

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 3, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Ken Baptiste
Mary Taggart
Elissa Heard
Robert Lassen
David Pichette, Agent

Members Absent: Mark Carboni, Associate
Jim Smith

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: March 7, 2018

MOTION: Mr. Baptiste moved to approve the meeting minutes of March 7, 2019. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

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

A. NOI – Ken Buckland/Town of Wareham, c/o Eco Tec, Inc. – SE76-2534

Present before the ConCom: Ken Buckland, Director of Planning & Community Development
Tracey Costa, Ransom Consulting

Mr. Pichette described the project. The property is located at the Tremont Nail Factory on Elm St. The project involves the clean-up of hazardous materials at the site & the removal of an underground storage tank w/in the riverfront area of the Wankinko River, w/in the buffer zone to a coastal bank & salt marsh, & w/in coastal flood zone. It is proposed to clean up contaminated soils & groundwater at the site by using chemical injection treatment. A DEP number has been received. He noted the time of year restrictions. He recommended the approval of the project w/ standard conditions & the added condition re: time of year restrictions.

MOTION: Mr. Baptiste moved to close the public hearing for Ken Buckland/Town of Wareham. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions & the added condition re: time of year restrictions for Ken Buckland/Town of Wareham. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

B. NOI – David & William Andrade, c/o JC Engineering, Inc. – SE76-2536

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

Mr. Pichette described the project. The property is located at 0 & 45 Depot St. This is an after the fact filing for work that was done at this location that involved clearing of vegetation w/in the buffer zone to BVW & w/in a coastal flood zone. Vegetation was cleared up to the edge of the BVW to use the site for a stockpile area for materials associated w/ an excavation company. The NOI is being filed to restore the altered area w/in the 50 ft. no activity zone & to approve the use of the remaining buffer zone & area w/in the coastal flood zone for use as a potential stockpile area for the commercial business. The plan submitted shows a planting scheme consisting of native vegetation to restore the disturbed area. A line of concrete jersey barriers is proposed along the 50 ft. no activity zone line to demarcate the line & to contain materials from migrating into the 50 ft. no activity zone. He concurs w/ the planting scheme submitted. A DEP file number has been received. He recommended approval of the project w/ standard conditions & the added condition that the jersey barrier along the 50 ft. no activity zone be maintained into the future.

Mr. Bertollo asked if continued removal of invasive species by hand would be acceptable w/in the 50 ft. buffer. Mr. Pichette stated this is part of the proposal & can be an added condition.

MOTION: Mr. Baptiste moved to close the public hearing for David & William Andrade. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions & the added conditions that the jersey barrier along the 50 ft. no activity zone be maintained into the future & that removal of invasive species be allowed only by hand w/in the 50 ft. no activity zone for David & William Andrade. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

Brief discussion ensued re: issuing a fine.

MOTION: Mr. Baptiste moved to issue a \$100.00 fine to David & William Andrade. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

NOTE: Ms. Slavin thanked former ConCom member Mr. Leggett for his time & effort on the ConCom. He has submitted his letter of resignation. She read letter from BOS to Mr. Leggett into the record.

IV. PUBLIC HEARINGS

A. Andrew Alves

The public hearing notice was read into the record.

Present before the ConCom: Andrew Alves, Alves Property Group

Mr. Pichette described the project. The property is located at 89 Edgewater Dr. The project involves the removal of an existing deck & the reconstruction of a new deck in the buffer zone to a coastal beach & w/in a coastal flood zone. An existing 6x32 deck is to be removed & replaced in the same footprint. The new deck will require new footings which will be six 12" sono tube footings. Installation of the new footings will require drilling through the concrete which currently exists under the deck. The work is to be done by hand & will be in the same footprint as existing. He recommended the issuance of a Negative Determination #2 for the project.

Mr. Pichette stated debris near the coastal bank needs to be removed ASAP. Mr. Alves stated he will pass this on to the homeowner. Brief discussion ensued re: making this a condition & a timeframe to do so.

