

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: May 6, 2015

I. CALL MEETING TO ORDER

The meeting was called to order at 7:13 P.M.

II. ROLL CALL

Members Present: Ken Baptiste
Joe Leggett
Sandy Slavin
Donald Rogers
Jim Smith
Elizabeth Lydon, Associate

Members Absent: John Connolly
Mark Carboni
Michael Baptiste, Jr., Associate Member
Elissa Heard, Associate Member

III. PRELIMINARY BUSINESS

A. Approval of meeting minutes: April 15, 2015.

MOTION: Mr. Baptiste moved to approve the meeting minutes of April 15, 2015. Mr. Leggett seconded.

**VOTE: (4-0-1)
Mr. Rogers abstained**

IV. PUBLIC HEARINGS

A. Amended NOI – James & Julie Cronan, c/o JC Engineering, Inc. – SE76-2277

The public hearing notice was read into the record.

Present before the Commission: James & Julie Cronan
Representative, JC Engineering, Inc.
Attorney Den Conroy, Attorney for abutter Mr. Woods

Mr. Pichette described the project. The property is located at 27 Broadmarsh Avenue. The application is a request to amend an OOC & to allow for a plan change which proposes to add a retaining wall, fill, & a patio area w/in the buffer zone to a coastal bank & w/in flood zone AE, elevation 15. A retaining wall is proposed 25 ft. from the top of the coastal bank w/ fill behind it to level off the area & then have a 12x18 ft. patio constructed in that area. He recommends the

request to amend the OOC be denied unless the applicant revises the plan to show all proposed work outside the 30 ft. no activity zone. He previously discussed this issue w/ the applicant's representative prior to the application submittal, yet the application was still submitted showing the work w/in the 30 ft. no activity zone. He recommends a continuance for the applicant to revise the plan accordingly or a denial of the request to amend the OOC if the applicant does not wish to modify the plan. Brief discussion ensued.

MOTION: Mr. K. Baptiste moved to continue the public hearing for James & Julie Cronan to May 20, 2015. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Elizabeth Williams, c/o Lantery Associates – SE76-2345

The public hearing notice was read into the record.

Present before the Commission: Representative of Lantery Associates

Mr. Pichette described the project. The property is located at 5 Agawam Lake Shore Drive. The project involves upgrading a septic system in the buffer zone to BVW along Agawam Mill Pond. An existing septic system is to be replaced w/ a new Title V system. The new leach field will be 75 ft. from the edge of the BVW along the edge of the pond. The proposed system is up towards the street. Haybales are proposed between the work & the resource area. No significant grade changes are proposed. A DEP file # has been received. He recommends the issuance of the OOC w/ the standard conditions.

MOTION: Mr. K. Baptiste moved to close the public hearing for Elizabeth Williams. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. K. Baptiste moved to grant an OOC w/ standard conditions for Elizabeth Williams. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – James & Deborah Stonefield

Present before the Commission: Rob Braman, Braman Surveying

Mr. Pichette described the project. The property is located at 4 Burgess Point Road. The project involves excavation & the construction of retaining walls in the buffer zone to BVW & w/in the coastal flood zone. Retaining walls are proposed in a 15x20 ft. area behind the existing dwelling. The area w/in the retaining wall enclosure will be excavated down to elevation 9.5

which is 3 ft. below existing grade to create a walkout basement condition. The work is 95 ft. from the edge of the wetland & w/in coastal flood zone AE, elevation 15. Excavated material would be removed from the site. The project is proposed to better comply w/ flood zone standards. He recommends the issuance of a Negative Determination #2 for the project.

MOTION: Mr. K. Baptiste moved to close the public hearing for James & Deborah Stonefield. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. K. Baptiste moved to grant a Negative #2 Determination for James & Deborah Stonefield. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Mark & Christine Rizoli, c/o Braman Surveying & Assoc., LLC – SE76-2329

Present before the Commission: Bob Braman, Braman Surveying & Assoc., LLC

Mr. Pichette described the project. The property is located at 4 Onset Avenue. The project involves the construction of a pier ramp & float system w/in land under the ocean, land containing shellfish, w/in salt marsh, & w/in a coastal flood zone. A 173 ft. pier ramp & float system is proposed. Water depths at the float are indicated to be between 2.3 & 2.5 ft.

MOTION: Mr. K. Baptiste moved to close the public hearing for Mark & Christine Rizoli. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. K. Baptiste moved to grant an Order of Conditions w/ standard conditions & the added condition that there be 30 inch float stops & the pier only be utilized as a dingy dock for Mark & Christine Rizoli. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Town of Wareham Municipal Maintenance Department, c/o G.A.F. Engineering, Inc. – SE76-2343

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

Mr. Pichette described the project. The property is Little Harbor Beach. The project involves beach nourishment & the alteration of a coastal dune at the Little Harbor Beach parking lot. This will involve work on a coastal beach, in a coastal dune, w/in a coastal flood zone, & the site is also w/in the estimated habitat of rare & endangered species. Over time, windblown sand has accumulated over part of the existing parking lot to the point that some of the lined parking spaces can no longer be used. This sand feature at the rear of the parking lot is a coastal dune.

