

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: September 19, 2012

I. CALL MEETING TO ORDER

The meeting was called to order at 7:10 P.M.

II. ROLL CALL

Members Present: John Connolly, Chairman
Sandy Slavin, Clerk
Louis Caron
Mark Carboni
Ken Baptiste
Donald Rogers
Joe Mulkern, Associate Member
Joe Leggett, Associate Member
David Pichette, Agent

NOTE: The meeting proceeded w/ item V. Continued Public Hearings – A.
RDA – Paul F. Corwin.

Present before the Commission: Paul F. Corwin

Mr. Pichette described the project. The property is located at 79 Blackmore Pond Circle. The application is being filed in response to a violation that involved the construction of a Keystone block retaining wall along the edge of Blackmore Pond. Approx. 30 ft. of Keystone block wall was installed along the edge of vegetation along Blackmore Pond to control erosion. The request is to permit this now existing wall & to allow the construction of another 20 addition feet of wall. He did not see the condition of the shoreline prior to the construction of the wall. All work was done by hand. Members have reviewed the site.

Discussion ensued re: backfill utilized, the sand that was brought in, & if more sand will be brought in for the additional feet of wall.

Discussion ensued re: the stairs that were constructed to bring materials down to the project. Mr. Corwin stated these stairs are temporary.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for Paul F. Corwin.
Mr. Rogers seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for Paul F. Corwin including a \$100.00 fine for the violation. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

B. NOI – Michael Martin/Wareham Fire District, c/o Kleinfelder – SE76-2233

NOTE: Mr. Connolly & Mr. Baptiste left the table at this time due to the fact that they both serve on the Wareham Fire District's Prudential Committee. Ms. Slavin became the Chairman Pro Tem for this hearing.

Present before the Commission: Michael Martin, Wareham Fire District
Superintendent
Kristen Ryan, Engineering Consultant/Kleinfelder

Mr. Pichette described the project. The property is located at Agawam Rd. The project involves the installation of water main, buried electric utility line, & perform a pump test on the new well. Approx. 2,700 ft. of 12-inch water main is to be installed w/in the existing gravel road. This will connect the new production well to the existing water main system. The installation of the new well was previously approved by the Commission. To install the water main, a stream crossing will be involved. The new water main will be installed under an existing box culvert that carries the stream under Agawam Road. Also proposed is the installation of 4,700 ft. of underground electrical utilities to connect the electrical lines out to Glen Charlie Road. Both items will require trench work w/in the existing gravel roads & trenches will be back-filled. Haybales will be installed in areas adjacent to wetlands. Also proposed is a pump off test for the new well. This would require continuous pumping of the well for approx. 30 days at a rate of 700 gallons p/min. The water from this test would be directed to a haybale containment area & then flow over to Glen Charlie Pond. A DEP file number has been received. He recommended the issuance of an OOC w/ standard conditions & the added condition that adequate separation for the dewatering site for the pump test & the pond be maintained so there is no erosion along the pond.

Mr. Martin & Ms. Ryan briefly discussed the project. Ms. Ryan stated they have addressed the letter from an abutting land owner re: questions the abutter had, for example, a right of way.

Discussion ensued re: the haybale containment & water flow from the testing.

Audience members were asked for questions or comments.

Present before the Commission: Don Hingle, Attorney for Abutter/Landowner

Mr. Hingle noted the letter he sent & the response received by Kleinfelder. He expressed concern re: wetland impacts of the project. He stated the scope of the alternatives

analysis should be whether or not there are other locations where this project could be located outside of riverfront area. Ms. Ryan addressed Mr. Hingle's concerns & she stated the impacts to resource areas will be temporary.

Mr. Pichette feels the project can be conditioned to meet the requirements of the Wetland Act & the location where the utilities will be placed is the best place to put them since there are existing roads.

Present before the Commission: Brock Tucy

Mr. Tucy asked re: the dewatering & how this will work w/out inhibiting Agawam Road w/ this project. Ms. Ryan explained there will be a hose of sorts going across the road.

MOTION: Mr. Carboni moved to close the public hearing for Michael Martin/Wareham Fire District. Mr. Rogers seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Carboni moved to grant an Order of Conditions for Michael Martin/Wareham Fire District w/ standard conditions & any additional standards of the Agent. _____ seconded.

