

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 20, 2013

I. CALL MEETING TO ORDER

The meeting was called to order at 7:05 P.M.

II. ROLL CALL

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

Member Absent: Mark Carboni

III. PRELIMINARY BUSINESS

A. Approval of meeting minutes: November 7, 2012 & February 6, 2013

MOTION: Ms. Slavin moved to approve the meeting minutes of February 6, 2013. Mr. Baptiste seconded.

VOTE: (4-0-2)

MOTION: Ms. Slavin moved to approve the meeting minutes of November 7, 2013. Mr. Baptiste seconded.

VOTE: (4-0-2)

NOTE: The meeting proceeded w/ item V. Continued Public Hearings – A. NOI – Robyn Lecesce, c/o G.A.F. Engineering, Inc. – SE76-2255.

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 vegetated wetland & also w/in a riverfront area. An existing deck will be replaced w/ a 12x22 ft. addition. Two big foot footings would be required which will be a pile supported addition. A 10x60 bachi court is also proposed on the side of the dwelling. This would be surrounded by 6x6 wooden timbers. The proposed patio & bachi court are

existing lawn area. Silt fence is proposed between the work & the resource area. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions.

Discussion ensued re: pervious surfaces.

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

MOTION: Ms. Slavin moved to close the hearing. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Robyn Lecesse w/ standard conditions & the additional condition that the shelled driveway be replaced w/ pervious pavers. Mr. Caron seconded.

VOTE: (5-0-1)

B. NOI – Richard S. Dubin, Trustee, c/o G.A.F. Engineering, Inc. – SE76-2254

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 the buffer zone to bordering vegetated wetland. This area was previously altered & dealt w/ as a violation. Previously there had been clearing work done in the buffer zone to the wetland w/ no approval from the Commission. The application is proposing to construct a parking lot w/ a drainage structures w/in the vacant lot. The proposed limit of work would be approx. 50 ft. from the wetland line. The wetland line was previously approved w/ the Commission. Approx. 15-16 parking spaces & associated drainage structures are proposed. The plan does not provide for any restoration of the previously disturbed 50 ft. no activity zone. He recommended the disturbed portion of the 50 ft. no activity zone be restored w/ plantings, several trees, & shrubs. He also recommended that haybales & silt fence be used at the site for erosion control. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added condition that plantings be required to restore the disturbed area & this work be done prior to the construction of the parking lot & haybales & silt fence be utilized for erosion control.

Mr. Madden spoke re: the restoration. He feels the re-generation of plants already there will take care of itself & will be successful vs. restoring the area w/ new plants, etc. He stated there is no alteration to a BVW as per the cutting that was done. The area is regenerating on its own accord. This would be an unexpected expense to the applicant if restoration is required. He briefly discussed what vegetation was taken out of the area. He noted that two dump trucks full of debris, such as tires & trash were taken out of this area when cleared.

Brief discussion ensued how the owner will maintain plant material at the site. Mr. Madden expects a landscape company will be hired for maintenance.

Ms. Slavin asked when Cranberry Highway is expanded, will this area (property) be modified. Mr. Madden noted the taking (400 sq. ft.) that will be impacted on this property.

Mr. Pichette does feel that re-planting should be done to help restore this area. He suggested three Oak trees, some shrubbery, etc. to fill in some of the space. Brief discussion ensued re: plantings.

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

NOTE: Mr. Connolly left the table at this time.

MOTION: Mr. Baptiste moved to close the public hearing for Richard S. Dubin. Mr. Caron seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions & the added conditions that haybales & silt fence be utilized & re-planting be done in the disturbed area to include three trees & 10-12 plants. Mr. Caron seconded.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. Amended OOC – James & Deanne Bonnar, c/o J.C. Engineering, Inc.

The public hearing notice was read into the record.

Present before the Commission: Mike _____, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 98A Edgewater Dr. This application is to amend an OOC for a project that involved the upgrading of a septic system w/in a coastal flood zone, Zone AE elevation 15 & also the construction of an addition in the buffer zone to a coastal bank & in a flood zone. The existing cesspools will be replaced w/ a new Title V system. The new system will be outside the buffer zone to any resource areas, but would be partially w/in the coastal flood zone. The addition would be fairly close the coastal bank; approx. 8 ft. away. The originally proposed addition is being requested changed to the revised plan layout. The new proposed addition would be 20x30 ft. in size. This would require a large portion of the existing structure to be demolished to accommodate the new addition which is more significant than was originally proposed.

There are no grade changes proposed. Silt fence is proposed between the work & the resource area. He recommends the approval of an amendment for this project w/ standard conditions & the added condition that there be no further expansion of this dwelling to the coastal bank in the future & this be a continuing condition & further, that both haybales & silt fence be utilized.

Audience members had no questions or comments

Brief discussion ensued re: the specifics of the project.

