

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 6, 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
Alissa Heard, Associate Member
Mary Taggart, Associate Member
Dave Pichette, Agent

Members Absent: Mark Carboni
Elizabeth Lydon
Donald Rogers

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: August 5, 2015 & October 21, 2015.

MOTION: Ms. Slavin moved to approve the meeting minutes of August 5, 2015. Mr. Smith seconded.

VOTE: (3-0-1)

MOTION: Ms. Slavin moved to approve the meeting minutes of October 21, 2015. Mr. Leggett seconded.

VOTE: (3-0-1)

II. PUBLIC HEARINGS

A. NOI – Michael Trojano, c/o G.A.F. Engineering, Inc. SE76-2378

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

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 12 Sias Point Road. The project involves the construction of a boat lift adjacent to an existing float, of an existing licensed pier, ramp and

float system. A 14x16' boat lift is proposed adjacent to the existing float. 4 pilings will need to be installed for the proposed boat lift. Pilings would be installed from a floating barge. There is 3.5' of water at the location of the proposed lift. The MA Division of Marine Fisheries has commented on the project with no negative comments. The combined area of the proposed lift and the existing float exceeds 300 sq. ft. which is the max sq. ft. for a float system. He feels the Commission should be concerned with additional area being occupied by the lift.

MOTION: Ms. Slavin moved to close the public hearing for Michael Trojano. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Michael Trojano. Mr. Smith seconded.

VOTE: (4-0-0)

III. CONTINUED PUBLIC HEARINGS

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

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

Mr. Pichette explained the project. The proposed project is for the construction of a pier, ramp and float system with a boat lift, stairway, and shed. The revised plan removes the proposed stairway and shed. Work is proposed at 14 Widow's Cove Road. 180' pier ramp is proposed with an 18'x18' lift proposed. He recommended the boat lift be removed or reduced.

MOTION: Mr. Leggett moved to continue the public hearing for David & Susan Broderick. Ms. Slavin seconded.

VOTE: (4-0-0)

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

Mr. Pichette stated the applicant is seeking to replace an existing licensed pier. The applicant would like to install a pier, ramp, and float system that is 69' long. The site is within a shellfish grant area and within the habitat of rare and endangered species. The area of the water doesn't have adequate depth. At the last meeting, he had recommended against the use of feet on the floats, so it is one solid connected piece with chains on pilings to hold up the float in lieu of feet. That change has been made on the plans.

MOTION: Ms. Slavin moved to close the public hearing for John Deppe. Mr. Leggett seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for John Deppe as long as the proposed pier construction takes place at high tide. Mr. Smith seconded.

VOTE: (4-0-0)

IV. EXTENSION REQUESTS

Massachusetts Highway – SE76-2248

Mr. Pichette explained three years ago Mass Highway presented an NOI to the Town to maintain the drainage structure on the highways. Mr. Pichette recommended the Board grant the extension to continue maintenance.

MOTION: Ms. Slavin moved to approve a three year extension for Massachusetts Highway = SE76-2248. Mr. Smith seconded.

VOTE: (4-0-0)

V. ENFORCEMENT ORDERS

A. Tabitha Nunes – 200 Blackmore Pond Road

Present before the Board: Tabitha Nunes

Mr. Pichette explained Ms. Nunes had cut trees and removed vegetation within the buffer zone and wetlands at 200 Blackmore Pond Road in August 2015. The Commission had spoken to the applicant at the time and requested a Notice of Intent be filed for intended purposes. Ms. Nunes has not yet submitted a Notice of Intent.

Ms. Nunes stated she has spoken to numerous engineers and they have quoted her \$13,000.00 to perform a survey. She stated the funds are unavailable to her to have the survey done. She stated she is not intending on building anything on the property. She was just clearing the land for the horses she owned.

Mr. Pichette believes the trees that were cut down should be removed or Ms. Nunes should re-plant the area.

The Commission members concurred that they will not require Ms. Nunes to file a Notice of Intent. The Board agreed to walk her through the process of removing the cut trees and re-planting the affected area.

B. Daniel Freitas – 83 Sandwich Road

Mr. Pichette explained that Mr. Freitas has been keeping snow plows and equipment on a site that was not approved by the Conservation Commission. Brief discussion ensued.

C. Richard Dubin – 3041 Cranberry Highway

Present before the Board: Gilbert Wood, Representing Richard Dubin

Dave Pichette stated an Order of Conditions was issued for a new parking lot for a restaurant. The approved plan approved the construction of a parking lot with a stormwater raingarden, landscaping, and also restoration of a disturbed buffer zone area where work was done with no permits. At this point, only the paving of the parking area has been done. The stormwater raingarden has not been developed and the restoration of the buffer zone has not yet taken place.

Mr. Wood stated since the Order of Conditions was issued, Mr. Dubin lost his wife. The second business on the lot, he owned. He had assumed the financial relief from the sales of the inventory of the business he sold would be enough to cover the project, but it was not. He stated Mr. Dubin lost over \$1,000,000.00 in properties in the last year.

Mr. Gilbert is requesting a time extension to complete the project. The Commission concurred that a 90-day extension would be appropriate & Mr. Dubin would need to file an official extension request which would cover the extension for a year, but the Commission is hoping to see the project completed within the 90 days and not use the entire year.

MOTION: Ms. Slavin moved that the stormwater raingarden work and the restorative work be completed by July 2016.

VOTE: (4-0-0)

VI. CERTIFICATES OF COMPLIANCE

A. Prisco Vozzella – 57 Beach Street

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Prisco Vozzella – 57 Beach Street. Mr. Leggett seconded.

VOTE: (4-0-0)

B. BrownBuilt Construction – 2 Pond View Terrace

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for BrownBuilt Construction – 2 Pond View Terrace. Mr. Smith seconded.

VOTE: (4-0-0)

VII. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Keith Mann – Hathaway Road

The Commission agreed to address this at the next meeting.

B. Discussion: Wetland Bylaw Committee

C. Discussion: Conservation Restriction/Stewardship

D. Discussion: Bills

E. Discussion: Wetland Bylaw

VIII. ADJOURNMENT

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

VOTE: (7-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____