

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

**Date of Meeting: January 2, 2019**

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

The meeting was called to order at 7:00 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chair Pro Tem  
Joe Leggett  
Jim Smith  
Mary Taggart  
Elissa Heard  
David Pichette, Agent

Members Absent: Sandy Slavin  
Rob Lassen  
Mark Carboni, Associate

### **III. PRELIMINARY BUSINESS**

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

#### **A. NOI – Mercedes Brum, c/o McKinnon & Keese Eng. – SE76-2517**

Mr. Pichette stated this hearing is to be continued to January 16, 2019.

**MOTION: Ms. Heard moved to continue the public hearing for Mercedes Brum to January 16, 2019. Ms. Taggart seconded.**

**VOTE: (5-0-0)**

#### **B. NOI – Town of Wareham/Municipal Maintenance Dept., c/o G.A.F. Engineering, Inc. – SE76-2521**

Present before the ConCom: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Rogers stated at the last meeting, all the ConCom's questions were answered, but they were waiting to allow more time for the Division of Fish & Wildlife to respond. He had written a letter stating this project was exempt & ultimately Natural Heritage/Endangered Species disagreed. He provided NHESP w/ a checklist & a filing fee. He has since received a letter from NHESP stating this project does not result in a take of rare species habitat. The project consists of maintaining an existing gravel road & repair/replacement of drainage components.

Mr. Pichette described the project. The property is located on Murphy St. in the Swifts Beach area. The project involves upgrading a drainage system on Murphy St. & filling in washed out areas of the street w/in a coastal beach & w/in a coastal flood zone. The site is also w/in the estimated habitat of rare & endangered species. Deteriorated stormwater drainage structures w/in a section of Murphy St. are to be replaced w/ new structures. An existing manhole is to be replaced & the outfall pipe is also proposed to be replaced. The existing manhole is in the beach & the new manhole will be pulled back to be w/in the end of the dirt road. The existing outfall pipe will be replaced w/ a new pipe. Comments have been received by NHESP w/ no negative comments & a DEP file # has been received. He recommended the issuance of an OOC w/ standard conditions based on the revised plan & the added condition that the gravel to be used should be natural gravel, not a re-processed asphalt material.

**MOTION: Mr. Leggett moved to close the public hearing for Town of Wareham/Municipal Maintenance Dept. Ms. Heard seconded.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Mr. Leggett moved to grant an OOC w/ standard conditions for the Town of Wareham/Municipal Maintenance Dept. & w/ the added condition that natural gravel be used. Ms. Taggart seconded.**

**VOTE: Unanimous (5-0-0)**

**C. NOI – Mario Signore, c/o G.A.F. Engineering, Inc.**

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

Mr. Pichette described the project. The property is located at 91 Edgewater Dr. The project involves the construction & expansion of an existing deck in the buffer zone to a coastal bank/coastal beach & w/in a coastal flood zone. This is an after-the-fact filing as the work has already been started. An existing deck that was 8x14 wide & 47 ft. long has been removed & a new 16x47 ft. deck frame has been installed. The project was halted as there was no building permit obtained for the work. Nine new sono tube footings have been installed & the deck frame built onto that. The deck would now be right on the edge of the top of a granite block wall which also looks relatively newer & may not have been approved. There is an existing concrete patio under mostly in the deck area. Soil material from digging the sono tubes has spilled onto the coastal beach, but this is mostly sand.

Mr. Pichette stated the project was issued a cease & desist order by the Building Inspector. At the last meeting he questioned the existence of a granite block wall which looked newer. There was discussion as to showing how long this wall has been there. The claim is the work is being done in a previously altered area even though it is w/in the 30 ft. no activity zone. The deck is bigger than what was originally there. A DEP file number has been received. Some ConCom members visited this site.

