

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 6, 2013

I. CALL MEETING TO ORDER

The meeting was called to order at 7:15 P.M.

II. ROLL CALL

Members Present: John Connolly, Chairman
Sandy Slavin
Louis Caron
Joe Leggett, Member
David Pichette, Agent

III. PRELIMINARY BUSINESS

A. Approval of meeting minutes: November 7, 2012

To be handled later in the meeting.

IV. PUBLIC HEARINGS

A. NOI – Robyn Lecesse, 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 17 Columbia St. The project involves the construction of an addition & a brick paved patio in the buffer zone to bordering vegetated wetland & w/in the riverfront area. Also proposed is to pave an existing crush-shell driveway. An existing deck will be replaced by a 12x22 ft. addition. Two big foot footings would be required for the addition which would be a pile supported addition. Also being proposed is a 10x60 ft. bachi court which would be surrounded by 6x6 wooden timbers. The existing driveway will be paved. The proposed patio & bachi court are currently existing lawn area. Silt fence is proposed between work & resource area. A DEP file number has not been assigned. He recommended a continuance at this time. He also noticed there was no alternatives analysis in the NOI.

Mr. Madden stated as far as the alternatives analysis & the lot size, there is not much that can be done. He explained briefly. Under the regulations, there is no significant impact. He noted the provision(s) in the Wetlands Act.

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

MOTION: Ms. Slavin moved to continue the public hearing for Robyn Lecesse to March 20, 2013. Mr. Caron seconded.

VOTE: Unanimous (4-0-0)

Mr. Pichette stated out of what is being proposed, the patio could be discussed re: the alternatives analysis. According to the regulations, an alternatives analysis is supposed to be submitted as part of any riverfront project, but if the Commission feels what is being proposed isn't significant then the Commission doesn't have to require it. Brief discussion ensued.

B. NOI – Richard S. Dubin, Trustee, c/o G.A.F. Engineering, Inc.

The public hearing agenda 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 3041 Cranberry Highway. The project involves the construction of a parking lot in a buffer zone to bordering vegetated wetland. This is a site that was altered previously & a site the Commission dealt w/ previously as a violation. Previously, clearing work was done in the buffer zone w/ no approval from the Commission. The current NOI is proposing to construct a parking lot & drainage structures w/in the vacant lot. The limit of work would be approx. 50 ft. from the wetland line & the wetland line was approved previously under another filing. Approx. 15 parking spaces & associated drainage structures will be on the lot. He stated the plan does not provide for any restoration for the previously disturbed 50 ft. no activity zone. He recommended that portion of the no activity zone that was disturbed should be restored & shown on plan. He also feels that haybales & silt fence be used for erosion control at the site. A DEP file number has not been assigned at this time, thus, he recommends a continuance of the hearing.

Mr. Madden stated the intent is to create a parking lot for the adjacent restaurant. The proposal is to create a 16 space parking area & sheet overflow drainage from the parking area to a rain garden type stormwater management basin. He discussed the design of the rain garden basin. He stated all the stormwater management criteria will be met for this lot. He spoke re: the previously altered area & nothing was received re: restoration from the Commission. He feels the plant material will regenerate & re-fill the area. He noted the clean-up of the site which included removal of trash, debris, etc. He stated Site Plan Review has been filed for.

Mr. Pichette still feels some restoration planting should be done. He feels something should be done there to enhance & make it come back to a condition more rapidly.

No-one from the audience spoke for or against the project.

MOTION: Ms. Slavin moved to continue the public hearing for Richard S. Dubin, Trustee to March 20, 2013. Mr. Caron seconded.

VOTE: Unanimous (4-0-0)

C. NOI – William Simmons, 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.
William Simmons

Mr. Pichette described the project. The property is located at 94 Squaws Path. The project involves the reconstruction of a seawall along the shore of Shell Point Bay. This would involve work along a coastal bank & a coastal beach & also w/in a coastal flood zone. A 70 ft. section of collapsed stone wall is to be re-built as a stone seawall. The work would utilize some of the stone on site as well as other stone to be imported to complete the wall. Several large stones over time have become embedded in the beach & salt marsh. He feels these should be left in place so as not to dig up the beach or marsh. Other stones are sitting on the surface of the beach & it shouldn't cause too much disturbance to utilize them. Another section of wall is a granite wall approx. 30 ft. long. This section will be dismantled as far as the top courses of stone & then re-set. The existing toe stones of this section of wall will stay in place. Filter fabric & crushed stone will be placed in back of both sections of the new walls. Work should be done from the upland of the site. The site is also w/in the habitat of rare & endangered species & comments from Natural Heritage have not been received as of yet. A DEP file number has not been assigned as of yet. He recommended continuing the hearing.

Mr. Grady discussed the walkway that will also be restored & how this will be done by having steps instead. The existing stone jetti will stay in place.

No-one from the audience spoke for or against the project.

MOTION: Ms. Slavin moved to continue the public hearing for William Simmons to March 20, 2013. Mr. Caron seconded.

