

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: July 19, 2017**

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

The meeting was called to order at

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Sandy Slavin (Departed at 7:03 P.M.)  
Elissa Heard  
Joseph Leggett  
Elizabeth Lydon  
William Smith  
Mary Taggart  
Robert Lassen, Associate Member

Members Absent: Mark Carboni  
Donald Rogers

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: May 17, 2017**

**MOTION: Mr. Leggett moved to approve the meeting minutes of May 17, 2017. Ms. Slavin seconded.**

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

**NOTE: Ms. Slavin departed the meeting at this time.**

#### **B. Discussion: Ken Buckland, Town Planner – Master Plan update.**

Present before the Commission: Ken Buckland, Town Planner

Mr. Buckland briefly discussed what the Master Plan is. He discussed the process in reviewing the current Master Plan, which includes the assistance of SRPEDD. Previous & current planning documents are being reviewed, including review of the Open Space & Recreation Plan update. There will be three more public workshops, focus group meetings, boards & commissions meetings, & online questions as the process is worked through.

Mr. Buckland asked the Commission what their key priorities are. He noted the 1998 Master Plan which includes goals, objectives, & actions completed. He stated the goal is to come to a more specific vision to create a current Master Plan.

Ms. Heard feels financial issues are key priorities of the Town.

Mr. Leggett feels following the Master Plan is a priority. He doesn't feel the current Master Plan was ever really followed, even though it is a good document to follow.

Ms. Heard asked what the term "quality home" means. Mr. Buckland stated the authors of the current document would need to be asked this question.

Ms. Lydon feels that minimum lot sizes are key so there is not so much development on top of each other. Ms. Heard stated one issue is the densely populated areas in Town that used to be summer homes, but are now year-round homes. Ms. Lydon feels the Town needs to limit the amount of exemptions it is granting for that purpose. Brief discussion ensued. Ms. Heard thinks that expanding a home on a lot under an exemption doesn't always improve the quality of the neighborhood. It makes it more crowded, parking issues, etc. She expressed concern re: what this does to the watershed areas.

Mr. Smith stated the Town needs to be made into a destination area; a place where people want to go to. For example, he questioned why people would want to come to the Town w/ all the vacant buildings & buildings in disrepair. He spoke re: the come-back in Falmouth after considerable investment. Ms. Lydon suggested re-development vs. new development. Mr. Pichette noted the 1998 Master Plan has language in it dealing w/ re-development.

Mr. Pichette feels there is already a lot of good language in the 1998 document. He noted there currently are no standards to prevent development in velocity flood zones. He feels this should be looked at. Ms. Lydon spoke re: an impact fee that could be imposed on new development. Mr. Buckland explained impact fees. Discussion ensued re: impact fees & development.

Mr. Buckland asked the Commission how they would like to see the Town in ten years. Mr. Leggett stated he would like to see it as it is spelled out in the 1998 Master Plan. Ms. Lydon stated she would like to see smaller businesses vs. big box stores. Ms. Heard stated something needs to be done w/ the traffic pattern in Wareham Center. Mr. Leggett spoke re: a survey done for the 1998 Master Plan & feels there is nothing wrong with applying that survey at the present. For residents who live here year round, it is a quality of life issue.

Ms. Lydon feels the Town's greatest resource is its coastline & instead of preserving it, it is exploited. She feels the Town is being built out to its maximum capacity when it should be preserving open space. Mr. Baptiste feels more access to the Town's natural resources is needed, especially the coastline resource.

Mr. Buckland asked what the Commission would like to see as far as action items or programs. Ms. Lydon stated she would like to see smart growth. Ms. Heard suggested opening the beaches earlier in the day. Mr. Smith feels the original Master Plan needs fixing, such as the topic dealing w/ the Tobey Homestead. Discussion ensued re: the Tobey Homestead.

Discussion ensued re: the Tremont Nail building & concerns about this property. Ms. Lydon feels this property would have been a good candidate for re-development as a shopping

destination vs. the new shopping mall. Mr. Buckland spoke re: the feasibility study being finalized for a Tremont Nail concept (re-development). Mr. Baptiste spoke re: the issue of the dam & how studies of properties never move forward. Mr. Buckland discussed an upcoming event that will be held at the property showcasing the property as an activity center.

#### **IV. PUBLIC HEARINGS**

##### **A. RDA – Erasmo & Lisa Mitrano**

The public hearing notice was read into the record.

Present before the Commission: Erasmo & Lisa Mitrano

A site inspection was made at 54 Pleasant Street in the Swifts Beach area. The project involves the construction of an addition to an existing dwelling within a coastal flood zone. An existing second floor deck w/ an overhang is to be converted into an enclosed room and this is within coastal flood zone AE, El. 15. A 25 ft. foundation footing will need to be installed under the overhang w/ columns extending from the footing to the overhang. The footing will be four ft. deep. The site is flat & there is no work within the buffer zone to any other resource areas. There are no grade changes proposed. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

The Mitrano's briefly discussed what they intent to do.