Mr. Leggett stated he visited the site & it looks like the same stone as is up top. He feels it has been there for many years. He has issue w/ the after-the-fact filing & suggested a \$100.00 fine. Ms. Taggart concurred w/ Mr. Leggett. Mr. Baptiste concurred w/ Mr. Leggett as well.

**MOTION: Mr. Leggett moved to close the public hearing for Mario Signore. Ms. Taggart seconded.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Mr. Leggett moved to grant an OOC w/ standard conditions for Mario Signore & to issue a \$100.00 fine. Ms. Taggart seconded.**

**VOTE: Unanimous (5-0-0)**

**D. NOI – Glenn & Pamela Johnson, c/o Charon Associates, Inc. – SE76-2520**

The ConCom concurred to wait to address this application until later in the meeting.

**E. NOI – Kenneth Nelligan – SE76-2516**

The applicant has requested a continuance until February 20, 2019.

**MOTION: Mr. Leggett moved to continue the public hearing for Kenneth Nelligan to February 20, 2019. Ms. Taggart seconded.**

**VOTE: Unanimous (5-0-0)**

**IV. PUBLIC HEARINGS**

**A. RDA – Buzzards Bay National Estuary Program, MCZM, c/o Joe Costa**

The public hearing notice was read into the record.

Present before the ConCom: Joe Costa, Director of Buzzards Bay National Estuary Program

Mr. Pichette described the project. The property is located at Little Harbor Beach. The project involves the installation of a long term elevation benchmark & other monitoring points within a coastal barrier beach, a coastal dune & w/in saltmarsh areas & also w/in a coastal flood zone. A stainless steel rod would be driven into an upland area in a coastal dune behind the existing parking lot. The rod would be driven to refusal then capped to serve as an elevation benchmark for ongoing monitoring purposes. Additionally, six PVC pipes would be driven into the adjacent saltmarsh & nearby uplands to monitor saltmarsh loss & sea level rise over time. There is also a proposal to install a temporary sensor in the adjacent tidal creek to measure tidal elevations. No machinery will be involved. Ongoing monitoring would be conducted. He recommended a Negative #2 for the project.

Mr. Costa stated the Buzzards Bay National Estuary Program is conducting this monitoring in conjunction w/ the Buzzards Bay Coalition. There will be 15 sites monitored around Buzzards Bay to establish benchmarks.

**MOTION: Mr. Leggett moved to close the public hearing for the Buzzards Bay National Estuary Program. Ms. Taggart seconded.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Mr. Leggett moved to grant a Negative #2 Determination for the Buzzards Bay National Estuary Program. Ms. Taggart seconded.**

**VOTE: Unanimous (5-0-0)**

**B. RDA – Anna Pollock, c/o G.A.F. Engineering, Inc.**

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 1 Tinkers Lane. The project involves a septic upgrade w/in a coastal flood zone. An existing cesspool is to be replaced w/a new Title V system w/in coastal flood zone AE, elevation 14. The site is relatively flat & there are no grade changes proposed. The work is not w/in the buffer zone to any other resource areas. He recommended the issuance of a Negative Determination #2.

Mr. Rogers stated the septic plan is pending approval at the Board of Health.

**MOTION: Mr. Leggett moved to close the public hearing for Anna Pollock. Ms. Heard seconded.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Mr. Leggett moved to grant a Negative Determination #2 for Anna Pollock contingent upon approval by the Board of Health. Ms. Heard seconded.**

**VOTE: Unanimous (5-0-0)**


**C. ANRAD – Kate Benton, c/o G.A.F. Engineering, Inc.**

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 85 Towhee Road. This application is for the approval of wetland resource area boundaries. The request is to approve the delineations of the coastal bank & the edge of salt marsh on this lot. The wetland boundaries are accurate. The intuition plan did not have the delineation boundary point numbers, but a revision plan has been submitted showing these points. A DEP file number has not been received. He

Date signed: 6/19/19

Attest: 

Ken Baptiste, Chair Pro Tem

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 6/20/19