VOTE: Unanimous (4-0-0)

D. NOI – Roy Christoferson, 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.
Roy Christoferson

Mr. Pichette described the project. The property is located at 3 Old Glen Charlie Road. The project involves replacing an old septic system by installing a sewer tie in connection. Some of the work is in buffer zone to bordering vegetated wetland & w/in a coastal flood zone, Zone AE, elevation 15. Approx. 400 ft. of 2 inch sewer main will be installed to connect the house to the existing sewer main. Some of the clearing & trenching to make the connection would be approx. 38 ft. to edge of wetland. The trench would be approx. 4-5 ft. deep. The trench work may require de-watering. The main would then go underneath Rtes. 6 & 28 to the other side to connect to the existing sewer main. A DEP number has not been assigned as of yet. He recommended continuing the hearing. He feels dewatering conditions should be included in the OOC when it comes time.

Mr. Connolly asked re: dewatering & the use of filter bags & if this is now a requirement. Mr. Pichette stated this is now a requirement for connection to the sewer system. This is a WPCF policy. Mr. Connolly doesn't feel the filter bags work because they fill up too fast w/ silt. Discussion ensued re: filter bags.

Mr. Grady stated the BOS was spoken to re: going over Town land & the time it will take to go under Rtes. 6 & 28.

No-one from the audience spoke for or against the project.

MOTION: Mr. Caron moved to continue the public hearing for Roy Christoferson to March 20, 2013. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

VI. EXTENSION REQUESTS

A. CAPX Realty, LLC – 2890 Cranberry Highway

Present before the Commission: Ms. Baptista, Silva Engineering

Mr. Pichette stated the property is located at 2890 Cranberry Highway. This project was a commercial project to construct a multi-unit commercial building w/ parking & drainage. This project was originally approved in 2006. The OOC went into the timeframe of the Permit Extension Act & two years were added to the life of the permit. When additional time for the Act was given, it added two more additional years. Thus, this project has already received a four year extension & the permit is up in March of 2013. This is why there is a request to extend the OOC.

Mr. Pichette stated since the time this project was permitted, there has been some changes to the Wetland Bylaw. He spoke re: the part of the bylaw that has changed which deals

w/ no activity zones, commercial construction (which now has a no activity zone of 50 ft.).

Discussion ensued. Ms. Slavin stated the bylaw was for new projects. Brief discussion ensued re: the wetland line.

Ms. Slavin asked what type of business will be placed at this location. Ms. Baptista stated she doesn't know. Mr. Pichette stated previously, automotive business(s) were discussed.

Brief discussion ensued re: how to proceed.

MOTION: Mr. Caron moved to continue the Extension Request for CAPX Realty, LLC to March 20, 2013. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting proceeded w/ item IX. D. Decision: Michael Fitzgerald.

Discussion ensued re: how to proceed w/ a quorum issue & Ms. Slavin not voting on this matter. The Commission concurred to place this matter on the agenda for March 20, 2013.

VII. ENFORCEMENT ORDERS

A. Dorothy Bourne – 75 Edgewater Drive

Mr. Pichette explained to the Commission that he issued a formal Enforcement Order. G.A.F. Engineering, Inc. is aware of this & hopefully an NOI will be filed by this Friday. If the timeframe is not followed, the Commission can then issue fines.

VIII. CERTIFICATES OF COMPLIANCE

A. Karin Van Der Wal – 29 Oak Street

This was discussed at the last meeting. There were questions about the work done below the seawall where the haybales were. Photos were submitted. Mr. Pichette stated it looks like the pavers & slate existed & work was done on the grass side prior to the project. The area was cleaned up & some stone steps were added to the other side. Brief discussion ensued re: what existed & what was added/changed.

Mr. Pichette stated these changes should have come before the Commission first. He feels a fine should be issued. He stated other than the fine, he feels the Certificate of Compliance can be issued.

MOTION: Mr. Caron moved to issue a \$300.00 fine for Karin Van Der Wal. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Karin Van Der Wal after the fine is paid. Mr. Caron seconded.

VOTE: Unanimous (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Westgate Conservation Area

- 1. Parking area construction**
- 2. Authorization to spend**

Mr. Pichette stated he has a few quotes from contractors re: the parking lot. He stated there are some big trees that came down from the blizzard that need to be addressed.

Mr. Connolly thanked Mr. Leggett for the birdhouses that were placed on the property.

B. Discussion: Swifts Beach

Mr. Pichette stated issues are being worked out re: discrepancies w/in the CR.

Brief discussion ensued re: placing fencing so that people can't drive on the beach & what entity should/could file w/ the Commission to do this.

C. Discussion: Bills

There were no bills.

D. Decision: Michael Fitzgerald (DONE)

E. Discussion: Sale of Chapter 61 property

Mr. Pichette stated there is a request to take land out of 61A. The chunks of land are several lots that are w/in the Pond at Fearing Hill subdivision that the Commission already approved. Part of this subdivision land (a small portion of it was owned by a private owner & had the land in 61A). This person is now looking to take it out of 61A. Brief discussion ensued re: the location of this property. Mr. Pichette stated the Town has the right of first refusal for any land coming out of 61A.

MOTION: Ms. Slavin moved the Commission pass (deny) on the Chapter 61A land as defined in the letter dated February 25, 2013. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

F. Discussion: NSTAR work

Mr. Pichette stated he received several notices from NSTAR re: work they want to do on some of their rights of way. He stated NSTAR has the right to maintain these easements. Brief discussion ensued re: why NSTAR is ramping up this work.

X. ADJOURNMENT

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

VOTE: Unanimous (4-0-0)

Date signed: 11-6-13

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 11/7/13