

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 18, 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
David Pichette, Agent

Members Absent: Mark Carboni, Associate Member
Jim Smith
Robert Lassen

III. PRELIMINARY BUSINESS

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

A. NOI – Mike Lenihan/Cleanup of Agawam Mill Pond, Inc., c/o SOLitude Lake Management – SE76-2476

Present before the ConCom: Mike Lenihan

Mr. Lenihan stated this is the third year of cleanup for invasive weeds at Agawam Mill Pond. He stated everything is in order.

Mr. Lenihan submitted the proof of abutter mailing list/certificate of mailing.

Mr. Pichette described the project. The property is Agawam Mill Pond. The project involves the application of herbicide w/in Agawam Mill Pond to control aquatic nuisance vegetation. This project is a follow-up of the first two phases of treatment that were done over the past few years using an herbicide clipper. It is proposed to spot-treat 15.1 acres of the pond previously treated. The herbicide is applied from a boat into target areas & applied by a MA certified herbicide applicator. A DEP # has been issued & comments have been received from Natural Heritage. They want several conditions to be included, such as the clipper concentration not to exceed 1.2 parts p/billion at the upstream face of the Agawam Mill Dam, the project follow the treatment map showing the target areas, the area treated not to exceed the 15.1 acres, water sampling be done to test for herbicide residue, & if treatment not done this year, it can be done through 2022. The DMF also submitted comments w/ time of year restrictions (March 15th – June 30th & Sept.

1st-October 31st) work is prohibited. An exception was made for this project in which work can be done from June 20th on. He recommended the issuance of an OOC w/ standard conditions & the added conditions from Natural Heritage & DMF.

Brief discussion ensued re: the project.

MOTION: Ms. Slavin moved to close the hearing for Mike Lenihan/Cleanup of Agawam Mill Pond. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an OOC for Mike Lenihan/Cleanup of Agawam Mill Pond w/ standard conditions & the additional conditions set by Natural Heritage dated 4/13/18 & the Division of Marine Fisheries dated 3/21/18 & the Conservation Dept. received a final map of the sites on the pond to be treated. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Charles A. Grace, c/o Outback Engineering, Inc. – SE76 – 2478

Present before the ConCom: Representative from Outback Engineering, Inc.

Mr. Pichette described the project. The property is located at 6 Sea Street. The project involves the reconstruction of a timber retaining wall in the buffer zone to a coastal bank & w/in a coastal flood zone. A timber retaining wall 110 ft. in length & 4-5 ft. in height is to be removed & replaced in the same general footprint w/ a stone retaining wall. The timber wall will be dismantled & removed from the site. A compacted subbase will be installed & the new stone wall will be constructed up from there in the same general location as the existing wall. At the last meeting, the ConCom had asked for further detail in the wall construction. This detail has been provided which includes some concrete being placed behind the stone w/ rebar added. The area is a limited work space & construction will have to be done in sections due to lack of room for placement of material. A DEP file # has been assigned. He recommended an OOC w/ standard conditions & the added condition that all old materials be removed & taken off site & disposed of according to all applicable laws.

MOTION: Ms. Slavin moved to close the public hearing for Charles A. Grace. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Charles A. Grace w/ standard conditions & the added condition that all old materials be removed, taken off-site, & disposed of according to all applicable laws. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. NOI – NBE Management Corp., c/o JC Engineering, Inc.
The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is at 9 Pond Edge Trail. The project involves the construction of a single family dwelling in the buffer zone to an isolated wetland. This application is being filed only under the Town's Wetland Bylaw. A 37x64 ft. dwelling is proposed w/ attached garage. The proposed septic system is outside the buffer zone. The limit of work is at 32 ft. from the edge of the wetland at its closest point. There will be grade changes as shown on the plan. He recommended the issuance of an OOC w/ standard conditions.

MOTION: Ms. Slavin moved to close the public hearing for NBE Management Corp. (9 Pond Edge Trail). Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for NBE Management Corp. (9 Pond Edge Trail) w/ standard conditions w/ the additional condition that haybales & silt fence be used for erosion control. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. NOI – NBE Management Corp., c/o JC Engineering, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 3 Pine Needle Lane. The project involves the construction of a single family dwelling in the buffer zone to an isolated wetland. This application is being filed under the Town's Wetland Bylaw. A 37x64 ft. dwelling is proposed w/ attached garage. Further review of the wetlands line is needed. He recommended a continuance of the hearing.

MOTION: Ms. Slavin moved to continue the public hearing for NBE Management Corp. to May 2, 2018. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Mike Lenihan/Cleanup of Agawam Mill Pond, Inc., c/o SOLitude Lake Management – SE76-2476 (DONE)

B. NOI – Charles A. Grace, Outback Engineering, Inc. – SE76-2478 (DONE)

C. NOI – Patricia Kells, c/o Alpha Survey Group/Site Engineering Consultants, Inc. – SE76-2477

The applicant has requested a continuance of the hearing.