VOTE: Unanimous (4-0-0)

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: July 18, 2012

To be handled later in the meeting.

NOTE: Mr. Connolly & Mr. Baptiste returned to the table at this time.

IV. PUBLIC HEARINGS

A. RDA – Donald McMullin

The public hearing notice was read into the record:

Present before the Commission: Donald McMullin

Mr. McMullin submitted the green abutter cards.

Mr. Pichette described the project. The property is located at 16 Wareham Ave. The project involves the demolition of an existing dwelling & the reconstruction of a new dwelling w/in a coastal flood zone AE, elevation 14. The project is not in the buffer zone to any other resource areas. There is no significant grade changes proposed. This site is

surrounded by other existing dwellings & roadways. He recommends approval of the project w/ a Negative Determination #2.

Brief discussion ensued re: the poor condition of the existing dwelling.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for Donald McMullin. Mr. Caron seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for Donald McMullin. Mr. Caron seconded.

VOTE: Unanimous (6-0-0)

B. RDA – Francis Demers

The public hearing notice was read into the record.

Present before the Commission: Francis Demers

Mr. Pichette described the project. The property is located at 29 Terry Lane. The project involves the construction of a garage w/in a coastal flood zone. An 18x20 ft. garage is proposed w/in coastal flood zone AE, elevation 15. The project is not in a buffer zone to any other resource area & are no significant proposals to fill at this site. He recommended approval of the project w/ a Negative Determination #2.

Audience members had no questions or comments.

MOTION: Mr. Carboni moved to close the public hearing for Francis Demers. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Carboni moved to grant a Negative Determination #2 for Donald McMullin. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

C. RDA – John J. Santagata

The public hearing notice was read into the record.

Present before the Commission: John Santagata

Mr. Santagata submitted the green abutter cards.

Mr. Pichette described the project. The property is located at 40 Lincoln Highway (Briarwood). The project involves the construction of a deck & landscaping activity in the buffer zone to a coastal bank & w/in the riverfront area of the Weweantic River & w/in a coastal flood zone. A 10x32 ft. deck is proposed approx. 79 ft. from the existing seawall. The deck would be constructed on existing lawn area & sono-tube footings would be utilized to support the deck. Also proposed is to remove existing lawn area near the seawall. It is proposed to remove approx. 20 ft. of lawn area from seawall back to the house for the width of lot (approx. 50 ft.) to provide a sandy area between lawn & top of seawall. All work is to be done w/in existing lawn area. He recommended approval of the project w/ Negative Determination #2.

Brief discussion ensued re: sand to be utilized.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for Mr. Santagata. Mr. Carboni seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for Mr. Santagata. Mr. Rogers seconded.

VOTE: Unanimous (6-0-0)

D. RDA – Michael Gerard

The public hearing notice was read into the record.

Present before the Commission: Michael Gerard

Mr. Pichette described the project. The property was located at 32 Farmer's Lane. This project is being filed as part of an Enforcement Order for un-permitted work that involved the construction of a gravel driveway w/in the 30 ft. no activity zone to wetlands. The request is to place fill w/in 14 ft. of the existing wetland for the purpose of expanding the driveway. There is a Town-Bylaw which requires a 30 ft. no activity zone for new work in the edge of the wetland. He doesn't have a problem w/ the owner expanding the driveway, but he would like to see it in a different area so the material is scaled back to outside the 30 ft. no activity zone. If this is done, he would recommend approval of the project. He stated this is an after-the-fact application. He stated 16 ft. worth of the driveway is w/in the 30 ft. no activity zone.

Audience members were asked for questions or comments.

Present before the Commission: Harold Gerard

Mr. Gerard stated he lives on Farmer's Lane. He stated when the house was built, environmental people came in & there was disagreement at that time where the buffer zone is & where the wetlands start. All this project is is to park a trailer & keep the dampness off the trailer. He stated the property is always well maintained.

Ms. Slavin noticed a large area that looks like it has been cleared. Mr. Gerard stated this was cleared when the house was built.

Discussion ensued. Several members spoke in favor of maintaining the 30 ft. no activity zone. Mr. Baptiste stated he doesn't feel the need to have the driveway ripped up (portion in the no activity zone). He feels the violation can be handled separately & the Commission can condition this by stating no paving of the driveway. Discussion ensued.

