

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 15, 2017

I. CALL MEETING TO ORDER

The meeting was called to order at 7:15 P.M.

II. ROLL CALL

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

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

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: March 1, 2017

MOTION: Mr. Leggett moved to accept the minutes of March 1, 2017. Ms. Lydon seconded.

VOTE: (5-0-2)

IV. PUBLIC HEARINGS

A. RDA – Ossama Mohamed, c/o Vineyard Engineering & Environmental Services, Inc.

Present before the Commission: Kevin Glutwald, Global Contracting

A site inspection was made at 307 Main Street. The project involves the installation of tank monitoring and spill prevention equipment in the riverfront area of the Wankinko River and within a Coastal Flood Zone. The work includes the removal of the concrete pad and fill material over the existing fuel storage tanks at this location for the purpose of mounting new tank monitoring and spill prevention equipment to meet current standards required by the DEP. The fill material would then be replaced and a new concrete pad would be poured over the tanks. The tanks are currently empty. The work had already started at the site without Conservation

Commission approval. The area has since been contained with no impacts to resource areas. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Ossama Mohamed. Ms. Lydon seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #2 for Ossama Mohamed and further, issue a \$200.00 fine for starting the work without a permit. Ms. Heard seconded.

VOTE: (7-0-0)

B. Amended Order of Conditions – John Spinale, c/o J.C. Engineering, Inc. – SE76-2384

Present before the Commission: Brad Bertolo, JC Engineering
John Spinale

A site inspection was made at 9 Oak Hill Road. This application is to request an amendment to an Order of Conditions to allow a plan revision to the project. The original project involved the construction of a second floor addition to an existing dwelling and improvements to the foundation needed for the second floor in the buffer zone to a coastal bank and within a coastal flood zone, zone AE El 14. The proposed plan change is to demolish the existing dwelling all together and construct a completely new dwelling. The proposal is to remove the existing 20x32' dwelling and construct a new 24x42' two story dwelling in the same general area not extending any closer to the coastal bank but expanding to the sides and toward the road. The revised plan also proposes to construct a deck on the water side of the dwelling. This was proposed in the original application but this part of the project was not approved by the Commission as it was a new feature within the 30' No Activity Zone. Mr. Pichette recommended this feature be removed or denied by the Commission as it was for the first hearing. The Commission should also consider having the entire new home be pushed back from the coastal bank since the foundation will be totally reconstructed. Also proposed, as was proposed in the original application, is to remove existing retaining walls and construct new poured concrete walls in the locations indicated on the plan. These walls should be no closer to the beach than the existing walls. The majority of the dwelling expansion is within the 30' No Activity Zone. This project will require an application to the Zoning Board of Appeals, which has not been done at this time.

Mr. Pichette recommended the plan be revised to reflect proposed changes and the hearing be continued to April 5, 2017 for those changes and filing with the Zoning Board of Appeals.

Present before the Commission: Sean McCaffrey, 7 Oak Hill Road

Mr. McCaffrey expressed concern that there are currently numerous violations on the existing Order of Conditions. There are no hay bales and there are open trenches on the property. He believes the Order of Conditions has not been recorded at the Registry of Deeds and there are no signs posted on the property. He expressed concern with the runoff from the property.

Present before the Commission: Ellen McCaffrey

Mrs. McCaffrey stated the trenches should have been re-filled and she believes it is the responsibility of the applicant to prove that there has not been a detrimental impact from the trenching.

MOTION: Ms. Slavin moved to continue the public hearing for John Spinale to April 19, 2017. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

C. Amended Order of Conditions – Pine Grove Estates, c/o J.C. Engineering, Inc. – SE76-2339

Present before the Commission: Brad Bertolo, JC Engineering, Inc.

A site inspection was made at 9 Jordan Road. This request is to amend an Order of Conditions to allow a revised plan which represents a different site plan and house layout than what was originally approved. The original project involved the construction of a single family dwelling in the Buffer Zone to BVW. A 30x40' dwelling with attached 24x24' garage was proposed and approved. The limit of work for the project was 50' from the edge of the wetland. The proposed dwelling would be 32x50 w/ attached 22x24' garage. The well and grading work would also be within the buffer zone. The driveway and septic system would be outside the buffer zone. Hay bales and silt fence will be placed between the work and the resource area along the 50' offset line as shown on the plan. Mr. Pichette recommended the issuance of the Amended Order of Conditions with the standard conditions based on the revised plan.

MOTION: Ms. Slavin moved to close the public hearing for Pine Grove Estates. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an Amended Order of Conditions per the revised plan for Pine Grove Estates. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Charlotte Furnace, LLC, c/o Green Seal Environmental, Inc.

