

**MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: October 15, 2014**

**I. CALL MEETING TO ORDER**

The meeting was called to order at 7:06 P.M.

**II. ROLL CALL**

Members Present: John Connolly, Chairman  
Ken Baptiste, Clerk  
Mark Carboni  
Donald Rogers  
Jim Smith, Associate Member  
David Pichette, Agent

Member Absent: Sandy Slavin  
Joe Leggett

**III. PRELIMINARY BUSINESS**

**A. Approve meeting minutes: July 16, 2014, September 3, 2014, & September 17, 2014.**

The meeting minutes were not handled at this time.

**IV. PUBLIC HEARINGS**

**A. RDA – Roberta Dee, 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.  
Roberta Dee

Mr. Pichette described the project. The property is located at 14 Reynolds Avenue (Hamilton Beach). The project involves razing an existing dwelling w/in a coastal flood zone. An existing dwelling will be elevated 4 ft. above its current elevation. The site is w/in flood zone VE elevation 18. This will be accomplished by raising the dwelling & then pouring concrete extensions onto the existing support piers. It is also proposed to install stairs & to repair an existing patio. The work is not in the buffer zone to any other resource area. He recommended the issuance of a Negative Determination #2.

**MOTION: Mr. Baptiste moved to close the public hearing for Roberta Dee. Mr. Carboni seconded.**

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

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

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

**B. Amended OOC – Sherman & Arnold Briggs, c/o N. Douglas Schneider & Associates, Inc.**

The public hearing notice was read into the record.

Present before the Commission: Arnold Briggs

Mr. Pichette described the request to amend an OOC. The applicant is requesting to amend the OOC to add a revised plan showing a revision to the lot lines on the site. The proposal is to formally remove the portion of property where the new mini-golf course near Kool Kone was constructed. The revised plan shows the mini-golf course lot as its own separate lot instead of being part of the original lot. No new work or change to the approved project on the Briggs' property is proposed as part of this submittal. He recommended approving the amendment as proposed.

**MOTION: Mr. Baptiste moved to close the public hearing for Sherman & Arnold Briggs. Mr. Rogers seconded.**

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

**MOTION: Mr. Baptiste moved to grant an Amended Order of Conditions & to accept the revised plan for Sherman & Arnold Briggs. Mr. Carboni seconded.**

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

**C. NOI – Janelle & Anthony Rotondi, c/o Webby Engineering, Inc.**

The public hearing notice was read into the record.

Present before the Commission: Joe Webby, Webby Engineering  
Janelle Rotondi

Mr. Pichette described the project. The property is located at 51 Oak Street. This application is filed in re: to a violation that occurred at this site for work that was done beyond that which was originally approved under an RDA application. The work originally proposed involved the construction of a retaining wall w/ backfill in the buffer zone to a coastal bank, the replacement of an existing walkway, & the replacement of an existing patio & low retaining wall w/in a coastal bank & a coastal flood zone.

Work that later occurred at the site did not match the approved plan that was submitted. The approval allowed the replacement of existing features in the same footprint/size. The existing lower patio in the flood zone was 8x12' in size according to the engineered site plan, though the applicant stated it was 10x15' on their proposed work plan. The patio was actually constructed at 16x18' in size. This is almost double the size in terms of square footage than the 10x15' size & almost three times the size of the 8x12' size shown on the engineered plan showing the original conditions. Retaining walls were also constructed on two sides of the new expanded patio that did not exist on the original patio. The other major issue is that the entire lot down to the haybale line was altered by the removal of existing grass & shrubs. This also was not an approved activity under the original approval. Irrigation lines were also installed w/in the site.

Mr. Pichette stated the applicant is further requesting to install a 4' connector walkway from the lower new patio to the new walkway, to plant vegetation, & to construct an additional walkway & driveway area as paver features. He recommended against any further new features in the coastal bank or w/in 30 ft. to the coastal bank other than the planting of vegetation. He also recommended a reduction in the size of the lower patio, as what was constructed far exceeds what was approved. He further recommended that pervious pavers be required for any remaining approved paver areas. He questioned what was on the planting list & what is to be planted on the rest of the site beyond the proposed box labeled proposed planting area.

