

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

**Date of Meeting: May 16, 2018**

### **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  
Joe Leggett  
Elissa Heard  
Mary Taggart  
Jim Smith  
David Pichette, Agent

Members Absent: Mark Carboni, Associate Member  
Robert Lassen, Member

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: November 15, 2017 & December 20, 2017**

To be handled later in the meeting.

**NOTE: The meeting proceeded w/ item V. Continued Public Hearings.**

#### **A. NOI – NBE Management Corp., c/o JC Engineering, Inc. – 3 Pine Needle Lane**

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 3 Pine Needle Lane. The project involves the construction of a single family dwelling in the buffer zone to an isolated wetland. This application is only being filed under the Town's Wetland Bylaw only. A 37x64 ft. dwelling is proposed w/ an attached garage. The hearing had been continued due to an issue w/ the wetlands line & needed to be adjusted. The wetlands lines have been adjusted & a revised plan has been presented this evening. There is a 30 ft. minimum work area to the wetland. He recommended the issuance of the OOC under the Town Bylaw only.

**MOTION: Ms. Slavin moved to close the public hearing for NBE Management Corp. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for NBE Management Corp. w/ standard conditions. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**A. NOI – Greg Glavin/Brewer Onset Bay Marina, c/o CMG Environmental, Inc. – SE76-2484**

The applicant has requested a continuance to June 6, 2018.

**MOTION: Mr. Leggett moved to continue the public hearing for Greg Glavin/Brewer Onset Bay Marina to June 6, 2018. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE: The meeting proceeded w/ item IX. Any other business/discussion.**

**A. Discussion: Buzzards Bay Coalition – CR – Great Neck Road**

Present before the ConCom: Alan Decker, Buzzards Bay Coalition

Mr. Pichette stated this is for a Conservation Restriction in Broad Marsh. The Town is being asked to hold the CR.

Mr. Decker stated edits have been received from the State's Conservation Restriction reviewer that were needed in the document. He briefly discussed the additions/changes to the CR. He asked the ConCom to vote to hold this CR.

**MOTION: Ms. Slavin moved to accept & approve the Buzzards Bay Coalition Conservation Restriction in Broad Marsh (Great Neck Road). Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

The ConCom members proceeded to sign the document.

**B. Discussion: Controlled Burn – Lyman Reserve – Caleb Garone**

Present before the ConCom: Caleb Garone

Mr. Garone discussed the plan for habitat management at the Lyman Reserve. He discussed what has been done & plans going forward at the Lyman Reserve. The forestry work has been completed. He explained they are looking to conduct two prescribed fires in the Wareham section. There is a prescribed burn plan & Forest Management Plan approved by the State. He stated the Onset Fire Dept. will be involved w/ the burn. He noted how neighbors will be informed of the burn.

#### **IV. PUBLIC HEARINGS**

##### **A. RDA – Kerri & Tom Cotter**

The public hearing notice was read into the record.

Present before the ConCom: George Mather

Mr. Mather submitted the green abutter notification cards.

Mr. Pichette described the project. The property is located at 6 Larch St. The project involves the reconstruction & expansion of a deck & the construction of a new deck in the buffer zone to a coastal bank & w/in a coastal flood zone. An existing 12x12 deck is to be removed & replaced w/ a new 12x19 deck. The proposed expansion extends into the 30 ft. no activity zone. He recommended this expansion not be approved & the deck only be allowed to be replaced w/in the existing footprint. A second deck 14x19 ft. in size is proposed on the side of the house 54 ft. from the top of the coastal bank. The decks will be supported on sono tube footings. Haybales are proposed between the work & the resource area as indicated on the plan. He recommended the issuance of a Negative Determination #2 for the project w/ the condition that there be no further expansion into the 30 ft. no activity zone at this site.

Brief discussion ensued re: the outside shower & deck expansion.

