

## MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: October 21, 2015

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

The meeting was called to order at 7:21 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Joe Leggett  
Sandy Slavin  
Donald Rogers  
Elissa Heard, Associate Member  
Dave Pichette, Agent

Members Absent: Jim Smith  
Mark Carboni  
Elizabeth Lydon, Associate Member

### **III. PRELIMINARY BUSINESS**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Theodore Williams, Jr.**

The public hearing notice was read into the record.

Present before the Commission: Theodore Williams, Jr.

Mr. Pichette stated a site inspection was made at 7 Spectacle Pond Road. The project involves the construction of a deck and stairs in the buffer zone to bordering vegetated wetland (BVW). An 8x14 deck with stairs is proposed 45' from the edge of the BVW which is old cranberry bog. The deck will require four sono tube footings. No grade changes are proposed. All work will be done by hand. There is a gravel access road separating the work area and the wetland. He recommended the issuance of a Negative #3 Determination for the project.

**MOTION:** Mr. Leggett moved to close the public hearing for Theodore Williams, Jr. Ms. Slavin seconded.

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

**MOTION:** Mr. Leggett moved to grant a Negative #3 Determination for Theodore Williams, Jr. Ms. Slavin seconded.

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

**B. RDA – Brett Bussiere**

The public hearing notice was read into the record.

Present before the Commission:      Brett Bussiere

Mr. Pichette stated a site inspection was made at 31 Chestnut Street in the Parkwood area. The project involves the construction of an addition in a coastal flood zone. A 22x24 addition is proposed within coastal flood zone AE, elevation 15. The project is not in the buffer zone to any other resource areas. No grade changes are proposed. An existing carport and shed are proposed to be removed. He recommended the issuance of a Negative #2 Determination for the project.

**MOTION: Mr. Leggett moved to close the public hearing for Brett Bussiere. Ms. Slavin seconded.**

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

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Brett Bussiere. Mr. Leggett seconded.**

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

**C. RDA – Andrew Costa**

The public hearing notice was read into the record.

Present before the Commission:      Andrew Costa  
                                                                 L. Holmes, Abutter

Mr. Pichette stated a site inspection was made at 3245-3251 Cranberry Highway. The project involves doing site work within a coastal flood zone at this location. It is proposed to remove small trees and shrubs, piles of debris, scrap metal and fencing within a coastal flood zone. The work area is not in the buffer zone to any other resource areas. All debris and cuttings are to be removed from the site. The work is on the west end of the property, which also includes the Maco's Bait Shop, also abuts the railroad tracks. He recommended the issuance of a Negative #2 Determination for the project.

**MOTION: Ms. Slavin moved to close the public hearing for Andrew Costa. Mr. Leggett seconded.**

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

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination with the condition that the work be limited to the proposed area for Andrew Costa. Mr. Leggett seconded.**

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

**D. NOI – Point Independence Yacht Club, Inc./Paul Sullivan, 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.

Mr. Pichette stated a site inspection was made at the Point Independence Yacht Club. The project involves maintenance dredging at the yacht club. This work would be done on a coastal beach, in land under the ocean and within a coastal flood zone. It is proposed to dredge ~150 cu. yds. of sand that has accumulated around the end of the existing vinyl sheet pile bulkhead and on the other side of the bulkhead where the boat slips are located. He questioned what the dredge methodology will be. It was stated it is proposed to dredge by using a VAC truck. Dredge material is to be placed in the upland location shown for dewatering. Sand will then be removed from the site or redistributed in an upland & a non-jurisdictional area. He recommended that during dredging that silt sacks be placed within the existing catch basins in the parking lot to prevent sediments from filling up stormwater structures. The Department of Marine Fisheries has commented on this project and has stated that there should be a time of year restriction for construction from January 15<sup>th</sup> through May 31<sup>st</sup> to protect spawning winter flounder. They also commented on a floating barge and that it not be grounded while working on the project. At this point, work from a barge is not proposed. No DEP file # has been received. He recommended a continuance to November 4, 2015.

**MOTION: Ms. Slavin moved to continue the public hearing for Point Independence Yacht Club, Inc. to November 4, 2015. Mr. Leggett seconded.**

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

**E. NOI – Robert & Jana McDuffy, c/o JC Engineering, Inc.**

The public hearing notice was read into the record.

Present before the Commission: John Churchill, JC Engineering, Inc.

