

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 3, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:02 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Joe Leggett
Elissa Heard
Mary Taggart
Robert Lassen
David Pichette, Agent

Members Absent: Mark Carboni
Sandy Slavin
Jim Smith

NOTE: Mr. Baptiste asked for a moment of silence for former ConCom member, Donald Rogers.

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: November 1, 2017

To be handled later in the meeting.

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

A. NOI – David Coughanowr, c/o Leary F.P., LLC – SE76-2464

Present before the ConCom: David Coughanowr

Mr. Pichette described the project. The property is located at 37 Willard St. The project involves the construction of a single family dwelling in the buffer zone to BVW. A 30x45 ft. dwelling w/ a 10x14 ft. deck, driveway, & landscaping is proposed in the buffer zone. The dwelling would be 74 ft. from the edge of the wetland. The limit of work would be 41 ft. from the edge of the wetland. The septic system would be outside the buffer zone. Minor grading would be done in the buffer zone as shown. The wetland line shown on the plan is accurate. Haybales & silt fence would be placed between the work & the resource area as shown on the plan. A DEP file # has been received. He recommended an OOC be granted.

MOTION: Mr. Leggett moved to close the public hearing for David Coughanowr. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions for David Coughanowr. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Gary du Moulin, c/o McKinnon & Keese Eng. – SE76-2463

Present before the ConCom: Sandy Keese, McKinnon & Keese, Eng.

Mr. Pichette described the project. The property is located at 20 Over Jordan Rd. The project involves the upgrading of a septic system in the buffer zone to a salt marsh & w/in a coastal flood zone. An existing system is to be replaced w/ a new Title V denitrification septic system. Due to the size limitations of the lot, the new leach field will be w/in the buffer zone to salt marsh, 40 ft. to the marsh. All work will be done w/in the existing lawn area. The plan does not show any erosion control. Haybales & silt fence should be used for erosion control at the project. No significant grade changes are proposed. He asked if this project has been approved by the BOH yet. A DEP file number has been received. He recommended granting an OOC.

Ms. Keese stated they have not filed w/ the BOH yet because they wanted a complete package including the deed restriction keeping the system to two bedrooms. Mr. duMoulin just received word from the registry that the deed restriction is complete. She will now be applying to the BOH. Mr. Pichette explained that w/ an NOI, you need to apply for all other applicable permits before coming to the ConCom. The hearing may have to be continued.

Present before the ConCom: A neighbor

The neighbor wanted clarification that there was a survey done for setback boundaries. Ms. Keese stated the issue presented currently is just for the septic. She gave the neighbor the plan.

MOTION: Mr. Leggett moved to continue the public hearing for Gary du Moulin to January 17, 2018. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Mann Farms, c/o G.A.F. Engineering, Inc. – SE76-2460

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

Mr. Pichette described the project. The property is located at Lot 1027 off of Marion Rd. & Hathaway Rd. The project involves renovating & squaring off existing cranberry bogs, constructing dike roads, & installing new flumes. The existing bogs will be renovated & reshaped according to the new plan. This will result in an increase in bog area. He asked how the stream w/in the bog system be contained during construction to prevent silt from flowing

downstream. Mr. Madden explained how the stream would be contained & he presented a sketch/outline of how this will be done using flume sections.

MOTION: Mr. Leggett moved to close the public hearing for Mann Farms. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions & the added conditions that plans be in place to take care of the silt presented for Mann Farms. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. RDA – Alice Kim Lombardi

The public hearing notice was read into the record.

Present before the ConCom: Alice Kim Lombardi

Ms. Lombardi submitted the green abutter notification cards.

Mr. Pichette described the project. The property is located at 6 Allen Ave. in the Swifts Beach area. The project involves constructing a screen in porch in the buffer zone to a coastal bank. A screened porch 10x15 in size is proposed on an existing deck. This will require the installation of two new footings to support the new structure. The screened porch will be w/in the footprint of the existing deck. The two footings will be big foot sono tub footings & will be 15 ft. from the top of the coastal bank. All work is to be done by hand. He recommended the issuance of a Negative Determination #2.

