

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: November 1, 2017

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Sandy Slavin
Elissa Heard
Jim Smith
Robert Lassen, Associate Member (Arrived at 7:06 P.M.)
David Pichette, Agent

Members Absent: Joe Leggett
Mary Taggart
Donald Rogers, Associate Member
Mark Carboni, Associate Member

NOTE: The meeting proceeded w/ item V. Continued Public Hearings – A. RDA - Steve Tempini.

Present before the ConCom: Steve Tempini

Mr. Tempini stated he should have come & filled out the forms. He hired a local company. He was hard pressed to get to Town & he was of the understanding everything was all set.

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 six 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 3-4 inches of loam & hydro-seed the area. The applicant also seeks to install an irrigation system. A detailed plan has been submitted. He recommended approval of this project.

Brief discussion ensued re: loam to be placed & sand to be removed from the site. No elevation will be changed.

NOTE: Mr. Lassen arrived at this time.

Present before the ConCom: Marilyn Curtain, Neighbor

Ms. Curtain stated Mr. Tempini is a great neighbor & he has fixed up a property that had been neglected & abandoned for years. She urged the ConCom to allow him to continue the project.

MOTION: Ms. Slavin moved to close the public hearing for Steve Tempini. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Steve Tempini, & further that only low nitrogen fertilizer be used. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

B. NOI – Mark & Martha Fishman, c/o Environmental Consulting & Restoration, LLC

Present before the ConCom: Brad Holmes, Environmental Consulting & Restoration, LLC
Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette explained a site inspection was made at 35 Bourne Point Rd. The project involves management of the field grassland & the removal of nuisance vegetation on a coastal bank, in the buffer zone to a coastal bank, & in a coastal flood zone. The project is also w/in the estimated habitat of rare & endangered species. It is proposed to remove poplar trees, autumn olive, bittersweet, & other vines along the coastal bank for a length of several hundred feet & to try to promote the growth of native vegetation, including bay berry, highbush blueberry, & red cedar.

Invasive poplar saplings, 3-4 ft. tall, are proposed to be removed on the coastal bank by hand clipping & by blade saw where appropriate to avoid damage to the desirable vegetation that is mixed into the area. Larger poplar saplings 20 ft. in height are to be thinned on the lower coastal bank along the water by about 50%. Stump removal is not proposed. Mature poplar trees are not proposed to be removed. Management of poplars & other invasive plants to be removed will also include herbicide application to the cut plants. Herbicide application should be done by a MA licensed herbicide applicator.

The field, which has traditionally been cut, is proposed to be mowed at the end of the growing season to maintain the grassland field vegetation. It is also proposed to plant native vegetation to enhance the areas where nuisance vegetation is removed. A DEP file # has been received. No comments have been received from NHESP. He recommended a continuance of the hearing to await the comments.

Mr. Holmes stated he received a letter from NHESP w/ a condition stating all grassland mowing be done after Sept. 15th of any year. They feel the project meets their requirements.

Mr. Holmes briefly discussed the management plan for this property going forward. The plan has been submitted to the ConCom. The goal is to maintain a grassland habitat.

Ms. Slavin asked re: mowing of pathways. Mr. Holmes stated the walking trails are mowed more frequently.

Mr. Holmes discussed what vegetation will be removed.

Mr. Pichette recommended the issuance of an OOC w/ standard conditions & the added conditions that herbicide application be done by a MA licensed herbicide applicator, the larger tree saplings be marked & reviewed prior to cutting these trees, a planting scheme reviewed & approved by the Commission for the areas to be replanted, & the field be mowed annually at the end of the season to maintain the field vegetation.

MOTION: Ms. Slavin moved to close the public hearing for Mark & Martha Fishman. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions & the added conditions that herbicide application be done by a MA licensed herbicide applicator, the larger tree saplings be marked & reviewed prior to cutting these trees, a planting scheme reviewed & approved by the Commission for the areas to be replanted, & the field be mowed annually at the end of the season to maintain the field vegetation for Mark & Martha Fishman. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

III. PRELIMINARY BUSINESS

A. Approve minutes: September 6, 2017

Minutes to be handled at the end of the meeting.