Present before the Commission: No one was present to represent the applicant.

MOTION: Ms. Slavin moved to continue the public hearing for Charlotte Furnace, LLC to April 5, 2017. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

B. NOI – Kristine Frederickson, c/o G.A.F. Engineering, Inc. – SE76-2429

Present before the Commission: Brain Grady, G.A.F. Engineering, Inc.
Emily Heavey
Kristine Frederickson

A site inspection was made at 56 Canedy Street in the Rose Point area. The project involves the demolition of an existing dwelling and the construction of a new dwelling and garage in the buffer zone to a Coastal Bank and within the riverfront area of the Sippican River. An existing 28x33' dwelling is to be removed and a new 27x30' dwelling with deck and attached 24x24' garage is proposed 18' away from the top of the Coastal Bank. 4 drywells are proposed to handle roof runoff from the proposed structures. The new project increases the square footage of alteration within the riverfront area. There is a shed there labeled as existing shed. This appears to be an unpermitted structure that has only been placed there fairly recently with no approval for the Commission. This should be included as new square footage of alteration in the riverfront area because it was never permitted. There have also been some alterations regarding cutting vegetation right up to the top of the coastal bank. This is also a violation and there should be a planting scheme to restore some vegetation. No alternatives analysis has been submitted as part of the NOI application. This should be required. Mr. Pichette recommended eliminating the garage to reduce sq. footage of the alteration. A DEP file # has been received.

Mr. Grady stated in relation to the footprint of what exists, the building has been pushed back 23' from the coastal bank. A post and rail fence buffer is being proposed to mark the restoration area. He stated the original house footprint was significantly reduced. The proposed home is smaller than what exists on the site and the garage is the only thing that increases the footprint. He feels the home is below the average sized three-bedroom home in Wareham. Roof drains are being proposed as mitigation. The shed was brought to the site before Ms. Fredrickson had purchased the property. He stated Ms. Fredrickson also did not perform the clearing.

MOTION: Ms. Slavin moved to close the public hearing for Kristine Frederickson. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Kristine Frederickson. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

C. NOI – Cleanup of Agawam Mill Pond, Inc., c/o Solitude Lake Management – SE76-2428

Present before the Commission: Keith Gazelle, Solitude Lake Management

The project site is the Agawam Mill Pond. The project involves controlling non-native plant growth in Agawam Mill Pond by chemical treatment. The project site also contains a herring run and therefore the project needs to be reviewed by the Division of Marine Fisheries (DMF). Also, MA NHESP would be commenting on the project relative to endangered species habitat downstream from the site. Agawam Mill Pond has significant amounts of submersed invasive non-native plant species, primarily fanwort. The proposed methodology is to apply the herbicide “clipper” to the pond in the Phase II area shown on the plan. The DMF stated that they wanted to see a time of year restriction based on the project from March 15 – June 30 and September 1 – October 30. A DEP file # has been received. At this point, Mr. Pichette recommended the approval of the Phase II work only.

MOTION: Ms. Slavin moved to close the public hearing for Cleanup of Agawam Mill Pond, Inc. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Phase II of the project, with the stipulations from NHESP and DMF. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

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

Present before the Commission: No one was present to represent the applicant.

No further information has been received re: this project. Mr. Pichette recommended continuing the hearing to April 5, 2017.

MOTION: Ms. Slavin moved to continue the public hearing for Frank Adrean, Nanumett Shores Improvement Association to April 5, 2017. Ms. Lydon seconded.

VOTE: Unanimous (7-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Emerson Hasbrouck – 1 Cleveland Way

Mr. Pichette explained this project was for the construction of a garage addition. The project was done in accordance to the Order of Conditions. He recommended the issuance of a Certificate of Compliance.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Emerson Hasbrouck. Ms. Lydon seconded.

VOTE: Unanimous (7-0-0)

B. Robert Marceau – 4 Brittany Drive

Mr. Pichette stated he has not yet completed his review for this Certificate of Compliance.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Robert Perry – Squirrel Island Road – SolBright Solar – Violation

Ms. Slavin asked what the violations are at the site. Mr. Pichette explained there is stacking of materials outside of the limit of work, as well as tree cutting outside the limit of work.

The Commission discussed Mr. Perry's absence for the last three hearings and concurred to give him until the next hearing to discuss the violations.

B. Discussion: Discriminatory Harassment Policy

Mr. Pichette stated every Commission member should sign and return their harassment policy.

C. Discussion: Conservation Restriction/Stewardship

D. Discussion: Bills

E. Discussion: Appointments

X. ADJOURNMENT

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

VOTE: Unanimous (7-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____