**MOTION: Mr. Leggett moved to close the public hearing for Erasmo & Lisa Mitrano. Ms. Heard seconded.**

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

**MOTION: Mr. Leggett moved to grant a Negative Determination #2 for Erasmo & Lisa Mitrano. Ms. Lydon seconded.**

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

##### **B. RDA – Yvette Garcia, c/o G.A.F. Engineering, Inc.**

The public hearing notice was read into the record.

No-one was present to represent the application. The green abutter cards have been submitted.

A site inspection was made at 2 Fieldstone Circle. The project involves the installation of a water line in the buffer zone to bordering vegetated wetlands. A water line connecting to Town water is to be installed to replace an existing well which exists on the other side of Fearing Hill Road. Silt fence will be installed between the work & the street as shown on the plan. This would be a one inch line. Mr. Pichette recommended the issuance of a Negative Determination #3.

Brief discussion ensued re: why the well is failing & the tie in to Town water.

**MOTION: Mr. Leggett moved to close the public hearing for Yvette Garcia. Ms. Lydon seconded.**

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

**MOTION: Mr. Leggett moved to grant a Negative Determination #3 for Yvette Garcia. Ms. Lydon seconded.**

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

**V. CONTINUED PUBLIC HEARINGS**

**A. NOI – Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o the Nature Conservancy – SE76-2432**

**MOTION: Ms. Lydon moved to continue the public hearing for Garry Buckminster/Wareham Harbormaster/Shellfish Dept. to August 2, 2017. Mr. Leggett seconded.**

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

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Margaret Saunders – 27 Over Jordan Road**

Mr. Pichette stated this was a project for a septic system upgrade which has been completed. There was an issue with grading that was done & more information is needed. He suggested continuing this matter to the next meeting.

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Fencing in the 30 ft. No Activity Zone.**

Mr. Pichette stated this issue came up as a result of a property on Linwood Avenue. The situation is when a property owner wants to put a fence down the side of their property, they may be placing it in the 30 ft. no activity zone to a resource area. The matter on Linwood Avenue is the fence goes along two properties up to the edge of the marsh. In the past, the Commission hasn't really dealt with fencing issues, but in this case, there was a complaint. There was an existing fence, but sections were added pushing the fence more towards the marsh.

Mr. Pichette stated one option is to have some sections removed & pushed back. Ms. Lydon expressed concern re: the type of material the fence is made of & chemicals in the material. Mr.

Leggett understands property owners wanting to delineate their property. He suggested only cedar posts being used w/in the 30 ft. zone. Ms. Heard suggested having the property owner taking down the newer fencing. Ms. Lydon suggested having the fence taken down.

Mr. Pichette stated further discussion is warranted.

**B. Discussion: Winship, LLC – Burgess Point Road**

Mr. Baptiste & Ms. Lydon recused themselves from this discussion. Mr. Leggett became Chair Pro Tem.

Mr. Pichette stated there have been some complaints from several property owners in the Burgess Point area re: Mr. Clemmey operating golf carts on the beach. He discussed the options the Commission has to deal w/ this issue, such as issuing an Enforcement Order. He did not witness these actions, but complaints have been received.

Mr. Lassen would be in favor of maximum enforcement. This seems to be a continuing issue. Mr. Smith concurred. Brief discussion ensued re: issuing fines. Mr. Leggett expressed concern re: issuing a fine without an enforcement officer seeing the violation occur. Ms. Heard suggested sending an Enforcement Order to all the residents as a blanket statement of this type of action not being allowed. Mr. Pichette stated the Enforcement Order needs to go to a specific person. Ms. Heard stated just a letter could be sent to all the residents of that neighborhood. Discussion continued on how to proceed.

The Commission members concurred to just issue the Enforcement Order without a fine to have the Enforcement Order on record.

**MOTION: Mr. Smith moved to issue an Enforcement order to Karl Clemmey. Ms. Taggart seconded.**

**(3-0-1)**

**Ms. Heard abstained**

**NOTE: Ms. Lydon & Mr. Baptiste returned to the table at this time.**

**C. Discussion: Water withdrawals from Weweantic River**

Mr. Pichette stated there are property owners along the Weweantic River whose lots go right down to the river. One property owner asked to put a pump in the river to pump water up to their yards to water their grass vs. using Town water. He feels an NOI would need to be filed for this & he feels if granted, it would send a precedent & not a good idea. The Commission members concurred. Mr. Pichette stated the property owner can file an NOI, but he can tell him the members may not be in favor of it.

**D. Discussion: Reappointments**

**E. Discussion: Conservation Restriction/Stewardship**

**F. Discussion: Bills**

**1. M.A.C.C. Annual Dues - \$275.00**

**MOTION:** Ms. Heard moved the Commission approve payment of \$275.00 to M.A.C.C. for annual dues. Ms. Lydon seconded.

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

**G. Discussion: Appointments**

**X. ADJOURNMENT**

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

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

Date signed: \_\_\_\_\_

Attest: \_\_\_\_\_

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: \_\_\_\_\_