

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 16, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Sandy Slavin
Jim Smith
Joe Leggett
David Pichette, Agent

Members Absent: Donald Rogers
Mark Carboni
Elizabeth Lydon
Elissa Heard

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: May 6, 2015.

MOTION: Ms. Slavin moved to approve the meeting minutes of May 6, 2015. Mr. Smith seconded.

VOTE: (4-0-0)

B. Discussion: Associate Member application: Mary Taggart

Ms. Slavin feels Ms. Taggart has an immense amount of knowledge about the Town.

MOTION: Ms. Slavin moved the Conservation Commission send a letter to the Board of Selectmen requesting Mary Taggart be appointed as an Associate Member of the Conservation Commission. Mr. Leggett seconded.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

A. RDA – Henry & Donna Whittier c/o Carefree Homes

Present before the Commission: Daniel_____, Carefree Homes

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 21 Rose Point Ave. The project involves the reconstruction of an existing deck on a coastal bank, in riverfront area, and within a coastal flood zone. An existing multi-level deck, that was rotting and in danger of falling down, was removed from the site. The deck was on a coastal bank and 30 feet from the edge of the marsh. A new multi-level deck is to be constructed in the same location, but will require four new footings to be installed. These will be located in the same general area as the existing footings. All work will be done by hand. No grade changes are proposed. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Henry & Donna Whittier. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #2 for Henry & Donna Whittier. Mr. Smith seconded.

VOTE: (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Onset Mobile Home Park.

Mr. Pichette stated the applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Onset Mobile Home Park to April 20, 2016. Mr. Leggett seconded.

VOTE: (4-0-0)

B. RDA – Mark & Martha Fishman, c/o Jack Kent

Present before the Commission: Jack Kent, 49 Bourne Point Road

Mr. Pichette explained the applicant is requesting to remove nuisance vegetation and replace native vegetation within a coastal bank, a coastal flood zone, and within the buffer zone to a coastal bank at 35 Bourne Point Road. Previously, the hearing was continued so Commission members could inspect the site. The slope is steep and runoff is a concern. Mr. Pichette recommended the applicant file a Notice of Intent.

Mr. Kent stated he would like to be able to remove some of the poplar trees without filing for a Notice of Intent.

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

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant limited clearing (10 feet to either side of the cedars) and to remove the large oak tree between the cedar and holly trees for Mark & Martha Fishman.

VOTE: (4-0-0)

C. RDA – James Kenney

Mr. Pichette stated the applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for James Kenney to April 20, 2016. Mr. Smith seconded.

VOTE: (4-0-0)

D. NOI – David & Susan Broderick, c/o G.A.F. Engineering, Inc. – SE76-2371

Mr. Pichette stated the applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for David & Susan Broderick to April 6, 2016. Mr. Smith seconded.

VOTE: (4-0-0)

E. NOI – John Deppe, c/o G.A.F. Engineering, Inc. – SE76-2377

Present before the Commission: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette explained the applicant is requesting to reconstruct a licensed pier at 31 Bourne Point Road. A portion of the pier is still at the site. The reconstruction would be a pier, ramp, and float system of approx. 69 feet. The site is within a shellfish grant area and also within a habitat of rare and endangered species. Where the pier would be located, would not have adequate depth according to the By-Law requirements. There are float stops proposed as well as legs with feet that would hit the bottom when the tide goes out.

Mr. Pichette stated he is not in favor of the legs with feet. He would prefer to see float stops on pilings. The feet would come in contact with the substrate at each tidal cycle and cause turbidity and wear out pockets. Comments have been received from DEP. A DEP file # has been received.

Mr. Pichette recommended approval of the pier reconstruction in the same location that it exists, but condition the project so the floats have to be supported by float stops and not the legs indicated on the plan. Ms. Slavin expressed concern re: there not being enough water to support a boat. She also expressed concern re: the ramp being pulled up through the marsh area. She asked if there is room for the barge to do the work to construct the pier. Mr. Baptiste stated the barge should be able to extend and perform the required work. Mr. Grady stated he can evaluate connecting two floats to create some fixed parts of the pier, as well as adding a fourth pile for structural integrity.

MOTION: Ms. Slavin moved to continue the public hearing for John Deppe to April 6, 2016. Mr. Leggett seconded.

VOTE: (4-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Tabitha Nunes – 200 Blackmore Pond Road

Mr. Pichette stated the applicant was sent a letter requesting attendance at this meeting based on a violation in October. Ms. Nunes has informed Mr. Pichette she would not be attending this meeting.

VIII. CERTIFICATES OF COMPLIANCE

A. MA DOT – Merchants Way Train Platform

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to MA DOT – Merchants Way Train Platform. Mr. Smith seconded.

VOTE: (4-0-0)

B. Jack Conway – 4 Tyler Avenue – SE76-443

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Jack Conway– 4 Tyler Avenue – SE76-443. Mr. Smith seconded.

VOTE: (4-0-0)

C. Jack Conway – 4 Tyler Avenue – SE76-300

MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Jack Conway – 4 Tyler Avenue – SE76-300. Mr. Smith seconded.

VOTE: (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Tom Hogan

Mr. Hogan stated he lives about five minutes from the Westgate Conservation area and five minutes from Birch Island. He has helped the Buzzards Bay Coalition clear trash from the trails and clear the trails. He stated the path has become very overgrown. He asked the Commission if he could clear the overgrown brush from the path so people may use them. Mr. Pichette stated that volunteers are appreciated, however, someone from the Town needs to be present during the maintenance work. The Town could organize a group to go down on a particular day to perform any work.

B. Discussion: Keith Mann – Hathaway Road

Mr. Pichette stated Mr. Mann had permission to conduct work on a cranberry bog on Hathaway Road. The work commenced without hay bales being in place. It looked as though some trees came down that were not allowed as well. He stated Mr. Mann should have called for (Mr. Pichette) to inspect the hay bales before work had begun.

Mr. Mann was not present at the meeting this evening.

C. Discussion: Appointments

Ms. Slavin stated four Commission members are up for reappointment in 2016: Jim Smith, Elizabeth Lydon, Elissa Heard and Donald Rogers. She would like to vote and send a letter to the BOS re: who they would like to see reappointed. Each member to be reappointed must also write a letter stating they would like to remain on the Commission.

MOTION: Mr. Leggett moved to recommend to the Board of Selectmen that Jim Smith, Elizabeth Lydon and Elissa Heard be reappointed to the Commission. Ms. Slavin seconded.

VOTE: (4-0-0)

D. Discussion: Wetland Bylaw Committee

E. Discussion: Conservation Restriction/Stewardship

F. Discussion: Bills

G. Discussion: Wetland Bylaw

X. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting at 8:57 P.M. Mr. Smith seconded.

VOTE: (4-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____