The proposal is to remove a portion of the coastal dune to expose the row of parking spaces that has been partially covered. The sand that is removed would be relocated onto the beach to be used for the proposed dune creation. 384 ft. of additional wooden guard rail is to be installed along the seaward edge of the parking lot. Gaps would be left in the guard rail to allow for pedestrian & emergency vehicle access. A low dune is proposed to be established on the beach in front of the guard rail to help trap windblown sand so that it stays on the beach as much as possible. The proposed dune areas will be planted w/ American Beach grass. 500 yds. Of additional sand will be trucked in to the site to be used as beach nourishment in the areas depicted on the plan. All sand will be placed above the mean high water mark. He recommends that litter be cleaned up prior to the commencement of the project & that beach grass plantings be done in the appropriate seasonal window. A DEP file number has been received. Comments have been received from NHESP w/ conditions for the project. NHESP has stated that the project must include conditions as outlines in their response letter which includes a time of year restriction of no work to be done between April 1st through August 1st. Also, that no snow fencing be placed on the beach during the same time period. He recommends the issuance of an Order of conditions w/ the standard conditions & the added conditions required by NHESP.

MOTION: Mr. K. Baptiste moved to close the public hearing for Town of Wareham Municipal Maintenance Department. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. K. Baptiste moved to grant an Order of Conditions w/ standard conditions & the added conditions required by NHESP for Town of Wareham Municipal Maintenance Department. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Perry Gerlach, c/o G.A.F. Engineering, Inc.

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

Mr. Pichette described the project. The property is located at Lots A,B,C, & 10 off Glen Charlie Road. The project involves the construction of a driveway access & dwelling & associated grading in the buffer zone to a BVW & w/in the riverfront areas of an unnamed stream. The proposed 10 ft. wide driveway to get back into the site would cross an existing stream culvert pipe & then later have a wetland crossing that would require the alteration of wetland & a proposed wetland replication area. The initial plan did not show wetland in this area, but upon review, Mr. Pichette stated he requested that this area be identified as wetland. A 1400 sq. ft. replication area is proposed to account for the 1000 sq. ft. wetland crossing. The driveway material is proposed to be reclaimed asphalt. Underground utilities are also proposed. This is necessary to gain access to buildable upland further into the property. Significant grading work will be necessary in the location of the proposed dwelling. The proposed septic system will be outside the buffer zone to the BVW. Haybales will be installed between the work & the resource

areas. Dewatering may be necessary for the driveway installation. A DEP file number has been received. He recommends the issuance of an OOC w/ standard conditions & the added conditions for dewatering & for the replication areas.

MOTION: Mr. Leggett moved to close the public hearing for Perry Gerlach. Mr. K. Baptiste seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions & the added conditions for dewatering & replication areas for Perry Gerlach. K. Baptiste seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Clean-up of Agawam Mill Pond, c/o Aquatic Control Technology, LLC – SE76-2326

Present before the Commission: Mike Lenihan
 Mark Bellard

Mr. Pichette described the project. The project site is the Agawam Mill Pond. The project involves controlling non-native plant growth in Agawam Mill Pond by chemical treatment. The project site also contains a herring run & therefore, the project needs to be reviewed by the DMF. Also, MA NHESP would be commenting on the project re: endangered species habitat downstream from the site. Agawam Mill Pond has significant amounts of submersed invasive non-native plant species, primarily Fanwort. The proposed methodology is to apply the herbicide "clipper" to the pond in phases, treating roughly a third of the pond a year for three successive years. The first treatment would be the most upstream section of the pond then progressing w/ treatments in successive years toward the Agawam mill dam. The application of the herbicide would be done by a licensed applicator from a power boat w/ a dispensing system. A DEP file number has been received. Comments have been received from NHESP requiring several conditions. At this time, they are only approving a scaled down version of the Phase I treatment areas. The original Phase I treatment area was 37 acres, NHESP is only approving a 20 acre treatment area. Prior to treatment, water coming over the Glen Charlie Dam will be diverted into Makepeace bogs to minimize flow in the treatment areas. Water flow will be diverted for five days or longer depending on site conditions. Monitoring & reporting shall be done in accordance w/ the Agawam Mill Pond Treatment Plan Phase I as modified by NHESP. He recommends the approval of Phase I treatment activities w/ the normal conditions along w/ the added conditions as required by NHESP. Also, that future proposed phases shall not be conducted unless first approved by NHESP & DMF.

MOTION: Mr. Leggett moved to close the public hearing for Clean-up of Agawam Mill Pond. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions for Phase I of the project w/ standard conditions & the added conditions that only a 20 acre treatment area be worked on, any added conditions of NHESP, & any proposed phases shall not be conducted unless first approved NHESP & DMF for Clean-up of Agawam Mill Pond. Mr. K. Baptiste seconded.