Discussion ensued re: Ms. Rotondi's statement that the patio became larger than initially proposed because clearing some of the overgrowth exposed a larger patio than they thought was there. Mr. Pichette stated there's no way for the Commission to know how large the patio is and recommended it remain the 10'x15' patio that was proposed. He also stated the stripping of the property was not essential to the work that was done. He believes the planting scheme needs to be reviewed to ensure natural plantings between the property & the beach, rather than lawn. Ms. Rotondi stated there was previously lawn between the property and the beach which is why lawn was planted there. Mr. Pichette recommended reducing the patio to what was previously approved (10'x15'). He stated he would like to see more native and less ornamental plants between the walkway and the beach.

**MOTION: Mr. Baptiste moved to close the public hearing for Janelle & Anthony Rotondi. Mr. Rogers seconded.**

**VOTE: (3-1-0)  
Mr. Carboni opposed**

**MOTION: Mr. Carboni moved to grant an Order of Conditions with standard conditions & the added conditions that the patio be reduced to 10x15 in size, the connector walkway from the lower patio to the main walkway not be approved & the applicant check w/ Mr. Pichette relative to plantings for Janelle & Anthony Rotondi. Mr. Connolly seconded.**

**VOTE: (3-1-0)**  
**Mr. Baptiste opposed**

**D. NOI – Lorraine & Alick Yellick, c/o JC Engineering, Inc.**

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 55 Mayflower Ridge Road. The project involves the construction of an attached garage, an addition, a deck, & the removal of pavement in the buffer zone to a coastal bank, w/in the riverfront area of the Weweantic River, & w/in a coastal flood zone. A 26x28 garage w/ attached breezeway partially on an existing paved driveway is proposed. 908 sq. ft. of remaining paved driveway is to be removed & replaced w/ loam & seed. A drywell is proposed to handle roof runoff from the new garage. Also proposed is the construction of a 12x16 addition & a 7x32 deck to square off the rear of the dwelling. A second drywell is proposed to handle roof runoff from the existing dwelling & proposed addition. Haybales & silt fence will be installed between the work & the resource areas as shown on the plan.

Brief discussion ensued re: the driveway.

**MOTION: Mr. Carboni moved to close the public hearing for Lorraine & Alick Yellick. Mr. Baptiste seconded.**

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

**MOTION: Mr. Carboni moved to grant an Order of Conditions with standard conditions & the added condition that the driveway material be removed from the site & replaced w/ loam & seed for Lorraine & Alick Yellick. Mr. Baptiste seconded.**

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

**E. NOI – Mary Lee & Emerson Hasbrouck, c/o Lockwood Architects**

The public hearing notice was read into the record.

Present before the Commission: Bill Lockwood, Lockwood Architects

The applicant is requesting to construct a garage and place new footings under the deck at 1 Cleveland Way. Mr. Pichette stated the proposed changes need to be presented on a revised plan to act on it.

**MOTION: Mr. Baptiste moved to continue the public hearing for Mary Lee & Emerson Hasbrouck to November 5, 2014 to obtain a revised plan. Mr. Rogers seconded.**

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

**F. NOI – Stephen Nelson, c/o Clearwater Recovery**

The public hearing notice was read into the record.

Present before the Commission: Stephen Nelson

Mr. Pichette described the project. The property is located at 28 Lakeview Drive. The project involves upgrading a septic system in the buffer zone to Agawam Mill Pond. An existing cesspool is to be replaced w/ a new Title V system. The lot is very small & the new system will be 52 ft. from the edge of the wetland. Haybales & silt fence will be placed between the work & the resource area as shown on the plan. The leach field will have a retaining wall on three sides. Dewatering may be required for the installation of this project. No DEP file number has been received for this project. He recommended a continuance at this time for the DEP file number.

**MOTION: Mr. Baptiste moved to continue the public hearing for Stephen Nelson to November 5, 2014. Mr. Rogers seconded.**

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

**V. CONTINUED PUBLIC HEARINGS**

**A. NOI – Mann Farms, c/o G.A.F. Engineering, Inc. – SE76-2318**

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

Mr. Pichette described the project. The property is located at 269 Hathaway Road. The project involves the redevelopment & squaring off of existing cranberry bogs & the construction of a tailwater recovery pond w/in a bordering vegetated wetland, w/in land subject to coastal storm flowage, & w/in the estimated habitat of rare & endangered species. 7.7 acres of existing bogs are to be renovated & squared off w/ an end result of 8.6 acres of bog. New dike roads would be constructed as shown on the plan. Also, an existing reservoir would be expanded to be used as a tailwater pond. New flumes would also be installed. There was concern re: a previously approved project on the other side of the road. A by-pass channel was never put in & there are ongoing erosion issues. The issues should be addressed prior to any work on this site. A DEP number & comments from Natural Heritage have been submitted.