Mr. Pichette stated a site inspection was made at 5 Oakhill Rd. The project involves the construction of a garage, 2<sup>nd</sup> floor addition, and deck in the buffer zone to a coastal bank. A 24x24 attached garage is proposed 37 ft. away from the top of the coastal bank at the site. Also proposed is a second floor addition to the existing dwelling. This will be built within the existing footprint and will not require any foundation work. A 2<sup>nd</sup> floor deck will also be constructed over the existing first floor deck. Hay bales and silt fence will be placed between the work and the resource area as shown on the plan. Any excess material will be removed from the site. It is also proposed to replace the existing gravel driveway area with pavers. He recommended that pervious pavers be required. An existing shed is to be removed. A DEP file # has been received.

He recommended the issuance of an Order of Conditions with standard conditions and the added condition that pervious pavers be used for the driveway.

**MOTION: Mr. Leggett moved to close the public hearing for Robert & Jana McDuffy. Ms. Slavin seconded.**

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

**MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions & the added condition that pervious pavers be used for the driveway for Robert & Jana McDuffy. Mr. Leggett seconded.**

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

**F. NOI – Scott Brown/BrownBuilt Construction Corp., c/o Webby Engineering, Inc. (4 Pond View).**

The public hearing notice was read into the record.

Present before the Commission: J. Webby

Mr. Pichette stated a site inspection was made at 4 Pond View Terrace. The project involves land clearing and landscaping associated with the construction of a single family dwelling in the buffer zone to bordering vegetated wetland (BVW). Tree clearing and landscaping are proposed in the buffer zone to BVW along Tremont Pond. This work will be 40 ft. from the edge of the wetland. The wetland line was checked and there were several flags that were adjusted. The proposed dwelling, driveway, and septic system would be outside the buffer zone to the BVW. Hay bales and silt fence would be placed along the limit of work line. There are some slight grade changes proposed as shown on the plan. A DEP file # has been received. He recommended the issuance of an Order of Conditions with the standard conditions.

**MOTION: Mr. Leggett moved to close the public hearing for Scott Brown/BrownBuilt Construction Corp. (4 Pond View). Ms. Slavin seconded.**

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

**MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions & the added condition to hand remove downed trees for Scott Brown/BrownBuilt Construction Corp. (4 Pond View). Mr. Leggett seconded.**

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

**G. NOI – Scott Brown/BrownBuilt Construction Corp., c/o Webby Engineering, Inc. (6 Pond View).**

The public hearing notice was read into the record.

Present before the Commission: J. Webby

Mr. Pichette stated a site inspection was made at 6 Pond View Terrace. The project involves land clearing and landscaping associated with the construction of a single family dwelling in the buffer zone to bordering vegetated wetland (BVW). Tree clearing and landscaping is proposed in the buffer zone to BVW along Tremont Pond. This work will be 40' from the edge of the wetland. The proposed dwelling, driveway, and septic system would be outside the buffer zone to the BVW. Hay bales and silt fence would be placed along the limit of work line. No significant grade changes are proposed. A DEP file # has been received. He recommended the issuance of an Order of Conditions with the standard conditions.

**MOTION:** Ms. Slavin moved to close the public hearing for Scott Brown/BrownBuilt Construction Corp. (6 Pond View). Mr. Leggett seconded.

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

**MOTION:** Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Scott Brown/BrownBuilt Construction Corp. (6 Pond View). Mr. Leggett seconded.

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

- V. CONTINUED HEARINGS
- VI. EXTENSION REQUESTS
- VII. ENFORCEMENT ORDERS
- VIII. CERTIFICATES OF COMPLIANCE

**A. Donald Letendre – 18 Old Woods Road**

The Certificate of Compliance for Donald Letendre – 18 Old Woods Road is currently on hold.

**B. David Moezelaar – 33 Prospect Street**

**MOTION:** Ms. Slavin moved to grant a Certificate of Compliance for David Moezelaar - 33 Prospect Street. Mr. Leggett seconded.

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

**C. Susan Walker – 8 Penny Lane**

**MOTION:** Ms. Slavin moved to grant a Certificate of Compliance for Susan Walker – 8 Penny Lane. Mr. Leggett seconded.

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

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Town Meeting articles.**

Discussion ensued re: backing the Wareham Land Trust. Revisions are being worked on.

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

**C. Discussion: Bills**

**MOTION:** Ms. Slavin moved to approve payment for card printing. Mr. Leggett seconded

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

**D. Discussion: Wetland Bylaw**

**X. ADJOURNMENT**

**MOTION:** Ms. Slavin moved to adjourn the meeting at 8:38 P.M. Mr. Leggett seconded.

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

Date signed: 4/6/16

Attest:   
Ken Baptiste, Chairman  
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 4/20/16