

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: December 7, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:03 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Sandy Slavin
Elizabeth Lydon
Elissa Heard
Mary Taggart
Dave Pichette, Agent

Members Absent: Mark Carboni
Jim Smith
Joe Leggett

PRELIMINARY BUSINESS

Approve meeting minutes: March 16, 2016 & April 20, 2016

MOTION: Ms. Slavin moved to approve the minutes of March 16, 2016 as presented. Mr. Baptiste seconded. (due to no one else having been present at that meeting)

VOTE: (2-0-3)

MOTION: Ms. Slavin moved to approve the minutes of April 20, 2016 as presented. Ms. Taggart seconded.

VOTE: (3-0-2)

PUBLIC HEARINGS

A. RDA – Giuseppina Reid

Present before the Commission: Gina Newman, Contractor
Anna Newman

The representatives for the applicant do not have the green cards. A site inspection was made at 100 Glen Charlie Rd. The project involves the construction of a new patio area and the replacing of existing patio pavers in the buffer zone to Agawam Mill Pond. A 20x26' patio is proposed 32' from the edge of the pond. The patio surface would be concrete pavers. The work area is on

a slight slope so timbers are proposed around the edge of the patio area which would then be backfilled and then pavers added. Doesn't appear that there is 30' to the edge of the pond. Mr. Pichette recommends the patio area be reduced so that it is outside the 30' no activity zone. Other older existing pavers are to be replaced in the same location. These exist between the house and the water. Hay bales are proposed between the work and the pond as shown on the plan. Mr. Pichette recommended a revision to accurately depict the 30' setback to the pond. Mr. Pichette recommended a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Giusepina Reid to December 21, 2016 to wait for green cards and a revised plan. Ms. Lydon seconds.

VOTE: (5-0-0)

B. RDA – Peter Halkett

Present before the Commission: Peter Halkett

A site inspection was made at 12 Blissful Lane in the Shangri-La area. This is an after the fact filing for the reconstruction of a deck in the buffer zone that was done with no permits. An existing deck was removed and a new deck reconstructed in the same general area. New footings were installed for the deck. This work was within 20-25' of the edge of Glen Charlie Pond. The new deck is slightly wider than the original due to the location of the new footings. Mr. Pichette asked if there is going to be a need for any additional work. The applicant stated there will not be any additional work. No grade changes were made. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Peter Halkett. Ms. Lydon seconded.

VOTE: (5-0-0)

MOTION: Ms. Slavin moved to grant a Negative #3 Determination for Peter Halkett and issue a fine of \$100.00 for doing work without a permit.

VOTE: (5-0-0)

C. RDA – Wareham Open Space Committee, c/o Sandy Slavin

NOTE: For this hearing, Ms. Slavin stepped away from her position as Conservation Commissioner.

Present before the Commission: Sandy Slavin

A site inspection was made at 23 Apple Street, the Oakdale playground. The project involves improvements to an existing playground within the riverfront area of Agawam River and within a coastal flood zone. Improvements are proposed to the existing playground which include

adding bleachers to the side of the existing basketball court, the creation of an 1820 sq. ft. safety surface for playground equipment, the relocation of fencing to improve a parking area, and creating a hard surface path from the parking area to the playground area. The site is flat. There are no significant grade changes proposed and all the work is within the existing maintained playground area. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Lydon moved to close the public hearing for the Wareham Open Space Committee. Ms. Heard seconded.

VOTE: (5-0-0)

MOTION: Ms. Lydon moved to grant a Negative #2 Determination for the Wareham Open Space Committee. Ms. Taggart seconded.

VOTE: (5-0-0)

NOTE: Ms. Slavin returned to her position as a Conservation Commissioner.

D. RDA – Jetgo Properties, LLC, c/o JC Engineering, Inc.

Present before the Commission: John Churchill, JC Engineering, Inc.

A site inspection was made at 103 Mayflower Ridge Dr. The project involves upgrading a septic system within a coastal flood zone. An existing septic system is to be replaced with a new Title V system within coastal flood zone AE El 14. The work is within the existing fenced in yard area. The work is not in the buffer zone to any other resource areas. There will be some minor grading as shown on the plan. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Jetgo Properties. Ms. Heard seconded.

VOTE: (5-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Jetgo Properties. Ms. Lydon seconds.