IV. PUBLIC HEARINGS

A. RDA – MA Department of Transportation, c/o MA Dept. of Transportation – Highway Division

The public hearing notice was read into the record.

Present before the ConCom: Mike Clements, MA DOT

Mr. Pichette explained a site inspection was made on Rt. 495 from Rt. 58 to I-195. On this stretch of highway, it is proposed to do resurfacing work & vegetation removal in the buffer zone to BVW. This section of highway will be milled & resurfaced. Also, vegetation w/in 20 of the pavement edge will be cut back for vegetation management purposes. Catch basin grates will also be resit & drainage pipes will be cleaned out along this stretch of road. In most areas w/in the work area, the vegetation is already cut back close to the desired limit, but small trees that have grown into this area, along w/ overhanging branches, will be cut back. There are also a few larger trees w/in the work zone to be removed.; This will include work in the median as well. Trees will be flush cut w/ the ground & the project does not include any stump removal or earth work. This is essentially maintenance work that has not been done in several years & now

needs to be done for safety purposes. He recommended the issuance of a Negative #3 Determination for the work.

Lengthy discussion ensued w/ Mr. Clements re: the work to be done.

MOTION: Ms. Slavin moved to close the public hearing for MA Dept. of Transportation. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #3 Determination for the MA Dept. of Transportation. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

B. RDA – Steven A. King

The public hearing notice was read into the record.

Present before the ConCom: Steven King

Mr. King presented a letter to the Commission that had been requested.

Mr. Pichette explained a site inspection was made at 12 Riplah Rd. in the RLDS Campgrounds. This filing is in response to some unpermitted tree cutting that was done in the buffer zone to salt marsh & w/in a coastal flood zone. Trees were cut in the buffer zone which included red cedar trees, oaks, & a black cherry. The applicant's intent was to remove invasive vines, such as bittersweet, but more work ended up being done than what was envisioned. The applicant has agreed to replant trees in the vicinity of those that were cut & to be allowed to take out some remaining bittersweet vine. They had also discussed some additional work to include the reconstruction of a retaining wall & to replace vegetation on a coastal bank. This work would require the filing of an NOI & so the applicant has removed that portion of the project at this time & will file an NOI for that work in the future. He recommended the issuance of a Negative #2 Determination to allow the replanting of the trees by hand & the hand removal of some remaining bittersweet vine.

Mr. King described what transpired & what will be happening moving forward.

MOTION: Ms. Slavin moved to close the public hearing for Steven King. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Steven King to allow the replanting of trees by hand, the hand removal of some remaining bittersweet vine, & all fresh debris be removed. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

C. NOI – John L. Churchill, Jr., c/o JC Engineering, Inc.

The public hearing notice was read into the record.

The applicant has requested a continuance to November 15, 2017.

MOTION: Ms. Slavin moved to continue the public hearing for John L. Churchill, Jr. to November 15, 2017. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Steve Tempini (DONE)

B. NOI – Mark & Martha Fishman, c/o Environmental Consulting, LLC (DONE)

C. NOI – Dugan Marine Realty, LLC, c/o G.A.F. Engineering, Inc. – SE76-2448

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 Pt. 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 in the same general footprint. The new ramp will be constructed w/ pre-cast concrete panels. It is proposed to install a sheet pile copper dam around the work area. Altering the space w/in the coffer dam as shown on the plan would result in alteration of 450 sq. ft. of salt marsh. He had previously recommended a reduction in the footprint of the ramp. It had been suggested to reduce the width of the ramp as there 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. The engineer has submitted a plan reducing this width. A DEP file number has been received.

Mr. Pichette stated another area of concern is where boats & boat trailers are being stored in the marsh. The owner was previously directed to move stored items out of this area. This needs to be addressed prior to the ConCom approving this application.

