

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

**Date of Meeting: October 18, 2017**

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

The meeting was called to order at 7:06 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chair  
Sandy Slavin  
Joe Leggett  
Elissa Heard  
Mary Taggart  
William Smith  
Robert Lassar, Associate member

Member Absent: Mark Carboni, Associate member  
Donald Rogers, Associate member

### **III. PRELIMINARY BUSINESS**

**NOTE: The meeting proceeded w/ item V. Continued Public Hearings – A. RDA – William Mootos.**

Present before the ConCom: William Mootos

Mr. Pichette explained a site inspection was made at 73 Barlow Avenue. This is an after-the-fact filing for landscaping work in the buffer zone to salt marsh & w/in a coastal flood zone. Landscaping work was done right up to the edge of a salt marsh & w/in coastal flood zone AE el.14. A 1ft. to 16 ft. high landscape block wall was installed w/in an existing concrete block wall which exists right at the edge of the marsh. The new blocks are just dry placed & would be subject to being shifted around in flood event & potentially could end up on the marsh. Some stone was added to the driveway & loam placed for a grass area. At the last meeting, the hearing was continued to obtain information on how the wall could be solidified.

Mr. Mootos stated he has received an email from the Rose Pt. Association stating that they are aware of the project & have no objections to the project. The landscaper will be using pins & re-bar to secure the wall. Mr. Pichette asked if Mr. Mootos has a schematic of the wall showing the re-bar & pins. Mr. Mootos stated no. Mr. Pichette stated this will be needed. Mr. Mootos stated the caps will be secured w/ a special glue.

Brief discussion ensued re: continuing the hearing again. The ConCom asked that Mr. Mootos submit some sort of schematic of the wall.

**MOTION: Mr. Leggett moved to close the public hearing for William Mootos. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Mr. Mootos. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**B. NOI – Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o the Nature Conservancy – SE76-2432**

Mr. Baptiste stated the applicant has asked that this be withdrawn.

**MOTION: Mr. Leggett moved to grant the request of Garry Buckminster/Wareham Harbormaster/Shellfish Dept. to withdraw the application. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

#### **IV. PUBLIC HEARINGS**

##### **A. RDA – Melissa Lima**

The public hearing notice was read into the record.

Present before the ConCom: Melissa Lima  
Manny Rodriques

Mr. Pichette explained a site inspection was made at 25 Rose Point Ave. The project involves the construction of a deck & the removal of a tree w/in the buffer zone to a salt marsh & w/in the riverfront area of the Sippican River. A 7x16 ft. deck is proposed on the side of the house. This has already been started. The applicant also wishes to cut down the existing Oak tree in the vicinity of where the deck would be constructed. The deck would be supported w/ five sono tube footings. There has been some fill brought into the back of the site which has recently been loamed & seeded. Also, stone has been stacked up at the edge of the marsh. These items were not permitted & should be removed as they are w/in the 30 ft. no activity zone. He recommended a continuance of the hearing for the stone & fill to be removed.

Mr. Rodriques submitted the green abutter notification cards.

Mr. Rodriques stated the loam & seed were replaced from what was already there due to their construction. Mr. Pichette stated the grade was changed. Mr. Rodriques stated the rocks came from the yard. Mr. Pichette stated they shouldn't be placed near the marsh. He stated the original grade is fine w/ grass.

Present before the ConCom: Bern Barry

Mr. Barry stated the home was run-down. He feels what Ms. Lima & Mr. Rodriques have done to the property & home is remarkable. The Oak tree is very old & the roots are undermining their deck & his property. He is happy to have them as neighbors & have tried to do everything right.

Mr. Rodriques stated he placed no more than a foot of soil where the property drops.

Brief discussion ensued re: raking this soil out to make the grade more even, cutting the tree, & any more plans for landscaping.

**MOTION: Ms. Slavin moved to close the public hearing for Melissa Lima. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Mellisa Lima w/ the stipulations that when the tree is removed, the trunk & root system remain, remove the rocks that are w/in the no activity zone, & rake out the loam to original grade & further, issue a \$25.00 fine for an after the fact filing. Ms. Slavin seconded.**

**VOTE: Unanimous (6-0-0)**

## **B. RDA – Steve Tempini**

The public hearing notice was read into the record.

