

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 20, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:04 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Sandy Slavin
Joe Leggett
Mark Carboni
Elissa Heard, Associate member
Dave Pichette, Agent

Members Absent: Donald Rogers
Elizabeth Lydon
Jim Smith

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – Tina DeAngelis

Present before the Commission: Tina DeAngelis
Russel Yule

The public hearing notice was read into the record.

A site inspection was made at 21 Bayberry Road. The project involves the construction of a deck in the buffer zone to a coastal beach /coastal bank and within a coastal flood zone. A 16 x24' deck is proposed 50' from the seawall on the lawn area at the existing dwelling. 12 10" sonotubes will be needed to support the deck which would be 22" above grade. All work is to be done by hand. There are no grade changes proposed. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Tina DeAngelis. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Tina DeAngelis. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

B. NOI – David & Susan Broderick, c/o G.A.F. Engineering, Inc.

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

The public hearing notice was read into the record.

A site inspection was made at 14 Widows Cove Road. The project involves the construction of a pier, ramp, and float system with proposed boat lift out into Onset Bay and the construction of a stairway and a shed. Work is proposed on a coastal bank, coastal beach, land under the ocean, within land containing shellfish, within a coastal flood zone and within the estimated habitat of rare and endangered species. A 184' pier ramp and float system is proposed which would be supported by 22 12" greenheart diameter pilings. An attached 18x18' boat lift is proposed on the side of the pier as shown which would require an additional 6 pilings. Mr. Pichette recommended the overall square footage of the boat lift and float system not exceed 300 sq. ft. There would be 4-4.5' water depth at the end of the float. An 8x10' shed is proposed on the coastal bank. Mr. Pichette believes this should not be allowed on the bank or within 30' of the bank. The proposed stairs down the coastal bank should be in a straight line to minimize the area of alteration on the coastal bank. Proposed utilities are proposed to be trenched into the coastal bank which is rather steep. Mr. Pichette recommended looking into the idea of affixing lines to the stairway structure instead of trenching into the bank. The Massachusetts Division on Marine Fisheries (MA DMF) has commented on the project and has stated that the site lies within mapped habitat for Bay Scallop, soft shell clam, quahog, and American Oyster and they had concerns with ACQ treated wood. Massachusetts Natural Heritage and Endangered Species Program (MA NHESP) commented on the project and stated that the project will require a MESA review and that no work on the site can commence until NHESP has completed the MESA review. No comments have been received from the Harbormaster. A DEP file # has been received. Mr. Pichette recommended a continuance at this time for comments from the Harbormaster and from NHESP on the MESA review.

MOTION: Ms. Slavin moved to continue the public hearing for David & Susan Broderick to February 3, 2016. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

C. NOI – Jeffrey Chrzanowski, c/o G.A.F. Engineering, Inc. – SE76-2371

Present before the Commission:

The public hearing notice was read into the record.

A site inspection was made at 12 Pine Tree Dr. The project involves the construction of a pier, ramp, and float system out into Butlers Cove. Work is proposed within salt marsh, coastal beach, land under the ocean, within land containing shellfish, and within a coastal flood zone. A 197' pier ramp and float

system is proposed to replace an existing floating dock system. The pier and float would be supported by 22 12" greenheart diameter pilings and 6 8x8" posts at the landward end of the structure. Mr. Pichette questioned if the salt marsh can be spanned so there are no pilings in the marsh, and if the floating dock system licensed. The proposed float is 10.5x25' in size. The water depth at the location of the float is shown as 2.5' deep at low tide. The structure would be constructed from a floating barge with the exception of the landward pilings which would have to be done from the landward side. Mr. Pichette questioned how the landward pilings would be installed.

The Massachusetts Division of Marine Fisheries (MA DMF) has commented on the project and has stated that the site lies within mapped habitat for Bay Scallop, soft shell clam, and quahog and they have concerns for water depth for a construction barge, refueling issues and ACQ treated lumber. No comments have been received from the Harbormaster. A DEP file # has been received. Mr. Pichette recommended a continuance at this time for comments from the Harbormaster.

MOTION: Ms. Slavin moved to continue the public hearing for Jeffrey Chrzanowski to February 3, 2016. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

D. NOI – Diane & Edward Piette, c/o Shorefront Consulting – SE76-2370

Present before the Commission: Diane & Edward Piet
John Mullhern

The public hearing notice was read into the record.