Mr. Madden proposed if the ConCom issues the OOC requiring the boat/boat trailers be removed from the area prior to the onsite meeting/before the construction of the boat ramp may ensure it gets done sooner & encourage removing them sooner vs. later. Mr. Pichette stated the only problem is that sometimes once an OOC is issued, the conditions aren't followed. He feels the best way to get this done is not issue the permit until this condition is met. Mr. Smith & Mr. Lassen concurred w/ Mr. Pichette. Ms. Slavin & Ms. Heard were in favor of issuing the OOC w/ a fine of \$300 per day if the boats are not removed from the resource area.

MOTION: Ms. Slavin moved to close the public hearing for Dugan Marine Realty, LLC. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Dugan Marine Realty, LLC & the stipulation that all boats & trailers must be removed from the resource area prior to the pre-construction hearing & further, if that is not done, the applicant will be fined \$300.00 per day until the boats & trailers have been removed. Ms. Heard seconded.

**VOTE: (3-1-0)
Mr. Smith opposed**

D. NOI – Richard Infussi

Present before the ConCom: Richard Infussi
Mr. Murphy

Mr. Pichette explained a site inspection was made at 114 Pinehurst Dr. The project involves repairs to an existing seawall along a coastal bank, coastal beach, salt marsh, w/in a coastal flood zone & w/in the riverfront area of the Broad Marsh River. An existing concrete seawall, 91 ft. in length, is leaning & cracked & needs to be repaired. The work will involve trenching to install a second concrete wall behind the existing wall on the landward side to anchor the existing wall to so that it cannot fall forward onto the beach. The new anchor wall will be 18-24 ft. thick.. Bolts will be used to tie the existing wall to the anchor wall. There is no landward side of the wall. There was initially discussion of beach nourishment being proposed, but that part of the project has been removed & will be applied for at a later date. No DEP file number has been received. He recommended a continuance to the next meeting.

Brief discussion ensued re: the project where time is of the essence & the 10-day appeal period after an OOC is issued.

MOTION: Ms. Slavin moved to continue the public hearing for Richard Infussi to November 15, 2017. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

- E. NOI – BWC Gibbs Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2450**
- F. NOI – BWC Pocasset River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2451**
- G. NOI – BWC Harlow Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2452**
- H. NOI – BWC Wareham River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2449**

NOTE: The ConCom concurred to handle items E-H together.

Present before the ConCom: Lawrence Winoker, Attorney
Rich Richio, Engineer
John Mancini, Bluewave Solar

Mr. Pichette briefly discussed the four separate solar arrays. The Town's engineer has still not submitted comments as of yet. Additional plantings were discussed at the last meeting. He recommended a continuance for all four applications to await receipt of the comments.

Mr. Richio stated he met w/ the Fire Chief who required a buffer access for fire apparatus at the sites. Once the engineer's comments are received, a revised plan will be submitted. He discussed the additional planting suggestions for the four sites.

Discussion ensued re: tree cutting & areas where trees will be removed.

MOTION: Ms. Slavin moved to continue the public hearings for BWC Gibbs Brook, LLC, Pocasset River, LLC, Harlow Brook, LLC, & Wareham River LLC to November 15, 2017. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting went back to item III. Preliminary Business – A. Approve minutes: September 6, 2017.

MOTION: Ms. Slavin moved to approve the meeting minutes of September 6, 2017. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Arthur Johnson & Barbara Kaplan – 53 Off West Blvd.

Mr. Pichette explained this project involved an addition & has been completed according to the OOC. He recommended the issuance of a COC.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Arthur Johnson & Barbara Kaplan. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

B. Casey & Brindley, Inc. – Off Depot St. & Knowles Avenue

Mr. Pichette explained that this site once had a fuel depot which had a spill. Remediation was needed at the site.

Discussion ensued re: the protocol of DEP w/ projects such as this.

Mr. Pichette recommended the issuance of a COC.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Casey & Brindley, Inc. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

- A. Discussion: Stone Bridge Drainage – Onset
- B. Discussion: Steven King – 12 Riplah Road
- 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 8:30 P.M. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____

