. Smith spoke re: an exhibit he presented that deals w/ some facts about what the project is. He proceeded to discuss the facts w/in the exhibit, such as buffers, wetland areas, & endangered species. Brief discussion ensued re: the proposed garden area, fencing on the site, & turtles on the site (endangered species). Mr. Pichette stated Natural Heritage has not issued a permit as of yet. Typically, it has been the Commission's policy not to issue a permit until Natural Heritage issues their permit & their conditions are known. Brief discussion ensued re: timelines for permit issuances, such as from Natural Heritage.

Audience members had no questions or comments.

Mr. Westgate asked the guarantee that the turtles (found on the property) will stay in Town vs. somewhere else. Mr. Smith stated this would be found w/in the Natural Heritage permit.

**MOTION:    Mr. Baptiste moved to close the public hearing for WalMart Stores.  
Ms. Slavin seconded.**

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

**MOTION:** Mr. Baptiste moved to grant an Order of Conditions for WalMart Stores w/ the stipulation that found turtles remain on site & seven acres be reserved for conservation purposes. Mr. Westgate seconded.

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

**IV. PUBLIC HEARINGS**

**A. RDA – Open Cape Corporation, c/o Horsley Witten Group, Inc.**

The public hearing notice was read into the record.

Present before the Commission: \_\_\_\_\_, Representative  
\_\_\_\_\_, Representative

Ms. \_\_\_\_\_ described the project for the Commission & submitted photos for their review.

Mr. Pichette stated a majority of the work that is in the paved road lanes of Rte. 6 & some work in the shoulder of the highway. He recommends the issuance of a Negative Determination #2 for the project. The project is technically in a riverfront area (Weweantic River). He has no concerns w/ the proposal.

Audience members had no questions or comments.

**MOTION:** Mr. Westgate moved to close the public hearing for Open Cape Corporation. Ms. Slavin seconded.

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

**MOTION:** Mr. Westgate moved to issue a Negative Determination #2 for Open Cape Corporation. Mr. Caron seconded.

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

**B. RDA – Joseph Antin**

The public hearing notice was read into the record.

Present before the Commission:

Mr. Pichette described the project. The property is located at 26 Winship Ave. The project involves the removal of existing trees & replacing w/ other vegetation in the buffer zone to a coastal bank, coastal beach, bordering vegetated wetland, & w/in a coastal flood zone. Five trees are proposed to be removed, including several large pitch pines & be replaced w/ smaller vegetation. Some of the work is w/in 30 ft. of the edge of

the bordering vegetated wetland. He asked re: the size of plants to be utilized & the specific planting schedule is needed. More detail re: the plants & planting schedule is needed. Also, the little wetland area that exists on the site isn't depicted on the site plan. This is something that should be shown. He recommended a continuance to obtain this information.

Discussion ensued re: the trees that will be removed & what type of machinery will be needed to do the work. Discussion ensued re: having this project be filed as a Notice of Intent vs. an RDA. Discussion ensued re: what will be done w/ the stumps from the trees.

Audience members were asked for questions or comments.

Present before the Commission: Mr. \_\_\_\_\_, Abutter

Mr. \_\_\_\_\_ stated he has a view of these trees & they are not very attractive. He is in favor of the removal of these trees.

**MOTION: Mr. Westgate moved to close the public hearing for Joseph Antin. Mr. Baptiste seconded.**

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

**MOTION: Mr. Westgate moved for a positive determination of the RDA submitted for Joseph Antin & to request that a Notice of Intent be filed for this project. Mr. Baptiste seconded.**

Discussion ensued re: replanting the area & timelines.

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

**C. RDA – A.D. Makepeace, c/o Allen & Major Associates, Inc.**

The public hearing notice was read into the record.

Present before the Commission:

Mr. Pichette described the project. The property is located at Lot 3 off of Rosebrook Way. The project involves construction of a commercial building on Lot 3 near the existing medical office building off of Rosebrook Way. The applicant is submitting an RDA to get a determination from the Commission as to whether or not the project is w/in the Commission's jurisdiction. In reviewing the plan & the site, the proposed limit of work falls outside of the buffer zone to the existing wetland which is a cranberry bog & is also outside the 200 ft. riverfront area. Therefore, in his opinion, is not w/in an area of jurisdiction of the Commission. Part of the reason this is being done is because the Planning Board requires some document from the Commission either approving the

project or saying it is not in the Commission's jurisdiction. Thus, the applicant is taking this step to get to the next stage before the Planning Board. He recommended a negative determination #1.

**MOTION:** Mr. Westgate moved to close the public hearing for A.D. Makepeace. Mr. Baptiste seconded.

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

**MOTION:** Mr. Westgate moved to issue a Negative Determination #1 for A.D. Makepeace. Mr. Baptiste seconded.

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

**V. CONTINUED PUBLIC HEARINGS**

**A. WalMart Stores/Mark Goldsmith, c/o Bohler Engineering – SE76-2172  
(DONE)**

**VI. EXTENSION REQUESTS**

There were no extension requests.

**VII. ENFORCEMENT ORDERS**

**A. Mark Fishman – 30 Bourne Point Road**

This item will be handled later in the agenda.

**B. Steven Caradimos/Robert Barry – 37 Prospect Street**

Present before the Commission: George Gakidas  
Steven Caradimos

Mr. Pichette stated this issue is a violation that was discussed at the last meeting at 37 Prospect St. in Onset. This issue involved the alteration of vegetation on a coastal bank w/ no approvals from the Commission. At the last meeting the issue was discussed & the mitigation work the Commission requested take place at the site. He stated Mr. Gakidas told him that erosion control blanket was to be installed & the site is scheduled to be planted w/ vegetation. The planting has not occurred at this time.

Mr. Gakidas discussed & displayed the plan that is being proposed for mitigation work (planting). He discussed the timeframe for this project.

**NOTE:** The meeting went back to item VII. Enforcement Orders – A. Mark Fishman – 30 Bourne Pt. Road.

Mr. Pichette stated he met w/ Mrs. Fishman & Jack Kent who was the individual who did some of the cutting work in question. The problem was discussed & Mr. Kent understands that he shouldn't have done the cutting work. Mrs. Fishman did obtain an application for an RDA which she stated she will be submitting to do some planting to restore what was cut down & to request to be able to control the poplar saplings.

Brief discussion ensued re: properties in the area & the restoration project & that this project will be limited to Mrs. Fishman's property.

**VIII. CERTIFICATES OF COMPLIANCE**

**A. John J. Ryan – 2739 Cranberry Highway (DONE)**

**IX. ANY OTHER BUSINESS/DISCUSSION**

- A. Swifts Beach Conservation Property. (DONE)**
- B. Discussion: Violations. (DONE)**
- C. Discussion: Westgate Property. (Not handled)**

**X. ADJOURNMENT**

**MOTION:** Mr. Westgate moved to adjourn the meeting. Ms. Slavin seconded.

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

Date signed: 6-8-12

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: Kelly Barraco

6/7/12

