

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

**Date of Meeting: January 17, 2018**

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

The meeting was called to order at 7:01 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Sandy Slavin  
Joe Leggett  
Mary Taggart  
Elissa Heard  
Jim Smith  
Robert Lassar  
Dave Pichette, Agent

Member Absent: Mark Carboni, Associate Member

### **III. PRELIMINARY BUSINESS**

**NOTE: The meeting proceeded w/ item V. Continued Public Hearings.**

#### **A. RDA – Buzzards Bay Coalition, c/o Michelle Krauser**

Present before the ConCom: Jack Shennel, Buzzards Bay Coalition

Mr. Shennel distributed information to the ConCom.

Mr. Pichette described the project. The property is located at the Dejesus/Meyers conservation area off of Main Street & Papermill Road. The project involves maintaining existing trails & creating a new section of nature trail in the buffer zone to BVW & w/in a riverfront area. The BBC is proposing to create a trail system on this conservation property along the Weweantic River. Most of the proposed trail system is comprised of existing trails or bog roads. There is also a new section of trail that would have to be created which would be no closer than 30 ft to the edge of the wetland. There would not be any tree clearing needed & the trail surface would remain as a natural surface. The work would be limited to clearing saplings & ground cover vegetation as needed to create a 4 ft. wide walkable path. The majority of the new trail to be created is in the upper right hand corner of the submitted plan. All work is to be done by hand. He recommended the issuance of a Negative Determination #2.

Mr. Shennel explained they are also proposing trail signage. Mr. Pichette small trail markers are fine.

**MOTION: Ms. Slavin moved to close the public hearing for Buzzards Bay Coalition. Ms. Taggart seconded.**

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

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Buzzards Bay Coalition & the inclusion of three signs that were not depicted on the original plan. Ms. Heard seconded.**

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

**B. RDA – Timothy & Christine Smith, c/o Charon Associates, Inc.**

Present before the ConCom: Carmen Nikolosi, Charon Associates, Inc.

Mr. Pichette described the project. The property is located at 83 Pinehurst Dr. The project involves the construction of an addition w/in a coastal flood zone. An 8x32 ft. addition is proposed on the street side of the house & a second story addition on the house is also proposed & this is w/in a coastal flood zone AE elevation 14. The work is also w/in the riverfront area of the Broad Marsh River. The addition would have a poured concrete foundation. There are no grade changes proposed. He recommended the issuance of a Negative Determination #2.

**MOTION: Ms. Slavin moved to close the public hearing for Timothy & Christine Smith. Ms. Heard seconded.**

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

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Timothy & Christine Smith. Ms. Heard seconded.**

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

**C. NOI – Gary Du Moulin, c/o McKinnon & Keese Engineering – SE76-2463**

Mr. Pichette noted that the representative stated she may or may not be present this evening, but she did submit the abutter notification cards which is why the hearing had been continued. He passed out the updated plans to the ConCom members.

Mr. Pichette described the project. The property is located at 20 Over Jordan Road. The project involves upgrading a septic system in the buffer zone to a salt marsh & w/in a coastal flood zone. An existing system is to be replaced w/ a new Title V denitrification septic system. Due to the size limitations of the lot, the new leach field will be w/in the buffer zone to the salt marsh, 40 ft. to the marsh. All work will be done w/in the existing lawn area. Haybales & erosion control should be used at the project site. No significant grade changes are proposed. A DEP file # has been received. This project has been submitted to the Board of Health for their review. He

recommended the issuance of an OOC w/ standard conditions & the added condition that haybales & silt fence be used for erosion control.

**MOTION:** Ms. Slavin moved to close the public hearing for Gary du Moulin. Ms. Heard seconded.

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

**MOTION:** Ms. Slavin moved to grant an Order of Conditions for Gary du Moulin w/ standard conditions & the added conditions that haybales & silt fence be used for erosion control, approval of the BOH, & only the use of slow nitrogen releasing fertilizer. Ms. Heard seconded.

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

**D. NOI – Richard J. Smith, Trustee, c/o JC Engineering, Inc. – SE76-2461**

The applicant has requested a continuance.

**MOTION:** Ms. Slavin moved to continue the public hearing for Richard J. Smith, Trustee to February 7, 2018. Ms. Taggart seconded.

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

**E. NOI – Philip Chiaraluce – SE76-2465**

Present before the ConCom: Philip Chiaraluce

Mr. Pichette described the project. The project is in the Wareham River. The project is an aquaculture project to raise oysters w/in land under the ocean, w/in land containing shellfish & w/in a coastal flood zone. The area is also w/in the estimated habitat of rare & endangered species. The proposed aquaculture operation would occupy 2 acres of water sheet area which would be identified w/ floating boys. Floating net baskets will be installed w/in the grant area. These will be anchored w/ helical screw anchors that will be installed according to the grid plan submitted. A DEP file number has been received as well as comments from NHESP. NHESP feels this project can be approved w/ conditions. Conditions include no netting w/in the aquaculture area. Mr. Pichette recommended granting an OOC w/ standard conditions & the added conditions from NHESP.