MOTION: A motion was made & seconded to close the public hearing for James & Deanne Bonnar.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to approve the Amended Order of Conditions for James & Deanne Bonnar w/ standard conditions & further, that there be no further expansion of the dwelling to the coastal bank & that silt fence & haybales be utilized.

VOTE: Unanimous (5-0-0)

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

B. NOI – Edward Moritz, c/o J.C. Engineering, Inc.

The public hearing notice was read into the record.

Present before the Commission: _____, JC Engineering
Edward Moritz

Mr. Pichette described the project. The property is located at 20 Canedy (Rose Point). The project involves the demolition of an existing dwelling & the construction of a new dwelling which is in the buffer zone to a coastal bank, vegetated wetland, & w/in the riverfront area of the Sippican River. An existing cottage is to be demolished & a new 26x36 ft. dwelling is proposed. The boundary of the coastal bank was originally not depicted accurately on the plan. A revised plan has been submitted to accurately show the top of the coastal bank. The new dwelling will be moved further away from the river vs. the existing dwelling. The area of the existing dwelling will become lawn area. There were questions of moving the dwelling as far away from the river & the coastal bank as possible. This is shown on the revised plan. The wetland boundary was checked & there were no changes to the wetland line. _____ (JC rep.) submitted the DEP file number to the Commission SE76-2256. A small shed is also proposed. The proposed work wouldn't ordinarily qualify as far as the Commission's Bylaw setbacks, but since there is an existing dwelling on the site & w/in the boundaries, a bit of latitude should be given.

Mr. Pichette stated no site work is proposed along the waterfront.

Discussion ensued re: the details of the project. Ms. Slavin questioned if a condition can be placed re: fertilizer. Mr. Pichette stated this can be done. Mr. Baptiste stated he wants to make sure that anything else that is proposed to be done (other than what is on the current plan) is brought before the Commission for approval.

Audience members were asked for questions or comments.

Present before the Commission: Diane Richer, 28 Canedy St.

Ms. Richer expressed concern re: the wetlands. She expressed concern re: not having the area around the wetlands be destroyed. She expressed concern re: new buyers of the property altering the property, putting in a dock, etc.

Mr. Pichette stated anything of this nature would need another hearing before the Commission, as far as proposal for a dock, seawall repairs, etc. Abutters would be notified.

Ms. Richer asked re: the cutting of brush on the wetland itself. Mr. Pichette stated there is no proposal to touch any of this brush. The plan shows where the limit of work is in relation to the wetlands. The detailed site plan clearly depicts where work can & cannot take place.

MOTION: Mr. Baptiste moved to close the public hearing for Edward Moritz. Mr. Rogers seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant an Order of Conditions for Edward Moritz per plan submitted & the additional condition that no nitrogen fertilizer be utilized on the lawn areas. Mr. Rogers seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Robyn Lecesse, c/o G.A.F. Engineering, Inc. – SE76-2255 (DONE)

B. NOI – Richard S. Dubin, Trustee, c/o G.A.F. Engineering, Inc. – SE76-2254 (DONE)

C. NOI – William Simmons, c/o G.A.F. Engineering, Inc. – SE76-2252

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

Mr. Pichette described the project. The property is located at 94 Squaw's Path. The project involves the reconstruction of a seawall along the shore of Shell Point Bay which would involve work along a coastal bank, a coastal beach, & a coastal flood zone. A 70 ft. section of collapsed wall will be rebuilt as a stone seawall. The work would utilize some existing stone at the site where other stone would have to be imported to be utilized as toe stone. There is also another 30 ft. stretch of existing granite stone wall which will be dismantled as far as the top courses of the stone & then re-set. Filter fabric & crushed stone would be placed behind both sections of the new walls. A DEP file number has been received. The Commission has not received any correspondence from Natural Heritage re: the project. He recommended continuing the hearing until comments are received from Natural Heritage.

Mr. Grady asked that the Commission act upon this project this evening. It is coming up on 23 days for the Natural Heritage letter & they have 30 days. He doesn't expect any significant comments from them. He stated the homeowner is under time constraints w/ the project, especially since it will be done manually & not w/ machines.

Mr. Pichette stated based on normal practice, he recommends not approving the project this evening & to await from comments from Natural Heritage. He stated Natural Heritage actually has 60 days to comment on the project.

Audience members had no questions or comments.

MOTION: Ms. Slavin moved to continue the public hearing to April 3, 2013. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

D. NOI – Roy Christoferson, c/o G.A.F. Engineering, Inc. – SE76-2253

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

Mr. Pichette described the project. The property is located at 3 Old Glen Charlie Rd. The project involves replacing an old septic system by installing a sewer tie in connection in the buffer zone to bordering vegetated wetland & w/in a coastal flood zone, zone AE, elevation 15. Approx. 400 ft. of 2 inch sewer main is to be installed to connect the existing house to the existing sewer main. Some of the clearing/trenching work would be approx. 38 ft. to edge of wetland. The trench would be approx. 4-5 ft. deep. There may be some de-watering required re: trench work. The main would go under Rtes. 6 & 28 to tie into the existing sewer line. A DEP file number has been assigned. He recommended an OOC w/ standard conditions & added conditions for dewatering & also re: the disturbed area in the buffer zone, once the sewer line is put into place, the area be reseeded w/ a natural seed source vs. turf grass.