**MOTION: Ms. Slavin moved to close the public hearing for Kerri & Tom Cotter. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative Determination #2 w/ a stipulation that the existing deck be replaced in the same footprint & not expanded & the outside shower & playset be removed for Kerri & Tom Cotter. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

##### **B. RDA – Frank O'Brien**

The public hearing notice was read into the record.

The applicant has asked for a continuance to June 6, 2018.

**MOTION: Ms. Slavin moved to continue the public hearing for Frank O'Brien to June 6, 2018. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**C. RDA – Frederick Robertson, c/o Churchill Engineering**

The public hearing notice was read into the record.

Present before the ConCom: Fred Robertson

Mr. Pichette described the project. The property is located at 12 Harding Ave. w/in the Briarwood area. The project involves elevating a dwelling w/in a coastal flood zone. An existing 24x34 ft. dwelling is to be elevated & a new foundation is to be constructed w/in flood zone AE elevation 15 to bring the structure into compliance w/ the building code for the flood zone. The new foundation will be a poured concrete foundation. There is no proposed change to the footprint of the house & there are no grade changes proposed. The project is not in the buffer zone to any other resource areas. He recommended the issuance of a Negative Determination #2 for the project.

Brief discussion ensued w/ the applicant re: the project.

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

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Frederick Robertson. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**D. RDA – Wareham Land Trust, c/o Michelle Krauser**

The public hearing notice was read into the record.

Present before the ConCom: Michelle Krauser, Wareham Land Trust  
John Browning, Wareham Land Trust

Ms. Krauser submitted the abutter notification cards.

Mr. Pichette described the project. The property is located w/in the Fearing Hill Conservation area. The project involves the placement of elevated bog boards w/in BVW as part of a hiking trail project. An old logging access is being used as part of a hiking trail project. A new section of trail is being located in this old logging access. The trail is w/in a wetland. The bog boards would be used to provide a walking surface for a part of the trail that may be too wet to walk at certain times of the year. The bog board section would be approx..75 ft. in length. Materials would be carried into the site & placed by hand. No trees will be cut. Additional sections of trail work would be in the buffer zone to the wetland. The additional work would involve trimming back branches w/in the trail corridor. He recommended a Negative Determination #2.

Brief discussion ensued re: the parking area at this site, how it is unsuitable, & where to park.

**MOTION: Ms. Slavin moved to close the public hearing for Wareham Land Trust. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative Determination #2 for Wareham Land Trust. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**E. RDA – Wareham Family Dental, Inc., c/o G.A.F. Engineering, Inc.**

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 43-45 Sandwich Rd. This application is being filed as part of the site plan review requirements under the Zoning Bylaw. The project is to reconstruct an existing commercial building & parking lot to be used as a dental office. The proposed project is not w/in an area subject to ConCom jurisdiction under the State & local wetland laws. Therefore, he recommended the issuance of a Negative #1 & #6 Determination.

**MOTION: Ms. Slavin moved to close the public hearing for Wareham Family Dental, Inc. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #1 & #6 Determination for Wareham Family Dental, Inc. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**F. NOI – Town of Wareham, c/o G.A.F. Engineering, Inc.**

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is at the Town Pier. The project involves the replacement of the floating dock system at the Town Pier w/in land under the ocean, w/in land containing shellfish, & w/in a coastal flood zone. It is proposed to remove the existing floating pier system & replace it in the same general area w/ a new float system as depicted on the submitted site plan. The center docks of the float system are to be widened slightly compared to

the existing structure to help accommodate handicap access. The finger piers will also be modified as shown on the site plan. The system will exist w/in the same general area as the existing float system. A reconfiguration zone is depicted around the floating dock structure to indicate the limits of the float system & where future modifications may be made. Comments have been received from the MA DMF indicating no concerns w/ the project. A DEP file number has been received. He asked the difference of the existing square footage vs. the new plan for comparison. He asked if the pilings be pulled & replaced.