MOTION: Mr. Carboni moved to close the public hearing for Michael Gerard. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #3 for Michael Gerard w/ the following stipulations: 1. The driveway does not increase in size. 2. Driveway material doesn't change. 3. Issue a \$100.00 fine for conducting the project w/out a permit. Mr. Rogers seconded.

VOTE: (4-2-0)?????

E. RDA – William & Stephanie Hulbig, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 7 Old Plate Dr. The project involves the removal of an in-ground pool, concrete patio, & concrete pad & filters in the buffer zone to bordering vegetated wetland. The existing features will be removed & filled in to match the existing grade then loamed & seeded. No other work is proposed. All debris will be removed from site & disposed of. He recommended approval of this project w/ a Negative Determination #3 w/ the condition that silt fence be installed to contain the loam & seed area until such time as the vegetation becomes established & the disturbed area becomes stabilized.

Mr. Madden stated they are also proposing to retain 70 ft. of existing vinyl fence & install this along the edge of driveway. The fence is indicated on the plan.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for William & Stephanie Hulbig. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #3 for William & Stephanie Hulbig w/ the stipulation that silt fence be installed until the grass is established. Mr. Caron seconded.

VOTE: Unanimous (6-0-0)

F. RDA – John E. McChesney

The public hearing notice was read into the record.

Present before the Commission: No-one was present

MOTION: Mr. Baptiste moved to continue the public hearing for John E. McChesney to October 3, 2012. Mr. Carboni seconded.

VOTE: Unanimous (6-0-0)

G. NOI – Sr. M. Rosanne Desrosiers/The Missionary Sisters of the Society of Mary, Inc., c/o J.C. Engineering, Inc. – SE76-2238

The public hearing notice was read into the record.

Present before the Commission: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 38 Grandview Ave. The project involves the reconstruction of an existing seawall along Broad Cove in Onset. An existing concrete block seawall is to be removed & replaced w/ a poured concrete seawall in the same general location. The seawall is at the bottom of a steep slope & is well vegetated. Access to the location of the wall is limited & most of the work will have to be done by hand re: removal of the existing wall. Proposed is to bring in a crane to basket out the old wall material. A pump truck would be used to get concrete to the location of the new wall footings & wall itself. The new wall location would be slightly different than the original. The stairs would be reconstructed. The vegetation on the coastal bank are not proposed to be removed except some invasive plants. There is a large Black Cherry tree that will be removed by the stairs. A DEP file number has been assigned. He recommended granting an OOC w/ standard conditions along w/ the added conditions requiring all construction debris being removed from the site & concrete trucks are not washing off on the site & materials shall not be stockpiled on the beach & vegetation removal shall be limited.

Commission members discussed the project at length w/ Mr. Bertollo.

Discussion ensued re: if the project can be done w/out machinery.

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

MOTION: Ms. Slavin moved to close the public hearing for Sr. M. Rosanne Desrosiers/The Missionary Sisters of the Society of Mary, Inc. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Sr. M. Rosanne Desrosiers/The Missionary Sisters of the Society of Mary, Inc. w/ the following stipulations: 1. Haybales to be placed around the crane. 2. Area behind the new wall & the wall being removed will be backfilled w/ gravel & not loamed & seeded. 3. No materials to be stored on the beach. 4. All construction material to be removed from site. 5. No wash down of cement trucks on site. 6. Vegetation removal will be limited to invasives & black cherry. 7. No machinery on the beach. Mr. Baptiste seconded.

Brief discussion ensued re: gravel behind the wall.

VOTE: Unanimous (6-0-0)

H. NOI – Robert E. & Lisa Fast, c/o J.C. Engineering, Inc. – SE76-2237

The public hearing notice was read into the record.

Mr. Connolly stated the applicant has requested a continuance to October 3, 2012.

MOTION: Mr. Baptiste moved to continue the public hearing for Robert E. & Lisa Fast to October 3, 2012. Mr. Carboni seconded.

VOTE: Unanimous (6-0-0)

I. NOI – James Sullivan/White Island Pond Conservation Alliance, Inc., c/o Aquatic Control Technology, Inc.

The public hearing notice was read into the record.