**MOTION:** Ms. Slavin moved to close the public hearing for Philip Chiaraluce. Mr. Lassan seconded.

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

**MOTION: Ms. Slavin moved to grant an Order of Conditions for Philip Chiaraluce w/ standard conditions & the added conditions from NHESP noted in a letter dated January 17, 2018. Ms. Taggart seconded.**

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

**IV. PUBLIC HEARINGS**

**A. NOI – James Macintosh, c/o Foresight Engineering, Inc. – SE76-2466**

The public hearing notice was read into the record.

Present before the ConCom: Darren McKallis, Foresight Engineering, Inc.

Mr. Pichette described the project. The property is located at 12 Boynton Avenue. The project involves upgrading a septic system in the buffer zone to Agawam Mill Pond. An existing system is to be replaced w/ a new Title V nitrogen reducing system. Due to the small size of the lot, all work will be in the buffer zone to the pond. The existing system will be removed prior to the installation of the new system, which will be in the same general location as the existing system. The new leach field will be 60 ft. from the edge of the wetland & will also have a 40 ml. liner. The system will also have a separate pump chamber. The nearest work will be 25 ft. from the edge of the pond. No grade changes are proposed. Silt fence is proposed between the work & the resource area. He recommended haybales as well. A DEP file # has been received. He recommended the issuance of an OOC w/ standard conditions w/ haybales & silt fence.

Mr. McKallis stated they have Board of Health approval.

**MOTION: Ms. Slavin moved to close the public hearing for James Macintosh. Ms. Heard seconded.**

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

**MOTION: Ms. Slavin moved to grant an Order of Conditions for James Macintosh w/ standard conditions & the added condition that haybales & silt fence be used for erosion control. Ms. Taggart seconded.**

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

**B. NOI – MA Department of Transportation, c/o Vanesse Hangen Brustlin, Inc. – SE76-2467**

The public hearing notice was read into the record.

The applicant has requested a continuance to February 21, 2018.

**MOTION:** Ms. Slavin moved to continue the public hearing for MA Department of Transportation to February 21, 2018. Ms. Taggart seconded.

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

**V. CONTINUED PUBLIC HEARINGS**

- A. RDA – Buzzards Bay Coalition, c/o Michelle Krauser (DONE)
- B. RDA – Timothy & Christine Smith, c/o Charon Associates, Inc. (DONE)
- C. NOI – Gary du Moulin, c/o McKinnon & Keese Eng. – SE76-2463 (DONE)
- D. NOI – Richard J. Smith, Trustee, c/o JC Engineering, Inc. – SE76-2461 (DONE)
- E. NOI – Philip Chiaraluce – SE76-2465 (DONE)

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Douglas Robinson – 41 Rose Point Avenue**

Mr. Pichette noted this was a project for a septic system upgrade done 20+ years ago. He recommended the issuance of a COC.

**MOTION:** Ms. Slavin moved to grant a Certificate of Compliance to Douglas Robinson. Ms. Taggart seconded.

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

**B. James Wood – 24 Pine Tree Drive**

Mr. Pichette stated this was a project for a new pier in Butler's Cove approved by the ConCom in 2016. The project has been completed according to the OOC. He recommended the issuance of a COC.

**MOTION:** Ms. Slavin moved to grant a Certificate of Compliance to James Wood. Mr. Smith seconded.

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

**NOTE:** Mr. Leggett asked that a discussion item be placed on a future agenda re: Certificates of Compliance be written into the standard conditions stating that a COC be obtained after three years or an extension be requested. Brief discussion ensued. Mr. Pichette will draft a statement re: the COC to be inserted into the standard conditions.

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Chapter 61A Properties – Release Requests**

- Bayside Agricultural, Inc. – Portions of Map 113, Lot 1014A & Map 115, Lots 1002A & 1003
- Sure-Cran Services, Inc. – Portions of Map 113, Lots 1013B, & 1014C

Mr. Pichette explained these properties are associated w/ the BlueWave Solar projects that were approved. These properties were agricultural land & they need to be taken out of the 61A delineation. The Town has been offered the first right of refusal on these properties. He doesn't recommend purchasing these properties. It would be pricey & doesn't connect to any conservation area. Brief discussion ensued re: Chapter 61A & taxes.

**MOTION:** Ms. Slavin moved the ConCom does not recommend purchasing the above listed 61A properties. Mr. Smith seconded.

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

**NOTE:** Mr. Pichette noted the MACC Conference is coming up. If anyone is interested in attending, let him know.

Ms. Slavin asked that old enforcement orders be reviewed to see if there is compliance. Mr. Pichette stated he has a spreadsheet of old enforcement orders that can be looked at.

**B. Discussion: Reappointments**

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

**D. Discussion: Bills**

**E. Discussion: Appointments**

**X. ADJOURNMENT**

**MOTION:** Ms. Slavin moved to adjourn the meeting at 7:43 P.M. Mr. Lassen seconded.

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

Date signed: 7/18/18

Attest: [Signature]  
Ken Baptiste, Chairman  
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 7/23/18