Mr. Madden stated the goal is to replace the pilings. He discussed the square footage of the pier under a Chapter 91 license vs. the proposed sq. footage resulting in approx. 30% increase. They had spoken to DEP to amend the previous license, but they requested a new license be submitted to DEP. The length of the docking facility is pretty close to what it is now. All work will be done by the water side.

**MOTION: Ms. Slavin moved to close the public hearing for Town of Wareham. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Town of Wareham. Mr. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**B. NOI – NBE Management Corp., c/o JC Engineering, Inc. – 3 Pine Needle Lane (DONE)**

**C. NOI – Greg Glavin/Brewer Onset Bay Marina, c/o CMG Environmental, Inc. – SE76-2484 (DONE)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**NOTE: Present before the ConCom: Timothy Orwig, 11 Broadmarsh Ave.**

The ConCom discussed a Certificate of Compliance request that was made previously. Mr. Pichette stated he went to the site & there was something not quite right w/ a retaining wall that was built. The wall was not constructed in a way that was sound & it is already give way & is not level. This is why the COC has not been issued. He suggested the retaining wall be built & done correctly. This wall feature was not on the original plan approved. He doesn't have a problem w/ the retaining wall.

Mr. Orwig explained they took down a seasonal dwelling & built a new dwelling on this site. There have been problems between the surveyor/engineer & the builder. The footings were not accounted for in the height of the lot. This resulted in the building of the retaining wall since the surveyor & builder wouldn't take responsibility. He is asking for guidance from the ConCom.

Mr. Pichette doesn't feel the wall is a problem even though it wasn't on the original plan, but it is not constructed in a sound way & needs to be re-done. The ConCom members concurred to have Mr. Orwig work w/ Mr. Pichette re: the wall.

**NOTE: The meeting went back to item III. Preliminary Business – A. Approve meeting minutes: November 15, 2017 & December 20, 2017.**

**MOTION: Ms. Slavin moved to approve the meeting minutes of November 15, 2017. Mr. Smith seconded.**

**VOTE: (5-0-1)  
Ms. Heard abstained**

**MOTION: Mr. Leggett moved to approve the meeting minutes of December 20, 2017. Ms. Heard seconded.**

**VOTE: (5-0-1)  
Ms. Slavin abstained**

**A. Cape Cod Realty, LLC – 17 Kendrick Road**

This item was not handled.

**IX. ANY OTHER BUSINESS/DISCUSSION**

- A. Discussion: Buzzards Bay Coalition – CR – Great Neck Road (DONE)**
- B. Discussion: Controlled Burn – Lyman Reserve – Caleb Garone (DONE)**
- C. Discussion: Reappointments**

Ms. Slavin stated herself, Mr. Carboni, & Ms. Taggart are up for reappointment in June. She would like a letter of support from the ConCom into the BOS before the end of June for these reappointments. Mr. Pichette stated he will draft up this letter. Ms. Slavin stated she & Ms. Taggart need to draft individual letters expressing interest in reappointment.

**MOTION: Ms. Slavin moved the Chair submit a letter to the BOS supporting the three ConCom reappointments of Ms. Slavin, Mr. Carboni, & Ms. Taggart. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**D. Discussion: Conservation Restriction/Stewardship**

**E. Discussion: Bills**

**NOTE:** Mr. Pichette explained there is a new violation off of Depot St. on the dge of the railroad tracks. The area is behind the gravel operation. The land was cleared up to the edge of the wetland w/out a permit. An Enforcement Order has been issued.

Mr. Pichette stated another violation occurred in one of the Makepeace subdivisions. A number of homeowners whose homes are w/in the buffer zone to the pond have done work in the buffer zone w/out permits. It is an association plot of land (community property). He met w/ some of the homeowners. Issues have been discussed. An Enforcement Order has been issued. He discussed the various violations.

**NOTE:** Mr. Pichette stated that the first ConCom meeting in July falls on the 4<sup>th</sup> of July.

**X. ADJOURNMENT**

**MOTION: Ms. Slavin moved to adjourn the meeting. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

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

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

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

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