Present before the Commission: Dominic Maringala, Aquatic Control Technology

Mr. Pichette described the project. The project site is at White Island Pond. The project involves the chemical treatment of White Island Pond to reduce phosphorous levels in the pond. High levels of phosphorous in the pond have created re-occurring _____

blooms resulting in increased water tepidity & low dissolved oxygen levels in the pond. The proposal is to treat the pond, both in Wareham & Plymouth w/ aluminum salt to strip down the phosphorous & to inactivate the phosphorous in the bottom sediment. At the same time sodium aluminate which is a buffer would be added to the pond which would lower the PH of the water. The chemicals would be applied by specialized boats equipped w/ boons & chemical tanks to administer the chemical material. It is planned to do the treatments in two phases. The first phase would administer approx. half the overall dose material hopefully this year. The second phase would be the second year to administer the remaining volume of the treatment. The project was submitted for comment to DMF for review. A comment letter has been received. DMF has requested a certain time of year restriction for the work to go on. They have requested no work be done between March 15th to Sept. 15th. Also, a DEP file number has not been assigned.

Brief discussion ensued re: causes for high phosphorous levels, such as natural vegetation, cranberry bogs, waterfowl, etc.

Mr. Pichette stated once the treatment is done, there will be continuation of new phosphorous. He asked if this will be a recurring project. Mr. Maringala discussed phosphorous issues & this treatment may have to be potentially done in future for new levels that may rise over time if no other management efforts are made. He discussed the treatment process & phosphorous issues.

Mr. Maringala noted other areas where this type of treatment was utilized & how. He noted how this treatment project will be paid for (multiple entities).

MOTION: Mr. Baptiste moved to close the public hearing for James Sullivan, White Island Pond Conservation Alliance, Inc. Mr. Caron seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant an Order of Conditions for James Sullivan, White Island Pond Conservation Alliance, Inc. w/ the stipulations that the time of year restriction be utilized per DMF (March 15th to Sept. 15th). Mr. Caron seconded.

VOTE: Unanimous (6-0-0)

J. NOI – Allyson Steward, c/o Webby Engineering

The public hearing notice was read into the record.

Present before the Commission: _____, Webby Engineering rep.

The representative discussed the proposed project.

Mr. Pichette described the project. The property is located at 45 Blackmore Pond Circle. The project involves the construction of a 13x18 ft. addition in the buffer zone to Blackmore Pond. There is a 30 ft. setback from the addition. Proposed is to put silt fence around the work. A DEP file number has not been assigned. He recommended a continuance to October 3rd to await the file number.

Audience members had no questions or comments.

MOTION: Mr. Baptiste moved to continue the public hearing for Allyson Steward to October 3, 2012. Mr. Carboni seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Paul F. Corwin (DONE)

B. NOI – Michael Martin/Wareham Fire District, c/o Kleinfelder – SE76-2233 (DONE)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Valenti Perry – 278 Barker Road

Mr. Pichette stated this Enforcement Order was for a violation which involved the alteration of bordering vegetative wetland. The owner then following the violation filed an NOI for restoration of the altered area & that is now complete. The owner also had some outstanding fines that were not paid, but have now been paid. He believes the enforcement action has now been satisfied.

MOTION: Mr. Baptiste moved to release the Enforcement Order for Valenti Perry & to grant a Certificate of Compliance to Valenti Perry re: 278 Barker Road. Mr. Rogers seconded.

VOTE: Unanimous (6-0-0)

B. Cook – 28 Sariah Lane

Mr. Pichette stated this violation involved work done beyond the scope of a previously approved plan for the demolition of an existing dwelling & the construction of a new dwelling. The patio area & landscaping was done beyond the scope of the approved plan the Commission previously issued. At the last meeting, he recommended the project should be made to conform to the plan the Commission approved; reduce the size of the patio & the landscape area. He showed the members the originally approved plan vs. what has been done which the members reviewed.

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

Mr. Madden stated Mr. Cook didn't have a clear understanding of the implications of the directions he gave the contractors. He discussed what was done outside the scope of the plan. Overall, he stated there was a net increase of 84 sq. ft. on the property. He stated Mr. Cook would like to keep what has been installed.