MOTION: Ms. Slavin moved to continue the public hearing for Patricia Kells to May 2, 2018. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Jan B. Wolverton, Tr., c/o Anthony A. Esposito – SE76-2483

Present before the ConCom: Jan Wolverton

Mr. Pichette described the project. The property is located at 8 Sandwich Road. The project involves upgrading a septic system in the buffer zone to a coastal bank & salt marsh along the Agawam River & w/in a coastal flood zone. An existing septic system is to be replaced w/ a new Title V nitrogen reducing septic system. The new system will be w/in the existing grassed island at the edge of the parking lot & the road & will be 50 ft. from the top of the coastal bank. There will be some minor grading around the system as shown on the plan. Haybales will be installed between the work area & the resource areas as shown on the plan. The site is relatively flat. A DEP file # has been assigned. He recommended the issuance of an OOC w/ standard conditions.

Brief discussion ensued re: a crack in the seawall & is part of this application. This will be added to the conditions.

MOTION: Ms. Slavin moved to close the public hearing for Jan B. Wolverton, Tr. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Jan B. Wolverton, Tr. w/ standard conditions & to fix the crack in the seawall manually. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

A. David Jones – 20 Canedy Street

This is a request for a one year extension for an existing OOC which was for the construction of a single family home. The applicant has had some financial issues & is requesting an extension.

MOTION: Ms. Slavin moved to grant a one year extension for David Jones. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Peter Franklin – 75& 77 Greengate Lane

Mr. Pichette explained this dealt w/ a violation at this site. The owner's filed an NOI to restore the disturbed area & the OOC conditions have been completed. The site is stabilized. He recommended the issuance of the COC.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Peter Franklin. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. Erin & Michael Schaaf – 6 Valley Road

Mr. Pichette explained the project involved the installation of a water line. The project has been completed according to the OOC. He recommended the issuance of an COC.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Erin & Michael Schaaf. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

C. Cape Cod Realty, LLC – 17 Kendrick Road

Mr. Pichette stated there are still some outstanding issues at this site. He asked to postpone a vote on this request at this time.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Buzzards Bay Coalition – CR – Great Neck Road

No-one was present for the discussion.

B. Discussion: Wareham Land Trust – Stoney Run – 600 Main Street Preserve

Present before the ConCom: Nancy McHale, Wareham Land Trust

Ms. McHale submitted documentation to the ConCom. She noted this project/property is on the Annual Spring Town Meeting Warrant.

Ms. McHale stated this project will need a Conservation Restriction on it & asked if the ConCom will hold the CR. She noted the State's CR process has changed & is quite lengthy. They would like to retain the option for parking. A draft CR will be generated if there is a favorable vote at Town Meeting. No hunting will be allowed on this property & it can be put in this CR.

C. Discussion: Decision – RDA - Winship, LLC

Mr. Baptiste stated this hearing has already been closed & discussion will only be between ConCom members as to a decision.

Present before the ConCom: Mr. Decas

Mr. Decas asked re: the appeals procedure. Mr. Pichette explained that once a decision by the ConCom has been rendered, there is an appeal period. Any appeals need to be made to DEP or made under the Town's Wetland Bylaw.

Mr. Decas asked re: the authority of the ConCom to oversee this project & impacts to neighbors. Mr. Pichette stated the reason there was a hearing in the first place was because work was going to be done in a flood zone. He stated he can guide Mr. Decas on the appeals process, but the hearing has been closed as to the specifics of the project. Mr. Decas asked why the ConCom did not ask the appropriate questions at the hearing as to what was going to be done at the site. Mr. Pichette stated it is the ConCom's responsibility to review the applicable regulations pertaining to flood plains which there really aren't any in the Wetland Regulations. There are no performance standards for this particular resource area.

Mr. Decas expressed his concerns re: this project. Mr. Baptiste spoke re: the appeals process that can be followed. Any other discussion on this project needs to be done outside the hearing because the hearing has been closed. Mr. Pichette stated he can speak to Mr. Decas after the meeting.

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Winship, LLC w/ the added conditions that silt fence & haybales be used for erosion purposes prior to any work. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

D. Discussion: Controlled Burn – Lyman Reserve

Mr. Pichette explained that at the Lyman Reserve, there is a proposal to do a controlled burn as a means of forestry management & wildlife habitat improvements. This is being done through a forestry management plan. Dates for the burn are still up in the air, but he anticipates it being done before summer. Brief discussion ensued re: different areas in the reserve where the burn will take place.

E. Discussion: Reappointments

F. Discussion: Conservation Restriction/Stewardship

G. Discussion: Bills

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 7:54 P.M. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

Date signed: 7/18/18

Attest: 

~~Ken Baptiste, Chairman~~

WAREHAM CONSERVATION COMMISSION

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