**MOTION: Mr. Carboni moved to close the public hearing for Mann Farms. Mr. Baptiste seconded.**

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

**MOTION: Mr. Carboni moved to grant an Order of Conditions with standard conditions for Mann Farms. Mr. Baptiste seconded.**

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

- VI. EXTENSION REQUESTS**
- VII. ENFORCEMENT ORDERS**
- VIII. CERTIFICATES OF COMPLIANCE**

**A. Albert Richards – 81 Edgewater Drive (Two COC's)**

**MOTION: Mr. Baptiste moved to grant two (2) Certificates of Compliance for Albert Richards. Mr. Rogers seconded.**

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

**B. William Simmons – 94 Squaws Path**

Brief discussion ensued re: the applicant's failure to notify the Commission relative to certain project changes & issuing a \$100.00 fine.

**MOTION: Mr. Carboni moved to grant a Certificate of Compliance for William Simmons & to issue a \$100.00 fine for failure to notify the Commission of changes made to the project. Mr. Baptiste seconded.**

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

**C. Thomas Strom – 374 Marion Road**

**MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for Thomas Strom. Mr. Rogers seconded.**

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

**D. Richard Edge – 26 Pinehurst Drive**

**MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for Richard Edge. Mr. Carboni seconded.**

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

## **IX. ANY OTHER BUSINESS/DISCUSSION**

### **A. Discussion: Aevazelas – 41 Oak Street**

Present before the Commission: Joe Norte, Contractor  
Mrs. Aevazelas  
Demetrious Aevazelas

Discussion ensued re: issues w/ a project at this location. It was stated the project commenced prior to notifying the Conservation Administrator & having the haybale inspection. Further, trees were cut down which were not permitted as part of the approved project. The contractor stated things are on track now.

Discussion ensued re: complaints from an abutter, Pat Moncey at 39 Oak Street relative to the project, most notably the cutting of trees. Mr. Aevazelas argued against these complaints.

**MOTION: Mr. Baptiste moved to allow the concrete work to move forward w/ no back filling of the foundation & to continue this discussion to November 5, 2014 so that members could review the tree cutting. Mr. Carboni seconded.**

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

### **B. Discussion: Conservation Commission Member Application**

Brief discussion ensued re: the application received from Elizabeth Lydon. The Commission members concurred to have Ms. Lydon come to the next Commission meeting.

### **C. Discussion: Commission Members**

There was no discussion.

### **D. Discussion: Conservation Restriction/Stewardship**

### **E. David Hurder - 258 Barker Road**

Discussion ensued re: a project for 258 Barker Road – David Hurder. An update was given on retaining an engineer for the NOI to address the violation. It was stated that Mr. Hurder was ill & could not act on the situation for some time. G.A.F. Engineering, Inc. has been contacted & field work has been done.

### **F. Discussion: Bills**

Brief discussion ensued re: invoice from Wareham Week for legal advertising in the amount of \$70.00.

**MOTION: Mr. Carboni moved to approve the payment of an invoice from Wareham Week for legal advertising in the amount of \$70.00. Mr. Baptiste seconded.**

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

### **G. Wetland Bylaw**

Discussion ensued re: the Wetland Bylaw change proposed by the Board of Selectmen.

Mr. Pichette asked the members to be aware that this issue (Bylaw proposal). It is Article 10 of the 2014 Fall Town Meeting Warrant.

**MOTION: Mr. Baptiste moved the Commission oppose Article 10 of the 2014 Fall Town Meeting Warrant. Mr. Carboni seconded.**

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

### **X. ADJOURNMENT**

**MOTION: Mr. Baptiste moved to adjourn the meeting at 8:38 P.M. Mr. Rogers seconded.**

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

Date signed: 11/15/17

Attest: 

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 11/16/17