MOTION: Mr. Baptiste moved to close the public hearing for Andrew Alves. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for Andrew Alves & the stipulation that the site needs to be cleaned of debris before construction begins. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Savard Family Trust/Gerald E. Savard, 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.
Gerald Savard

Mr. Pichette described the project. The property is located at 37 Riverside Dr. in Onset. The project involves the demolition of an existing dwelling & the reconstruction of a new dwelling w/in a coastal flood zone. An existing 22x40 dwelling is to be removed & a new 22x60 dwelling is proposed w/in a coastal flood zone, AE elevation 14. The dwelling to be removed & new proposed dwelling are outside the buffer zone to the coastal bank which is on the other side of the street from the subject lot. The house is serviced by Town sewer & water. There are no grade changes proposed. He recommended the issuance of a Negative Determination #2.

MOTION: Mr. Baptiste moved to close the public hearing for Savard Family Trust/Gerald E. Savard. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for Savard Family Trust/Gerald E. Savard. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Walter & Delores Shanks, 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 10 Nimrod Way. The project involves the repair of a seawall along a coastal bank & w/in a coastal flood zone. An 80 ft. concrete seawall is to be repaired by removing the footing to the wall & then driving vinyl sheet pilings in front of the remaining concrete wall. The new vinyl sheet piles will be tied into the existing concrete wall. Any area between the two will be tied into the existing concrete wall. Any area between the two will be backfilled w/ sand & capped. Existing concrete stairs will be replaced w/ pressure treated lumber stairs. The stairs will be replaced w/ pressure treated lumber stairs. The stairs will be recessed back into the wall. The vinyl sheet piles will be driven from the upland side of the site. Work will be conducted at low tides. The work is in close proximity to existing salt marsh. A DEP file number has been received. Comments have also been received from the MA DMF w/ comments that the work should be conducted from the upland side of the site, no equipment should be stored in the intertidal area & that no salt marsh be displaced by the construction activity. He recommended the issuance of an OOC w/ the standard conditions & the added conditions mentioned by the MA DMF.

Discussion ensued re: the vinyl sheet piles to be used.

MOTION: Mr. Baptiste moved to close the public hearing for Walter & Delores Shanks. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions for Walter & Delores Shanks & the added conditions that work be conducted from the upland side of the site, no equipment to be stored in the intertidal area, & no salt marsh be displaced by construction activity. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Daniel Ward/Ward Aquafarms, LLC – SE76-2537

The public hearing notice was read into the record.

Present before the ConCom: Daniel Ward, Ward Aquafarms, LLC

Mr. Pichette described the project. The property is located at the Wareham Boat Yard in the Rose Point area. The project is an aquaculture project in land under the ocean, land containing shellfish, & w/in a coastal flood zone. It is proposed to install upweller floats that are 8x20 in size w/in several of the existing boat slips in the locations indicated on the plans. The upweller floats contain chambers in which shellfish would be grown. Larval shellfish would be grown inside the building in tanks until they are an appropriate size to be placed outside in the upwellers where they would be grown to a desired size. It is also proposed to occasionally pump water from the river into the building to be used in the tanks there. This would be done by using a portable pump that would be placed at the end of the elevated fixed pier at higher tides to pump water. Once the pumping is completed, the pump will be removed & stored w/in the building. Water will also be discharged back in to the river from the tanks when water is replaced in the tanks. The rest of the marina would still operate as a marina as it traditionally has. A DEP file number has been received. He recommended the issuance of the OOC w/ the standard conditions & the added conditions that the upweller floats, regular floats or any boats not be stored on the beach or the salt marsh during the off season.

Mr. Ward discussed his purchase of the marina & it will operate as a marina. He is adding the aquaculture portion. Most commercial upwellers are located in marinas. He stated there is no noise associated w/ the upwellers. Discussion continued re: the aquaculture process, tank filter cleaning & discharging.