Present before the ConCom: Steve Tempini

Mr. Pichette explained a site inspection was made at 160 Pinehurst Dr. This application is being filed in response to a violation that occurred at the site which involved significant landscaping work in the buffer zone to salt marsh & w/in a coastal flood zone. The property has been excavated to remove the grass & underlying soil for about a depth of 6 inches in an effort to make improvements to the landscaped yard by adding a fresh layer of loam to establish a new lawn. The project was halted & haybales were required to be installed to contain the disturbed area. The applicant is seeking to place 304 inches of loam & hydro seed the area. The applicant also seeks to install an irrigation system. The plan does not show any detail or location of an irrigation system. He recommended the continuance of the hearing for a revised plan w/ more detail. Additional infrastructure should not be allowed w/in the 30 ft. no activity zone.

Mr. Tempini explained it is a sprinkler system. He hired a local company that knows the area. He didn't realize there would be an issue. He stated he didn't think of coastal conservation w/ putting in a lawn. Discussion ensued.

Mr. Tempini discussed the fertilizer he will use. Discussion ensued.

**MOTION: Ms. Slavin moved to continue the public hearing for Steve Tempini to November 1, 2018 pending a detailed layout of the lot, proposed seeded area, & where the irrigation system will be placed. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**C. NOI – Dugan Marine Realty, LLC, 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 explained a site inspection was made at the Wareham Boat Yard, 73 Leonard St., in the Rose Point area. The project involves the reconstruction of an existing boat ramp on a coastal bank, land under the ocean, salt marsh, & w/in a coastal flood zone. An existing 20x40 ft. concrete boat ramp is to be replaced w/ a new concrete ramp I the same general footprint. The new ramp will be constructed w/ pre-cast concrete panels. It is proposed to install a sheet pile coffer dam around the ramp work area. Altering the space w/in the coffer dame as shown on the plan would result in the alteration of 450 sq. ft. of salt marsh. He recommended a reduction in the footprint of the ramp. It was suggested to reduce the width of the ramp as there really isn't a need for a 20 ft. wide ramp at this location. This would reduce or eliminate the need to alter the salt marsh. Once the coffer dam is in place, the work area will be dewatered during the lower tide so that the work can take place. A sump would be placed w/in the coffer dammed area. Water would need to be pumped to containment area until free of turbidity. The existing ramp material would be pulled up & removed from the site. Crushed stone would be placed as a bed for the new ramp & then the precast sections would be set in place. A flat 20x20 approach pad to the ramp is also to be replaced. This part of the project would be poured concrete. There is another area at the site where boats & boat trailers are being stored in the marsh. The owner was previously directed to move stored items out of this area which had been done. DMF has submitted comments w/ several recommendations & a time of year restriction on the work. NO DEP file numbers has been received. He recommended a continuance of the hearing for a file number, a revised plan, & for removal of the stored items in the marsh.

Mr. Madden briefly discussed the existing boat ramp & measurements. There is a potential to reduce the width of the ramp a bit. His client expressed the need to have something wide enough to have two trailers side by side, possibly 17 ft.

Mr. Pichette stated a DEP # was received late today. Brief discussion ensued re: the DMF comments.

**MOTION: Ms. Slavin moved to continue the public hearing for Dugan Marine Realty, LLC to November 1, 2017. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**D. NOI – Richard Infussi**

The public hearing notice was read into the record.

The applicant has requested a continuance to November 1, 2017.

**MOTION: Ms. Slavin moved to continue the public hearing for Richard Infussi to November 1, 2017. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**E. NOI – BWC Gibbs Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc.**

**F. NOI – BWC Pocasset River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc.**

**G. NOI – BWC Harlow Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc.**

**H. NOI – BWC Wareham River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc.**

The public hearing notices were read into the record.

Present before the ConCom: Rich Riccio, Field Engineering  
Lexi Barlow, BlueWave Solar  
Jonathan Mancini, BlueWave Solar

Mr. Riccio proceeded to make a lengthy presentation on four different solar arrays proposed for (off) Charge Pond Road.

Mr. Pichette stated the project is for four separate solar arrays that result in work in buffer zone to wetlands to the lots. He noted roughly 38 acres of clear cutting will be done. Once the arrays are put in, disturbed areas will be loamed & seeded. The areas will be fenced in. He expressed concern that the fencing be 6 inches off the ground. He recommended no clearing in the 50 ft. no activity zone. These projects are being reviewed by the Town Engineer. The engineer's review has not been completed as of yet. He recommended a continuance of these hearings to await the Town Engineer's report.

