

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

**Date of Meeting: December 2, 2015**

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

The meeting was called to order at 7:08 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Sandy Slavin, Clerk  
Joe Leggett  
Donald Rogers  
Elissa Heard  
Jim Smith, Associate Member  
David Pichette, Agent

Member Absent: Mark Carboni  
Elizabeth Lydon, Associate Member

### **III. PRELIMINARY BUSINESS**

**A. Approve & sign invoice #26866 from Wareham Week in the amount of \$105.00 for hearing advertisements.**

The Commission approved the invoice.

**MOTION: Ms. Slavin moved the Commission authorize the Chair and/or Co-Chair to approve & sign all invoices. Mr. Leggett seconded.**

**VOTE: (5-0-0)**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Anna Mason**

Present before the Commission: Anna Mason  
Mr. Gill

The public hearing notice was read into the record.

Mr. Pichette described the project. He explained the applicant is requesting to construct a patio and shed at 2607 Cranberry Highway in a buffer zone to a Bordering Vegetated Wetland (BVW). The shed is proposed to be 10'x12' inside of a fence 30' from the wetland. The patio is proposed to be 25'x25' and a fire pit that is 5'x5'. It is also proposed to landscape the yard to level the yard and replace some grass. The fence is requested to be

moved to allow for more yard space. He recommended against moving the fence. He does recommend approving all activities proposed aside from moving the fence.

**MOTION: Ms. Slavin moved to close the public hearing for Anna Mason. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to grant the construction proposed on this site, except for moving the fence for Anna Mason. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**B. Amended OOC – Bourne’s Point Trust, c/o G.A.F. Engineering, Inc. – SE76-2347**

Present before the Commission: Lucy Aptekar representing the Bourne’s Point Trust

The public hearing notice was read into the record.

Mr. Pichette described the project. He explained the site is in Bourne Cove, Lot 7 off Bourne’s Point Road. It is proposed to install helical screw anchors to an existing pier system to prevent the pier from lifting off the bottom due to winter ice. The screw anchors would be placed adjacent to 4 existing pilings and drilled 15 feet in depth and attached to the piling. The work is proposed to be done by hand. He recommended issuing the amendment to the Order of Conditions.

**MOTION: Ms. Slavin moved to close the public hearing for Bourne’s Point Trust. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to approve the amendment to the Order of Conditions for Bourne’s Point Trust. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**C. Amended OOC – Christine Wilander, c/o Bracken Engineering, Inc. – SE76-2189**

Present before the Commission: Don Bracken, Bracken Engineering  
Christine Wilander

The public hearing notice was read into the record.

Mr. Pichette described the project. He explained the applicant is proposing to relocate the current house inside the riverfront area 7 17<sup>th</sup> Avenue, which would increase the riverfront

alteration from 806 s.f. to 4,946 s.f. of riverfront area alteration. The original approval of this project was so that the least amount of disturbance to the riverfront area as required in the By-Law. He recommended not approving this project. He stated the original Order of Conditions did state that it requested no additional work take place beyond the limit of what was already approved.

Mr. Bracken stated the applicant has requested to construct the house in the new proposed location because it would create much less cost to the applicant. He stated he believes the new proposed location of the house would reduce nitrogen pollution to the water by moving the yard further from the river. He stated the State does allow up to 5,000 s.f. of disturbed riverfront area.

**MOTION: Ms. Slavin moved to continue the public hearing for Christine Wilander to January 16, 2015. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**D. Amended OOC – Patrick Sheehan, c/o G.A.F. Engineering, Inc. – SE76-2336**

The applicant has requested to continue the public hearing.

**MOTION: Ms. Slavin moved to continue the public hearing for Patrick Sheehan to December 16, 2015. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**E. NOI – Melanie & Robert Dunn, c/o Lockwood Architects – SE76-2364**

Present before the Commission: Bill Lockwood, Lockwood Architects

The public hearing notice was read into the record.

Mr. Pichette he described the project. He explained the property is located at 4 Sunset Avenue. The applicant is looking to replace an existing seawall by installing a vinyl sheet pile wall. The wall is approximately 65' in length. He requested the old wall be removed and not used as back fill. The new wall should be in the same line as the existing seawall.

**MOTION: Ms. Slavin moved to close the public hearing for Melanie & Robert Dunn. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Melanie & Robert Dunn with the added conditions that there will be no machinery on the beach, the vinyl sheeting will be installed in front of the seawall, the riprap will**

**be removed manually, the marsh will not be disturbed, and the existing seawall will not be removed with machinery. Mr. Leggett seconded.**

**VOTE: (5-0-0)**

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

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

The public hearing notice was read into the record.

Mr. Pichette described the project. He stated a site inspection was made at 63 Edgewater Dr. The project involves the construction of a vinyl sheet pile bulkhead along a coastal bank, coastal beach, within a coastal flood zone, within the riverfront area of crooked river and within the estimated habitat of rare and endangered species. A vinyl sheet pile bulkhead is to be installed 90' in length at the toe of the existing stone slope. He recommend the wall be installed further inland at the top of the slope, or if allowed at the toe of the slope, that it only be allowed to come up a small amount from the ground elevation so as not to require much backfill. This should not result in gaining additional land area at the site by filling over a coastal bank. He questioned what machinery will be used to install the bulkhead and remove stone as indicated. No comments have been received from NHESP at this point. A DEP file # has been received. He recommended a continuance for comments from NHESP.

**MOTION: Ms. Slavin moved to continue the public hearing for John Balciunas to December 16, 2015. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**G. NOI – Lawrence Hill/Hill Financial Co., c/o Goddard Consulting LLC**

Present before the Commission:

The public hearing notice was read into the record.