Brief discussion ensued re: the project.

Audience members had no questions or comments.

MOTION: Ms. Slavin moved to close the public hearing for Roy Christoferson. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Roy Christoferson w/ standard conditions & any added conditions of the Agent. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

VI. EXTENSION REQUESTS

A. CAPX Realty, LLC – 2890 Cranberry Highway

Present before the Commission: Ms. Baptista

Mr. Pichette stated this is a project that was approved in 2006. It is a commercial project in the buffer zone to bordering vegetated wetland. A 60x270 ft. commercial building was proposed. The project did receive an extension previously & received extensions under the Permit Extension Act that put four more years on permitting time on. Even w/ all these extensions, the permit will run out next week. The applicant is seeking another extension on the OOC to continue w/ the project. There have been some Bylaw changes since this project was permitted. There is now a 50 ft. no activity zone for commercial projects that did not exist when this project was approved. The wetlands line was approved in 2006. It is up to the Commission to have this project re-filed or grant additional time for the project to move forward.

Brief discussion ensued re: if there will be any loss of parking spaces.

Mr. Pichette stated even w/ the extensions that were granted, these will run out this month. Work started years ago, but nothing has been done for several years. Brief discussion ensued re: how to proceed.

MOTION: Ms. Slavin moved to grant an extension of one year to CAPX Realty, LLC w/ the addition of double haybales. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Michael Fitzgerald

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

Mr. Pichette explained this is a hearing that already closed. There is a request "after the fact" to permit some work that was done as a violation at 12 Widow's Cove Lane. The Commission approved the construction of a pier ramp & float system. When the project was installed, an additional deck area was created at the base of the seawall to create a 6x16 ft. deck area. This was not part of the original project. The applicant submitted an NOI after the Commission would not issue a COC for the project. He recommended that this should not be permitted because it was not part of the original plan & if it had been presented at the time, he would have recommended not approving the additional deck because it doesn't comply w/ the 4 ft. width dock Bylaw. The Commission needs to make a motion on this matter. Discussion ensued.

MOTION: Mr. Baptiste moved to issue a \$200.00 fine to Michael Fitzgerald. Mr. Leggett seconded.

VOTE: (5-0-1)
Ms. Slavin abstained

Mr. Pichette stated he will place a condition in the OOC that reflects _____
?????

B. Discussion: NSTAR Work

Mr. Pichette stated NSTAR has submitted additional information re: what will be done, their strategies, etc.

C. Discussion: Westgate Conservation Area

- 1. Parking Area Construction**
- 2. Authorization to Spend**

Mr. Pichette stated an estimate was received for the construction of the parking lot at the Westgate site. The estimate is for \$5,000. He hopes to get a few more quotes. He feels the \$5,000 is a reasonable quote. Brief discussion ensued re: use of CP funds. He stated three quotes are needed. Mr. Baptiste suggested setting a deadline for estimate submittals. The Commission concurred.

Mr. Pichette asked the Commission if once someone is selected, can the project proceed. The Commission concurred to have Mr. Pichette select the company to do the work along w/ Mr. Connolly.

Mr. Pichette stated he is seeking quotes on fencing as well.

MOTION: Ms. Slavin moved to allow Mr. Pichette & Mr. Connolly to choose the entity to construct the parking lot & provide the fencing & for Mr. Pichette to look into seeking CP funds. Mr. Baptiste seconded.

VOTE: Unanimous (6-0-0)

D. Discussion: Swifts Beach

Ms. Slavin stated at the last CPC meeting, it was discussed that the CR had been sent to the State for review, but she understands it hasn't been.

Mr. Pichette stated the State needed a few more pieces of information to complete the CR package. He obtained this information & passed it along to Kate Furler. He believes draft language has been sent to the State, although this isn't the final formal document. The missing information will now be included in the final submittal.

NOTE: Ms. Slavin stated at the last meeting, there was an Enforcement Order for Edgewater Dr. & it isn't on this current agenda. Mr. Pichette stated the property owner was given until this Friday to submit documents. If nothing is submitted Friday, it will be brought up at the next meeting.

Ms. Slavin stated her appointment to CPC as a representative of the Commission expires this June.

MOTION: Mr. Baptiste moved to appoint Ms. Slavin as the Commission's CPC representative. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

E. Discussion: Bills

X. ADJOURNMENT

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

VOTE: Unanimous (6-0-0)

Date signed: 3/19/14

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 3/20/14