MOTION: Mr. Baptiste moved to close the public hearing for Daniel Ward, Ward Aquafarms, LLC. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions for Daniel Ward, Ward Aquafarms, LLC & the added conditions that upweller floats, regular floats or any

boats not be stored on the beach or the salt marsh during the off season. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Ken Buckland/Town of Wareham, c/o Eco Tec, Inc. – SE76-2534 (DONE)

B. NOI – David & William Andrade, c/o JC Engineering, Inc. – SE76-2536 (DONE)

C. NOI – Robert Brum, c/o JC Engineering, Inc. – SE76-2535

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

Mr. Pichette described the project. The property is located at 194 Glen Charlie Road. The project involves upgrading a septic system in the buffer zone to Agawam Mill Pond. An existing cesspool is proposed to be replaced w/ a new Title V nitrogen reducing septic. A DEP file number has been received. He recommended the issuance of an OOC w/ standard conditions. Mr. Bertollo stated the BOH approved the Variances this afternoon.

MOTION: Mr. Baptiste moved to close the public hearing for Robert Brum. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions to Robert Brum. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

D. NOI – David Moore/Pinehurst Beach Association, c/o David Moore, Trustee – SE76-2532

Present before the ConCom: Kathleen Manson, President Pinehurst Beach Association

Mr. Pichette described the project. The property is located at the end of Cottage St. in the Pinehurst area. The project involves the replacement of a seawall at the end of Cottage St. that was damaged the previous winter. The wall was shored up & has been awaiting a permanent plan to fix the wall. The NOI proposes to remove the existing sloped rip rap & replace it w/ a poured concrete wall. Comments from DMF have been received re: containing the site as the work commences & not having equipment & materials on the beach. He recommended issuing an OOC w/ standard conditions & the added conditions from the DMF.

It was noted that another condition would be to only work at low tide.

Present before the ConCom: Paula Mueller, Abutter to wall

Ms. Mueller thanked the ConCom for their approval. The wall has been an issue for a long time as well as an eyesore.

MOTION: Ms. Heard moved to close the public hearing for David Moore/Pinehurst Beach Association. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an OOC w/ standard conditions for David Moore/Pinehurst Beach Association and the added conditions that the site be contained during work, no equipment or materials be placed on the beach & work only to be done during low tide. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Karen Oates, c/o Foresight Engineering, Inc. – SE76-2533

No-one was present before the ConCom.

Mr. Pichette stated they have been awaiting a DEP number & he questioned if the BOH has approved this type of system.

MOTION: Mr. Lassen moved to continue the public hearing for Karen Oates to April 17, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

A. David Jones – 20 Canedy Street

Mr. Pichette stated this is a one year extension request for a project that involved razing a home & constructing a new home. The applicant has had the old home torn down & is having trouble w/ the plans for the new home. This would be the second extension. He recommended the issuance of a one year extension.

MOTION: Ms. Heard moved to grant a one year extension for David Jones – 20 Canedy St. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Elizabeth Williams – 5 Agawam Lake Shore Drive

Mr. Pichette stated this involved a septic upgrade. This has been completed. He recommended the issuance of the COC.

MOTION: Mr. Baptiste moved to grant a COC for Elizabeth Williams – 5 Agawam Lake Shore Drive. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. John Cornish/StoneBridge Marina – 5 East Boulevard

Mr. Pichette stated this project involved the reconfiguration of floats at the StoneBridge Marina. This has been completed. He recommended the issuance of a COC.

MOTION: Mr. Baptiste moved to grant a COC for John Cornish/StoneBridge Marina. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Comments: Preservation Association Dock Committee

Mr. Pichette stated at a previous meeting, a group came before the ConCom to discuss turning a dingy dock into a boat dock where there would be boat slips. The ConCom didn't render a formal opinion on this matter. The ConCom is not obligated to render a decision.

Ms. Slavin stated it is difficult to render a decision when there is no formal documentation & there have been no comments from the Harbormaster. Mr. Pichette stated he will tell the group that more documentation is necessary.

Ms. Heard asked who would monitor how many boats would be on this dock. Mr. Baptiste stated he is not in favor of this request. He feels the original motion made. It should remain a dingy dock as it was meant to be. Mr. Lassen foresees abuses of the dock if changed.

Mr. Pichette will share the ConCom's comments to the group.

B. Discussion: Reappointments

C. Discussion: Conservation Restriction/Stewardship

D. Discussion: Bills

X. ADJOURNMENT

MOTION: Mr. Baptiste moved to adjourn the meeting at 7:59 P.M. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

Date signed: 4/19/19

Attest: 

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

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