Mr. Pichette described the project. He stated a site inspection was made at Lot 1 on Minot Ave. The project involves the construction of a duplex in the buffer zone to BVW at the site. The site is also within the estimated habitat of rare and endangered species. The wetland boundary was previously approved by the Commission under a separate ANRAD filing. A 40x52' duplex dwelling, with each unit having an attached 22x22' garage, is proposed 75' to the edge of the BVW. The limit of work would be 40' to the resource area. There would be some minor grading as shown on the plan. The duplex is proposed to have Town water and sewer. Hay bales and silt fence are proposed between the work and the resource areas. No comments have been received from the NHESP. No DEP file # has been received. He recommended a continuance to the next meeting for the stated.

**MOTION: Ms. Slavin moved to continue the public hearing for Lawrence Hill/Hill Financial Co. to December 16, 2015. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – Onset Beach Mobile Home Park, c/o Field Engineering Co., Inc.**

The applicant has requested to continue the public hearing.

**MOTION: Ms. Slavin moved to continue the public hearing for Onset Beach Mobile Home Park to December 16, 2015. Mr. Smith Seconded.**

**VOTE: (5-0-0)**

**B. RDA – Adriano Pimenta**

The applicant had requested to continue the public hearing.

**MOTION: Ms. Slavin moved to continue the public hearing for Adriano Pimenta to December 16, 2015. Mr. Leggett seconded.**

**VOTE: (5-0-0)**

**C. RDA – Ted Knopf, c/o N. Douglas Schneider & Associates, Inc.**

Present before the Board: Ted Knopf

Mr. Pichette described the project. He stated a site inspection was made at 35 Long Beach Road. The project involves the construction of an in ground pool and relocating a septic system within a coastal flood zone, possible buffer to BVW. An 18x36' in ground pool with associated patio area is proposed within coastal flood Zone VE el 18. The work is within the center island area of existing driveways to the site. An existing septic system will have to be relocated to accommodate the proposed pool. The new leach field will be relocated within the interior driveway island area. Wetlands exist to the east, which are not shown on the plan. He questioned if work is within the buffer? A violation involving cutting vegetation up to the edge of the wetland exists at the site. The applicant has filed a NOI to address this issue. He stated the Commission could approve the proposed work or wait to review the NOI and condition the whole project. The NOI can be on the next agenda.

**MOTION: Ms. Slavin moved to table the public hearing for Ted Knopf. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to remove the public hearing from the table for Ted Knopf. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to close the public hearing for Ted Knopf. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Ted Knopf. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**D. NOI – Helen Carbonara, c/o Alpha Survey & Engineering, Inc. – SE76-2360**

Present before the Commission:      Representative from Alpha Survey

Mr. Pichette described the project. He stated the project site is at 39 Rose Pointe Avenue. At the site there was tree removal, landscaping, the addition of crushed small stone, and a deck built in a buffer zone of a coastal bank. An Enforcement Order had been issued. The applicant has presented an NOI for the work which has already been completed as well as additional proposed work. The previously proposed pier and paved driveway have been removed from the plan and are no longer proposed. The remaining proposals include fencing, 9'x6' deck and an irrigation system. The applicant has presented a revised plan to show previously requested changes. He recommended an issuance of an Order of Conditions for the proposed work with the condition that the proposed driveway not be extended any further than it is.

Ms. Slavin feels some type of fine should be imposed on the applicant for the removal of the trees and shrubs without permitting. Mr. Baptiste suggested charging \$300.00 for the initial fine and \$300.00 to cover the blatant refusal to obey the situation.

**MOTION: Ms. Slavin moved to close the public hearing for Helen Carbonara. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions for the proposed work with the condition that the driveway remain as is and not be expanded any further, and further, the Commission to issue two (2) fines for \$300.00 each for Helen Carbonara. Mr. Leggett seconded.**

**VOTE: (5-0-0)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Don Letendre – 18 Old Woods Road**

Additional information is required. No decision was made at this time.

**B. MA DOT Railroad Transit – Merchant's Way**

No decision was made at this time.

**C. Paul Shields – 5 Wareham Lake Shores Drive**

**MOTION:** Ms. Slavin moved to approve a Certificate of Compliance for Paul Shields. Mr. Leggett seconded.

**VOTE: (5-0-0)**

**D. Richard Driscoll – 13 Dresden Avenue – SE76-1840**

**MOTION:** Ms. Slavin moved to approve a Certificate of Compliance as invalid (no work had been done) for Richard Driscoll. Mr. Leggett.

**VOTE: (5-0-0)**

**E. Richard Driscoll – 13 Dresden Avenue – SE76-1337**

**MOTION:** Ms. Slavin moved to approve a Certificate of Compliance as invalid (no work had been done) for Richard Driscoll. Mr. Leggett seconded.

**VOTE: (5-0-0)**

**IX. ANY OTHER BUSINESS/DISCUSSION**

No other business took place at this time.

**X. DISCUSSION – WETLAND BYLAW COMMITTEE**

No other discussion took place at this time.

**XI. DISCUSSION: CONSERVATION RESTRICTION/STEWARDSHIP**

No discussion took place at this time.

**XII. DISCUSSION: BILLS**

No other bills were discussed at this time.

**XIII. DISCUSSION: WETLAND BYLAW**

No discussion was held concerning the wetland bylaw.

**XIV. ADJOURNMENT**

**MOTION: Ms. Slavin moved to adjourn the meeting at 9:00 P.M. Mr. Smith seconded.**

**VOTE: Unanimous (5-0-0)**

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

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

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

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