VOTE: (5-0-0)

E. NOI – Gerald & Aileen MacIsaac, c/o JC Engineering, Inc. SE76-2420

Present before the Commission: John Churchill, JC Engineering, Inc.

A site inspection was made at 126 Point Pleasant Circle. The project involves upgrading a septic system in the buffer zone to White Island Pond. An existing cesspool is to be replaced with a

new title v nitrogen reducing septic system. The lot is limited in terms of usable space. The new leach field will be 88' from the edge of the pond and will be located up near the road. Hay bales and silt fence will be placed between the work and the resource area as shown on the plan. A DEP file # has been received for the project. Mr. Pichette recommended the issuance of the Order of Conditions with the standard conditions.

MOTION: Ms. Slavin moved to close the public hearing for Gerald & Aileen MacIsaac. Ms. Heard seconds.

VOTE: (5-0-0)

MOTION: Ms. Slavin moves to grant an Order of Conditions with standard conditions for Gerald & Aileen MacIsaac. Ms. Lydon seconded.

VOTE: (5-0-0)

F. NOI – Karl Wurst & Amy West, c/o JC Engineering, Inc.

Present before the Commission: John Churchill, JC Engineering, Inc.

A site inspection was made at 11 Priscilla Ave. The project involves the construction of dock on White Island Pond. A 4x32' dock is proposed into White Island Pond. The dock is proposed to be seasonal so no pilings are proposed to be driven. Instead the structure will simply rest on the bottom. There will be 2.5' of water at the end of the dock. The project is not on the owners property but is on the White Island Shores community property. There should be input from the association on this prior to a decision as they are the property owner. No DEP file # has been received. Mr. Pichette recommends a continuance of the hearing to wait for DEP file # and comments from White Island Shores.

MOTION: Ms. Slavin moves to continue the public hearing to December 21, 2016. Ms. Lydon seconds.

VOTE: (5-0-0)

CONTINUED PUBLIC HEARINGS

NOI – Buzzards Bay Coalition SE76-2415

Present before the Commission: No one is present at this time.

MOTION: Ms. Slavin moves to table the hearing at this time. Ms. Lydon seconds.

VOTE: (5-0-0)

MOTION: Ms. Slavin moves to un-table the hearing. Ms. Lydon seconds.

VOTE: (5-0-0)

Present before the Commission: Sarah Quintell, Buzzards Bay Coalition

A site inspection was made at Lot D on Burgess Point. The proposed project is for wildlife habitat improvement within a coastal dune, within the buffer zone to Bordering Vegetated Wetlands, within the coastal flood zone, and within the estimated habitat of rare and endangered species. Endangered species listed are Roseate Tern, Common Tern, and Eastern Box Turtle. The project site is 15.5 acres in size and is the former Decas property that has a conservation restriction on it. The area to be worked on is 7 acres of the site. The proposal is to restore early successional coastal sandplain habitats by cutting trees throughout the 7 acre project area so that the tree canopy is reduced to only 20-25%. Currently there is 90% coverage in the target area. Also proposed is to remove invasive plant species such as Spotted Knapweed, Japanese Honeysuckle and Autumn Olive. It is also proposed to treat stumps and seedlings with herbicides to prevent regeneration and to promote the growth of grasses, wildflowers, and low growing shrubs. In terms of herbicide treatment, no detail has been submitted as to the type of herbicide to be used, frequency of treatment, or specific methodology. This information should be submitted. A DEP file # has been issued for the project with comments stating that the applicant should submit either a WPA Form 3A for a Notice of Intent for an Ecological Restoration Project, or NOI WPA Form 3 Appendix A for Ecological Restoration Limited Project. Neither of these has been submitted to my knowledge. No comments have been received from Natural Heritage. This is a significant project that should likely warrant a site visit for members. Mr. Pichette recommends a continuance at this time for the additional information mentioned and for comments from NHESP. Also additional copies of information should be submitted. Mr. Pichette also recommends scaling the project down. Mr. Pichette stated that DEP had requested additional materials on this project before making comments and asked if that had been addressed.

Ms. Quintell states that she has not yet been able to get in contact with DEP. Ms. Quintell refers to other similar projects to the one proposed to show how clearing/pruning trees has promoted growth of other plant species.