MOTION: Mr. Leggett moved to close the public hearing for Alice Kim Lombardi. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Alice Kim Lombardi. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Buzzards Bay Coalition, c/o Michelle Krauser

The public hearing notice was read into the record.

The applicant has requested a continuance to January 17, 2018.

MOTION: Mr. Leggett moved to continue the public hearing to January 17, 2018. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

C. RDA – Stephen & Charlene Santo, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 29 Pine Lake Drive. The project involves upgrading a septic system in the buffer zone to Spectacle Pond. An existing system is to be replaced w/ a new Title V system. Some of the piping & the installation of the new septic tank along w/ the removal of the existing septic tank will be w/in the buffer zone to Spectacle Pond. The existing leach field is to be abandoned in place. The new leach field will be outside the buffer zone to the wetland. The system will also have a separate pump chamber. The nearest work will be 90 ft. from the edge of the pond. No grade changes are proposed. Silt fence should be placed around the work area. He recommended the issuance of a Negative Determination #3.

MOTION: Mr. Leggett moved to close the public hearing for Stephen & Charlene Santo. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #3 Determination for Stephen & Charlene Santo & the added condition that silt fence be used between the work area & resource area. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

D. RDA – Timothy & Christine Smith, c/o Charon Associates, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Mr. Smith

Mr. Smith stated his representative is not present.

Mr. Pichette described the project. The property is located at 83 Pinehurst Dr. The project involves the construction of an addition w/in a coastal flood zone. An 8x32 addition is proposed on the street side of the house & a second story addition on the house is also proposed & this is w/in a coastal flood zone AE, el. 14. The work is also w/in the riverfront area of the Broad Marsh River. The addition would have a poured concrete foundation. There are no grade

changes proposed. He asked what the nature of the area to be altered for the addition on the front. He recommended a continuance to await the abutter notification cards.

Mr. Smith stated the front area is currently lawn. ConCom members asked re: the specs of the addition & what land will be disturbed.

MOTION: Mr. Leggett moved to continue the public hearing for Timothy & Christine Smith to January 17, 2018. Ms. Taggart seconded.

**VOTE: (4-0-1)
Ms. Heard abstained**

E. Amended OOC – Jason Shohet, c/o Shorefront Consulting

The public hearing notice was read into the record.

Present before the ConCom: Jason Shohet

Mr. Shohet stated his representative has the abutter notifications.

Mr. Pichette described the project. The property is located at 12 Granston Way. The request is to amend an OOC or a modification to the originally approved plan. The original approval was for a 130 ft. pier, ramp & float system. The request is to modify the plan to lower the height of the fixed pier by two ft. from what was originally approved. The overall footprint of the structure will remain the same w/ the exception of the fact that stairs would have to be added to each side of the pier because the pier would no longer be high enough to walk under. He asked what would be needed to be installed on the beach. He recommended against any concrete slabs. If it is a minor alteration, then he recommends approval of the modification w/ the same conditions that were originally issued.

Mr. Shohet briefly described the amendment to the project.

MOTION: Mr. Leggett moved to close the public hearing for Jason Shohet. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Amended Order of Conditions for Jason Shohet & w/ the added condition that the stairs be done w/ wooden posts & contingent on receipt of the green abutter notification cards. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Philip Chiaraluce

The public hearing notice was read into the record.

Present before the ConCom: Philip Chiaraluce

Mr. Pichette described the project. The project is an aquaculture project in the Wareham River to raise oysters w/in land under the ocean, within land containing shellfish, & w/in a coastal flood zone. The area is also w/in the estimated habitat of rare & endangered species. The proposed aquaculture operation would occupy two acres of water sheet area which would be identified w/ floating bouys. Floating net baskets will be installed w/in the grant area. These will be anchored w/ helical screw anchors that will be installed according to the grid plan part. The Town & the MA DMF have approved the grant subject to all other permitting required. No DEP file number has been received. No comments have been received from the MA NHESP at this time. He recommended a continuance of the hearing to the next meeting.

Present before the ConCom: Lee Roberd

Ms. Roberd expressed concern re: the project. She stated there have been many oyster farms there previously. She is concerned re: the netting that goes under the water & how it may affect the turtles in the water. Mr. Pichette stated the ConCom needs to receive comments from DMF to hear their determination.