VOTE: Unanimous (5-0-0)

F. ANRAD – Amelia Tracy/Renewable Generation (MA) LLC, c/o G.A.F. Engineering, Inc. – SE76-2334

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.
Amelia Tracy
Jacob Laskin

Mr. Pichette described the project. The property is located at 127R Marion Road. A review of wetland delineations has been done. The site is 40 acres in size. Several BVW lines have been flagged w/in the site. This site had previously had an ANRAD filed depicting wetland boundaries at the site, but these delineations area expired which is why the site has been re-flagged. The wetland boundaries were reviewed & several changes were made to the lines.

Discussion ensued.

MOTION: Mr. K. Baptiste moved to close the public hearing for Amelia Tracy/Renewable Generation (MA) LLC. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. K. Baptiste moved to approve/accept the new ANRAD boundaries for Amelia Tracy/Renewable Generation (MA) LLC. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Amelia Tracy/Renewable Generation (MA) LLC, c/o G.A.F. Engineering, Inc. – SE76-2342

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.
Amelia Tracy
Jacob Laskin

Mr. Pichette described the project. The property is located at 127R Marion Road. A site inspection has been made. Mr. Pichette states that the project involves the construction of a solar energy project in the buffer zone to a Bordering Vegetated Wetland (BVW) within the estimated habitat of rare and endangered species. An 1866.2 KW ground mounted solar photovoltaic system is proposed in the buffer zone to the BVW with proposed alterations in the buffer zone,

up to the edge of the BVW. The Town By-Law has a 50-foot no activity zone requirement for commercial projects. The applicant is proposing work within the no activity zone, including tree removal of trees taller than 10 feet, construction of stormwater drain basins, construction of an access road encompassing the solar fields, fencing, and grade work.

Mr. Pichette recommends that this work not be allowed in the 50-foot no activity zone, or any associated activities, including tree and vegetation removal, stormwater drainage basins, perimeter roads, grading, etc. He believes that the 50-foot setback should be held in all areas except where the proposed access road is.

Mr. Pichette has completed the review of the wetland line and made some flag changes which are reflected in the ANRAD Plan, comments have been received from NHESP, and a DEP File # has been received. He recommends that the Commission vote as to whether or not they will allow the requested waiver for work in the 50' no activity zone and continue the hearing for the applicant to modify as needed.

MOTION: Ms. Slavin moved to continue the public hearing for Amelia Tracy/Renewable Generation (MA) LLC to June 3, 2015. Mr. K. Baptiste seconded.

VOTE: Unanimous (5-0-0)

H. NOI – Pine Grove Estates, LLC (9 Jordan Road), c/o JC Engineering, Inc. – SE76-2339

Present before the Commission:

MOTION: Mr. K. Baptiste moved to continue the public hearing for Pine Grove Estates, LLC (9 Jordan Road) to May 20, 2015. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

I. NOI – Pine Grove Estates, LLC (9 Jonathan Lane), c/o JC Engineering, Inc.

Present before the Commission:

MOTION: Mr. K. Baptiste moved to continue the public hearing for Pine Grove Estates, LLC (9 Jonathan Lane) to May 20, 2015. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

J. NOI – Pine Grove Estates, LLC (10 Jonathan Lane), c/o JC Engineering, Inc. – SE76f-2338

Present before the Commission:

MOTION: Mr. K. Baptiste moved to continue the public hearing for Pine Grove Estates, LLC (10 Jonathan Lane) to May 20, 2015. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Helen Carbonara – 39 Rose Point Avenue

Discussion ensued re: the Enforcement Order & how to proceed.

MOTION: Mr. K. Baptiste moved to ratify the Enforcement Order for Helen Carbonara. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. K. Baptiste moved to place a fine of \$300.00 per day retroactive to April 16, 2015. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. Emil Ouimet – 278 Cromesett Road

MOTION: Baptiste moved to grant a Certificate of Compliance for Emil Ouimet – 278 Cromesett Road. Mr. Smith seconded

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Violation – Ari Stomodiu – 1 Mayflower Lane

Mr. Stomodiu will see Mr. Pichette tomorrow to discuss the violation.

B. Discussion: Draft No Activity Zone Handicapped Waiver Form

C. Discussion – Conservation Restriction – Tweedy & Barnes Central Corridor Extension

Brief discussion ensued re: a modification.

MOTION: Mr. Baptiste moved to accept the Conservation Restriction re: the Tweedy & Barnes Central Corridor Extension w/ the modification discussed. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to have Ms. Slavin sign the documents on behalf of the ConCom. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

D. Discussion Conservation Restriction/Stewardship

E. Discussion: Bills

F. Discussion: Wetland Bylaw

X. ADJOURNMENT

MOTION: Mr. Baptiste moved to close the meeting at 10:33 P.M. Mr. Rogers seconded.

VOTE: Unanimous (5-0-0)

Date signed: 3/16/16

Attest: 
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 3/17/16