Ms. Lydon had asked if the Buzzards Bay Coalition would consider doing a smaller scale project. Ms. Quintell states that if the project size is too small the Coalition would not entertain it due to the cost of mobilization.

Ms. Slavin states she would like to see this project be split into two different projects. One being the yellow and green areas on the plan and the second part being the area in white, which is the larger area (covered with pitch pine and poplars). Ms. Quintell asks if the Commission would be opposed to the management of Poplar and other invasive species. Ms. Slavin stated that she would not mind that, speaking for herself and not part of the Commission.

Ms. Taggart asks if removal of the trees would lead to an erosion concern due to the sandy soils on the site. Ms. Quintell states that there is a large enough network of underbrush to ensure that erosion does not become an issue.

Ms. Slavin asked if someone will be onsite to oversee which trees are removed and what type of machinery is being used. Ms. Quintell states that she would be onsite during tree removal and that there is a saw with a grappler arm that is going to be removing the trees, which has a long reach and should be able to be accomplished from the existing trails. Ms. Quintell is hoping this work will be done this winter, before April. The invasive plant removal would not take place until the spring.

Ms. Lydon asked if the impacts of the existing habitat have been explored. Ms. Quintell states that they are focused on creating a habitat for more rare species. The species that currently exist on the property are more commonplace and have more space in the area that they could migrate to.

Present before the Commission: Carl Clemmy, abutter

Mr. Clemmy states that Winship Road, which is the road that will be traveled on for the work, is a private road and owned 50% by himself. Mr. Clemmy also states that the road is only 10' wide and that the trucks and machines would not fit down this road, and also that the gate is only 8' wide and the vehicles cannot fit through the road. Mr. Clemmy believes that the Coalition could use Lydia's Island Road instead, which is a straight road. Mr. Clemmy states if the Coalition would like to use Winship Road they must put up a bond for the road. Mr. Clemmy also states that there are clay pipes under the road which could be damaged. Mr. Clemmy also states that emergency services would not have access to the site through Winship Road.

Present before the Commission: Scott Dentan, abutter

Mr. Dentan states that the land the Coalition is looking to restore has changed drastically in the last 8 years. Mr. Dentan is in favor of the Coalitions project to restore the property to a dune property. Mr. Dentan also states that he would allow emergency services access to this conservation property through his property.

Ms. Quintell states that the contractor they had in mind for the work had measured the road and Winship Road is 11' at its most narrow point, and the gate is a little over 11' and the trucks going through the road are about 10' wide.

Present before the Commission: Mr. Decas, owner

Mr. Decas states that Lydia's Island Road is not the road to use for this large equipment. Mr. Decas believes that the project would enhance the neighborhood and would be a benefit to everyone.

Ms. Slavin asked how many truck trips would take place per day if the project were approved. Ms. Quintell states that she doesn't have that statistic at the moment.

Ms. Taggart asked who would be reviewing the condition of Winship Road before work would begin. Ms. Quintell states that the Coalition would take picture of the road, and the condition of it, and would inspect it to ensure its safety.

Present before the Commission: William Clemmy

Mr. Clemmy states that he and Carl Clemmy are not opposed to the project itself, they are in support of the project, but as 50% owners of Winship Road they are concerned with the access to the property.

Mr. Baptiste states that he is in favor of the project but he feels there needs to be more research done and a more definitive point of access.

Present before the Commission: Peter Balzarini

Mr. Balzarini states that no one can prevent people from using a right of way, regardless of who owns it.

MOTION: Ms. Slavin moves to continue the public hearing until December 21, 2016. Ms. Lydon seconds.

VOTE: (5-0-0)

NOI – Terry Edwards, c/o G.A.F. Engineering, Inc., SE76-2418

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

A site inspection was made at 50 Winship Avenue. The project involves adding a new fixed pier extension off of an existing stone pier within land containing shellfish, land under the ocean, and within the estimated habitat of rare and endangered species. A fixed pier, ramp, and float extension 122' in length is proposed. This would bring the overall length of the structure to 190' from mean high water. The pier would be an aluminum pier with wide spans which will require fewer pilings. The pilings would be steel covered in pvc. Also proposed are two dolphin piles an additional 24' out from the float. This would place the activities outside 200' limit from mean high water. At the last meeting Mr. Pichette recommended reducing the length of the pier, ramp and float to allow the dolphin piles to be moved further in to be within the 200' limit from mean high water. Two markers have been placed at this time. Harbormaster commented that he would work with the applicant moving the moorings. No negative comments have been received from the Natural Heritage and Endangered Species Program. A DEP file # has been received. The applicant has not yet stated if they will or will not move the moorings, which would present an issue if they do not. Mr. Madden states that he believes the simplest solution is to remove the dolphin pilings from the plan.