Mr. Smith asked what the life expectancy is for these projects. Ms. Barlow stated around 20 years, with most likely more years past that.

Ms. Slavin spoke re: the clear cutting to be done. Mr. Riccio stated there is approx. 36 acres inside the fence & four or five acres outside the fence. He spoke re: the no activity zone. He noted that all sites will have drainage areas. He also reiterated that the solar project near Rte. 25 should not be visible in any season. If there is a problem, it will be addressed & some screening will be put in. If this happens, they will go before the Zoning Board.

Brief discussion ensued re: energy/electricity to be generated. Mr. Riccio noted that approx. 33,000 solar panels will be installed for all four projects. Ms. Heard asked if mitigation was considered since all of the clear cutting, such as donating of trees. Mr. Mancini asked if the

Town had a fund account for something like this. Ms. Slavin stated she was unaware of such a fund. Brief discussion ensued re: what type of trees will be cut.

**MOTION: Ms. Slavin moved to continue the public hearings for BlueWave Solar to November 1, 2017. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – William Mootos (DONE)**

**B. NOI – Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o the Nature Conservancy – SE76-2432 (DONE)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**NOTE: The meeting proceeded w/ item IX. Any other business/discussion: B. Discussion: Steven King – 12 Riplah Road.**

Present before the ConCom: Steven King

Mr. Pichette stated this issue deals w/ work done at 12 Riplah Rd. that involved tree cutting done in the buffer zone to salt marsh & w/in a coastal flood zone. Mr. King has submitted an RDA for the next meeting for this work & remediation work.

Mr. King stated when he realized mistakes were made, he called Mr. Pichette. He noted a total of six trees were cut down. The trees he found out were not on his property. He hired a relative that worked w/ an arborist. Communication w/the relative came up short re: what to do & supervising the work, thus mistakes were made. He proceeded to show the ConCom a plan of what & where things took place.

Mr. Pichette discussed what Mr. King intends to do to fix this issue, such as replacing trees & removing what has been cut. He has filed an RDA to address this & some other things he would like to do on his property. Discussion ensued.

**A. Discussion: Stone Bridge Drainage – Onset.**

Mr. Pichette noted that Mr. Madden & Mr. Menard, Director of Municipal Maintenance are going to meet to discuss this issue & come up w/ modifications to correct some problems that exist.

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

Mr. Madden spoke at length re: the matter relative to the Stone Bridge drainage.

## **VIII. CERTIFICATES OF COMPLIANCE**

### **A. Michael Connors – 13 Salt Creek Road**

Mr. Pichette explained this was for the construction of a pier, ramp, & float system. The project has been completed. There had been some minor changes to floats & less square footage than what was approved. Only two pilings were put in vs. four. The ConCom had requested float stops put in. He recommended the issuance of a COC.

**MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Michael Connors – 13 Salt Creek Road. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

### **B. John Bennett – 22 Algelo Avenue**

Mr. Pichette this was for a pier construction. The project has been completed according to the OOC. He recommended approval of the COC.

**MOTION: Ms. Slavin moved to grant a Certificate of Compliance for John Bennett – 22 Algelo Avenue. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

### **C. Colonial Gas – SE76-934**

### **D. Colonial Gas – SE76-1045**

### **E. Colonial Gas – SE76-1209**

Mr. Pichette explained these are three projects in which Colonial Gas installed a new gas main. These projects have been completed according to the OOC.

**MOTION: Ms. Slavin moved to grant three (3) Certificates of Compliance for Colonial Gas. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

## **IX. ANY OTHER BUSINESS/DISCUSSION**

### **A. Discussion: Stone Bridge Drainage – Onset (Done)**

### **B. Discussion: Steven King – 12 Riplah Road (Done)**

### **C. Discussion: Reappointments**

- D. Discussion: Conservation Restriction/Stewardship**
- E. Discussion: Bills**
- F. Discussion: Appointments**

**X. ADJOURNMENT**

**MOTION:** Ms. Slavin moved to adjourn the meeting at 8:55 P.M. Ms. Taggart seconded.

**VOTE: Unanimous (6-0-0)**

Date signed: \_\_\_\_\_

Attest: \_\_\_\_\_

Ken Baptiste, Chair  
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: \_\_\_\_\_