MOTION: Mr. Leggett moved to continue the public hearing for Philip Chiaraluce to January 17, 2018. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – David Coughanowr, c/o Leary F.P., LLC – SE76-2464 (DONE)

B.NOI – Gary du Moulin, c/o McKinnon & Keese Eng. – SE76-2463 (DONE)

C.NOI – Mann Farms, c/o G.A.F. Engineering, Inc. – SE76-2460 (DONE)

D. NOI – Bruce Miller, c/o G.A.F. Engineering, Inc. – SE76-2459

Present before the ConCom: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 258 Barker Road. The project involves the installation of a dock in White Island Pond. A 4x40 ft. aluminum dock is proposed to be installed. The dock is proposed to be seasonal & would be removed before the winter. Pipe piles are to be proposed to be installed at the end of the structure. They are proposed to be left in year round. He recommended the outer piles be removed when the dock is removed for the season. There will be 3.2 inches of water at the end of the dock. There had been questions as to what type of boat would use the structure & what kind of draft there was. Mr. Grady has submitted a revised plan this evening.

Mr. Grady stated the only revision is that the note has been modified for the pipe piles to be removed seasonally along w/ the dock. He spoke re: the draft of the vessel to be used on the dock. A jack pipe can be added to the transom of the engine to meet the Bylaw requirement of 12 inches (lifting engine out of the water). The owner has been currently beaching the boat.

MOTION: Mr. Leggett moved to close the public hearing for Bruce Miller. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions for Bruce Miller w/ standard conditions & the added conditions that the revised plan be used & the boat motor will maintain a 12 inch draft. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Richard J. Smith, Trustee, c/o JC Engineering, Inc. – SE76-2461

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

Mr. Pichette described the project. The property is located at 39 Priscilla Ave. The project involves the demolition of an existing dwelling & the reconstruction of a new dwelling in the buffer zone to White Island Pond. An existing 20x38 ft. dwelling w/ associated retaining walls is to be removed & a new 34x44 dwelling w/ attached wrap around deck is proposed 17 ft. from the edge of the pond. At the last meeting, discussion ensued re: trying to reduce the footprint of the structure w/in the 30 ft. no activity zone & modified layouts. A revised plan has been submitted this evening which moved the house back several feet, however it did not remove work from the 30 ft. no activity zone. He would prefer more effort made to remove work from the 30 ft. no activity zone or work w/in the existing footprint of the house already there.

Mr. Bertollo stated he spoke to the applicant & they have their mind set of a specific style of house w/ a larger footprint. The revised plan shows reduced impact to the 30 ft. no activity zone. He discussed the existing docks & licensing.

Mr. Lassen expressed concern re: work in the no activity zone when there could be design changes made. Discussion ensued re: the three-season room.

Mr. Bertollo discussed revised changes submitted this evening at length. ConCom members spoke re: following the Bylaw & having the applicant consider amending the plans further to adhere to the Bylaw. Mr. Bertollo suggested a possible landscape buffer. He noted the things that have been done in the plans to adhere to the Bylaw.

Mr. Bertollo requested a continuance.

MOTION: Mr. Leggett moved to continue the public hearing for Richard J. Smith, Trustee to January 17, 2018. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting went back to item III. Preliminary Business – A. Approve meeting minutes: November 1, 2017.

ConCom members reviewed the minutes.

NOTE: Brief discussion ensued re: the project for Richard Smith just discussed. Lengthy discussion ensued re: what the Bylaw states, the 30 ft. no activity zone, & the project.

MOTION: Ms. Heard moved to approve the meeting minutes of November 1, 2017 as corrected. Mr. Lassen seconded.

VOTE: (3-2-0)

Mr. Leggett & Ms. Taggart abstained

B. EXTENSION REQUESTS

C. ENFORCEMENT ORDERS

D. CERTIFICATES OF COMPLIANCE

E. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Reappointments

B. Discussion: Conservation Restriction/Stewardship

C. Discussion: Bills

D. Discussion: Appointments

F. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM FINANCE COMMITTEE

Date copy sent to Town Clerk: _____