Ms. Slavin asked if the contractor was aware of the ConCom restrictions. Mr. Madden believes the general contractor most likely was aware, but whether or not this information was transmitted down to the landscaper & sub-contractor is unknown. Discussion ensued re: the matter. Mr. Pichette noted that the original request was to have a larger deck. Lengthy discussion ensued re: what was proposed, what was actually done, & how to rectify the situation, & how to proceed.

MOTION: Mr. Baptiste moved that the project return back as per the original plan & issue a \$300.00 fine. Mr. Caron seconded.

Mr. Pichette noted that the most significant issue is the patio & landscaping that were placed in a resource area. Brief discussion ensued.

VOTE: Unanimous (6-0-0)

Mr. Madden asked if the Commission would entertain an NOI for work to be done. Discussion ensued. Mr. Pichette stated the Commission would accept the submission of an NOI, but he wouldn't recommend it.

C. Susan Rhodes – 34 Pt. Pleasant Circle???????????

D. David Hurder – 258 Barker Road

Present before the Commission: David Hurder

Mr. Pichette stated this violation involves activity along the shoreline of White Island Pond that was not previously permitted. The activity involved the removal of vegetation, installation of a keystone block wall along the beach, & installation of what appears to be a boat ramp, but was explained it is a stabilization for the disturbed area. The Commission asked to see the property (at a previous meeting).

Mr. Hurder discussed his purpose for installing the wall & the clearing of vegetation. He also noted he is a first time homeowner on the water.

Discussion ensued re: the clearing that was done, the boat ramp, debris that was taken away, & any fill that was placed or taken away.

MOTION: Mr. Baptiste moved _____, Mr. Carboni seconded.

VOTE: Unanimous (6-0-0)

E. Ted Drummond – 254 Barker Road

VIII. CERTIFICATES OF COMPLIANCE

A. Bridget Cunningham – 108 Pinehurst Drive

Mr. Pichette stated this was a seawall construction that has been completed.

MOTION: Mr. Baptiste moved to issue a Certificate of Compliance for Bridget Cunningham. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

B. O'Boyle & Welch – 57 & 60 Robinwood Road

Mr. Pichette stated this was for the construction of a pier which has been completed.

MOTION: Mr. Baptiste moved to issue a Certificate of Compliance for O'Boyle & Welch. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

C. Valenti Perry – 278 Barker Road (DONE)

D. Anne Brogan – 114 Squaws Path

Mr. Pichette stated this was an old project.

MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for Anne Brogan. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

E. Herbert Levine – 11 Cliffs Road

Mr. Pichette stated this was for an addition which has been completed.

MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for Herbert Levine. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

F. Jon Christensen – 19 Tarpaulin Way

Mr. Pichette stated this was for a garage construction which has been completed.

MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for Jon Christensen. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Swifts Beach

Present before the Commission: Ms. Furler, Swifts Beach Improve. Assoc.

Ms. Furler stated the application is essentially done for the CR for Swifts Beach. Brief discussion ensued re: the fence being taken down.

Brief discussion ensued re: beach cleaning.

B. Discussion: Westgate CR

Mr. Pichette asked if the members have any further comments for this CR. If not, he will make this known & the CR will be sent up to the State for review. Ms. Slavin asked re: burning on the site & must follow the Town's burn laws. It is not agricultural land anymore.

Ms. Slavin stated the CPC has approved a \$300.00 bill to work on the parking lot at the site.

NOTE: Mr. Pichette stated the tree cutting in Minot Forest will commence next week to get rid of all the dead pine trees.

C. Discussion: Legal Ads

Ms. Slavin requested that Conservation legal ads be advertised in *Wareham Week* vs. *The Wareham Courier*.

MOTION: Ms. Slavin moved to have the Conservation legal ads be placed in *Wareham Week* moving forward. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

D. Discussion: ConCom members

Mr. Connolly stated the Commission needs to fill the late Mr. Westgate's seat on the Commission.

Mr. Pichette stated one application has been received to be on the Commission. Another applicant tried to email one, but it could not be opened.

Brief discussion ensued re: placing an ad in the newspaper re: the seat to be filled.

E. Discussion: 30 ft. No Activity Zone Bylaw

F. Discussion: Westgate Conservation Area

G. Violations

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 10:55 P.M. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

Date signed: 2/19/14

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 2/20/14