MOTION: Ms. Slavin moves to continue the hearing until December 21, 2016. Ms. Heard seconds.

NOI – Frank Adrean, Nanumett Shores Improvement Association, c/o G.A.F. Engineering, Inc. SE76-2413

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

The last meeting was continued so the Commission members could go to the site and view where the docking area is situated. The Commission has still not received comment from the Harbormaster on this site. Mr. Madden states that they would like to keep the dock under the definition of a marina (which is classified when 10 or more boats are docked).

MOTION: Ms. Slavin moves to continue the hearing until December 21, 2016. Ms. Heard seconds.

VOTE: (5-0-0)

NOI – Vincent Moschella/260 County Road Solar, LLC, c/o Prime Engineering, Inc. SE76-2419

Present before the Commission: Evan Watson, Prime Engineering

This project is installing a utility trench and 3 utility poles at 260 County Road in the buffer zone to Bordering Vegetated Wetland. Previously a file number had not been received by DEP. At this point a file number has been received. Mr. Pichette recommends the approval of the Order of Conditions with standard conditions.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Heard seconds.

VOTE: (5-0-0)

MOTION: Ms. Slavin moves to grant the Order of Conditions with standard conditions. Ms. Heard seconds.

VOTE: (5-0-0)

NOI – Derek Chang, c/o J.C. Engineering, Inc., SE76-2355

Present before the Commission: John Churchill, JC Engineering, Inc.

This project is located at 29 Washington Drive and involves the construction of a deck in the buffer zone to a coastal beach and within a coastal flood zone. This project was reviewed previously to construct a deck in the 30' no activity zone. The initial proposal had a 10' wide project. The project was continued at the applicants request. The applicant has returned to the Commission, the plan has been revised and the deck was reduced in size to 5'. Mr. Pichette recommends either a revision of the plan or not allowing the deck within the 30' no activity zone.

Mr. Churchill states that the deck will be cantilevered; nothing will be touching the ground, so there is no impact on the environment.

Ms. Taggart states that at the previous hearing it was recommended that a patio be constructed in lieu of a deck, and she feels the cantilevered deck is much less invasive than a patio.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Heard seconds.

VOTE: (5-0-0)

MOTION: Ms. Slavin moves to grant the project based on the revised plan with standard conditions. Ms. Heard seconds.

VOTE: (4-1-0)

EXTENSION REQUESTS

ENFORCEMENT ORDERS

CERTIFICATES OF COMPLIANCE

The Chirpa, LLC – 4 Mallard Rd.

The as-built plan for the project shows a second driveway that is not on the site at this time, and was not on the approved plan. Mr. Pichette did speak to the engineer, and he did submit a letter stating that the as-built plan is correct and it was an oversight on the original plan submitted.

MOTION: Ms. Slavin moves to issue the Certificate of Compliance. Ms. Lydon seconds.

VOTE: (5-0-0)

Tony Viera – 323 Onset Ave.

This is an old Order that no work was ever done on.

MOTION: Ms. Slavin moves to issue the Certificate of Compliance. Ms. Lydon seconds.

VOTE: (5-0-0)

Remigijus Ramanauskas – 190 Glen Charlie Rd.

This project involved the tear down of an existing cottage and a re-construction of a new home. On the proposed plan on the lower shelf of the property plantings were proposed that were not in place at the site inspection. Plantings were planted in a straight row, not in the formation that was discussed.

MOTION: Ms. Slavin moves to grant the Certificate of Compliance but hold it until the plants are reconfigured. Ms. Heard seconds.

VOTE: (5-0-0)

ANY OTHER BUSINESS/DISCUSSION

Discussion: Tree Policy

Discussion: Conservation Restriction/Stewardship

Discussion: Bills

Discussion: Appointments

III. ADJOURNMENT

MOTION: Ms. Slavin moves to adjourn at 9:35 PM. Ms. Taggart seconds.

VOTE: (5-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chairman Pro Tem

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____