A site inspection was made at 60 Onset Ave. The project involves the construction of a pier, ramp, and float system out into Buzzards Bay. Work is proposed on a coastal beach, within land under the ocean, within land containing shellfish, and within a coastal flood zone. A 208' pier ramp and float system is proposed which would be supported by 14 12" greenheart diameter pilings and 4 10" greenheart pilings. The pier would be 4 x 178' with attached ramp and float. The proposed float is to be 12x20' in size. The water depth at the location of the float is shown as 3 to 3.5' deep at low tide. The structure would be constructed from a floating barge with the exception of the landward pilings which would have to be done from the landward side. Mr. Pichette questioned how the landward pilings would be installed. A previous owner had proposed to construct a similar structure at this location in 2006, but was denied by the Commission at that time. The Commission's decision under the By-Law was appealed to Superior Court who, after review, upheld the Commission's decision. This should be taken into consideration as this project is very similar. The Massachusetts Division of Marine Fisheries (MA DMF) has commented on the project and has stated that the site lies within mapped habitat for Bay Scallop, soft shell clam, and quahog and that the project site is very close to two existing aquaculture sites and precautions should be taken to avoid impact to these sites. No comments have been received from the Harbormaster. A DEP file # has been received. Mr. Pichette recommended a continuance at this time for comments from the Harbormaster and to consider the previous decision on this site.

MOTION: Ms. Slavin moved to continue the public hearing for Diane & Edward Piette to February 3, 2016. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Town of Wareham – Marine Avenue

Present before the Commission: Bill Madden, G.A.F. Engineering. Inc.
Dave Menard, Municipal Maintenance Director

The project involves road work within a coastal flood zone, riverfront area, and within the buffer zone of the coastal bank. This is an after-the-fact filing for work that was done on Marine Ave, which is a dirt road, that involved degrading a portion of the road. The road grade was lowered by approximately 3 feet to help alleviate a ponding problem. The road edges were re-shaped as well. The shoulders of the road have been re-stabilized.

MOTION: Ms. Slavin moved to close the public hearing for the Town of Wareham – Marine Avenue. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Town of Wareham – Marine Avenue. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

B. RDA – Onset Mobile Home Park

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Onset Mobile Home Park to February 3, 2016. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

C. RDA – Winship, LLC, c/o Environmental Consulting & Restoration, LLC

Present before the Commission: Mr. Brad Holmes
Bill Clemmey
Bill Madden, G.A.F. Engineering, Inc.
John Decas
Nancy Kress

The project involves clearing vegetation and trees within a coastal flood zone and within an estimated habitat of rare and endangered species to at Lot 2 Winship Ave in the Burgess Point area. Lot 2 is an undeveloped wooded lot approximately 5.6 acres in size. A portion of the lot has been identified as Bordering Vegetated Wetland and a portion of the lot is in Flood Zone AE14. The boundaries of the resource areas had been approved previously in a separate application. The proposed work is outside of the 100' buffer zone to the wetland, but is within the flood zone, which is approximately 20,000s.f. An erosion control barrier is proposed. Mr. Pichette recommended if the project is approved with a Negative Determination #2, the installed erosion control should be inspected prior to any cutting work and that a determination from Natural Heritage be submitted prior to the commencement of any cutting work. The project has been sent to Natural Heritage for review.

MOTION: Ms. Slavin moved to close the public hearing for Winship, LLC. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Winship, LLC with the stipulations that 18" silt socks/hay bales be placed at the 100' buffer zone and no clearing be started until Natural Heritage has issued their conditions. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

D. NOI – John Balciunas, c/o G.A.F. Engineering, Inc. – SE76-2365

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

The applicant is proposing to construct a vinyl sheet pile and bulk head on a coastal bank, coastal beach, within a coastal flood zone, within riverfront area, and within habitat of rare and endangered species at 63 Edgewater Drive. The vinyl sheet pile is proposed to be approx. 90 in. length at the toe of the stone slope. Mr. Pichette recommended the wall be installed as inland as possible to prevent spilling out onto the beach or marsh. The plan was revised to show the pile at elevation 6. It was previously shown as elevation 4. The purpose for the change in elevation was for the 10 year storm event to prevent overtopping.

MOTION: Ms. Slavin moved to continue the public hearing for John Balciunas to February 3, 2016. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

E. NOI – Ted F. Knopf, c/o Douglas Schneider & Associates – SE76-2367

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Ted Knopf to February 3, 2016. Mr. Leggett seconded.

VOTE: (4-0-0)

VI. EXTENSION REQUESTS

There were no extension requests at this time.

VII. ENFORCEMENT ORDERS

There were no enforcement orders at this time.

VIII. CERTIFICATES OF COMPLIANCE

A. Steve Doire – 250 Barker Road

The Certificate of Compliance was held at this time.

B. Janelle Rotondi – 51 Oak Street

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Janelle Rotondi. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

C. Wal-Mart – Tobey Road

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Wal-Mart – Tobey Road. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

D. Ronald Renzi – 87 Oak Street

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Ronald Renzi – 87 Oak Street. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Wetland Bylaw Committee

No discussion took place at this time.

B. Discussion: Conservation Restriction/Stewardship

No discussion took place at this time.

C. Discussion: Bills

No discussion took place at this time.

D. Discussion: Wetland Bylaw

No discussion took place at this time.

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 9:46 P.M. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____