

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: May 17, 2017

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Sandy Slavin, Chair Pro Tem
Joe Leggett
Elizabeth Lydon
Jim Smith
Mary Taggart
Elissa Heard
Dave Pichette, Agent

Members Absent: Ken Baptiste
Mark Carboni, Associate Member
Donald Rogers, Associate Member
Robert Lassen, Associate Member

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: August 17, 2016 & February 1, 2017

MOTION: Ms. Taggart moved to accept the meeting minutes of August 17, 2016.

NOTE: Ms. Taggart was an Associate Member at the time of the hearing. Ms. Taggart rescinded her motion.

MOTION: Mr. Leggett moved to accept the meeting minutes of August 17, 2016. Mr. Smith seconded.

VOTE: (4-0-2)

MOTION: Ms. Lydon moved to approve the meeting minutes of February 1, 2017. Mr. Leggett seconded.

VOTE: (5-0-1)

IV. PUBLIC HEARINGS

A. RDA – Albert W. Tocci

Present before the Commission: Albert W. Tocci

A site inspection was made at 11 Arlington Rd. The project involves the construction of an addition within a Coastal Flood Zone. A 10x23' three season room is proposed in flood zone ae el 14. The addition will require four sono tube footings. There are no grade changes proposed at the site. The location of the addition is in the existing yard area. All work is to be done by hand. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Mr. Leggett moved to close the public hearing for Albert W. Tocci. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Albert W. Tocci. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

B. RDA – Ben Marshall, c/o JC Engineering, Inc.

Present before the Commission: Brad Bertollo, JC Engineering
Ben Marshall, Owner
Gary Lerner, Abutter

A site inspection was made at 16 Cove Street in Onset. The project involves replanting an area of vegetation that was removed and proposed fencing on a coastal dune, a coastal bank, within the buffer zone to a coastal beach, and within a coastal flood zone. An area of vegetation on the site, 1000 sq. ft. in size, was cut with no approval from the Commission. The project proposes to replant the disturbed area with Bearberry and Northern Bayberry shrubs. Also proposed is to install fencing on the edge of the property. Picket fencing would be installed along the road edge and along the beach. This would involve fencing being placed in close proximity to the coastal beaches on the site. Mr. Pichette recommended the picket fencing not be allowed within 30' of the beaches and a natural buffer of vegetation be used instead of fencing. This would provide a barrier without proposing fixed fencing along the edge of the beach. If the applicant does not wish to make the recommended adjustments with regards to the fencing, then he recommended a positive determination to require a Notice of Intent to be filed. He recommended a continuance at this time for a revised plan.

Mr. Bertollo added that Mr. Marshall had contacted them for re-planting the vegetation that was disturbed. He stated the fence is for privacy due to the properties close proximity to the beach, as well as to prevent trespassing. He feels the impact to the area would be minimal and would not disturb the resource areas.

Mr. Lerner stated he is the president of the Beach Association and the proposed fence is not a detriment in the view of the Beach Association.

Discussion ensued. The Commission members requested the proposed fence be moved in 10-15 feet on the side of the property that has not yet been disturbed and to submit a revised plan.

MOTION: Mr. Leggett moved to close the public hearing for Ben Marshall. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Ben Marshall with the condition that the applicant submit a revised plan reflecting moving the fence 10-15 feet in toward the property on one side to move it out of the 30' no activity zone as discussed at this hearing and further, the plan is to be approved by the Conservation Agent. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

C. RDA – William Franklin, Green Seal Environmental, Inc.

Present before the Commission: No one was present.

The applicant has requested a continuance to June 7, 2017.

MOTION: Ms. Taggart moved to continue the public hearing for William Franklin to June 7, 2017. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

D. RDA – Mark Kimball/Eversource Energy, c/o Weston & Sampson

Present before the Commission: Mel Higgins, Weston & Simpson
Leia Jimsiak, Burns & McDonnell
Sylvester _____, Burns & McDonnell

A site inspection was made at 33 & 35 Seth Tobey Rd. The project involves the construction of a solar field which will involve the clearing of an additional 7.2 acres of land beyond what is already cleared at the site. The request is to have the Commission determine if the site is within the jurisdiction of the Wetlands Protection Act and the Town of Wareham Wetland Protective By-law. Upon review of the project site, it was determined that the proposed project would not be within wetland resource areas or within the buffer zone to wetland resource areas. Mr. Pichette recommended the issuance of a Negative Determination #1 and #6.

Ms. Slavin asked if the entire seven acre site needs to be cleared. It was stated the entire site will be cleared and vegetation will be planted along the edge of the site.

MOTION: Mr. Leggett moved to close the public hearing for Mark Kimball/Eversource Energy. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Leggett moved to grant a Negative #1 and #6 Determination. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

E. NOI – Ronald & Lois Enos/Eighteen Burgess Point Realty Trust, c/o G.A.F. Engineering, Inc.

Present before the Commission: No one was present.

The applicant has requested a continuance to June 21, 2017.

MOTION: Mr. Leggett moved to continue the public hearing for Ronald & Lois Enos/Eighteen Burgess Point Realty Trust to June 21, 2017. Mr. Smith seconded.

VOTE: (5-0-1)

V. CONTINUED PUBLIC HEARINGS

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

Present before the Commission: No one was present.

The applicant has requested a continuance to June 21, 2017.

MOTION: Mr. Leggett moved to continue the public hearing for Frank Adrean, Nanumett Shores Improvement Association to June 21, 2017. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

B. NOI – Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o The Nature Conservancy – SE76-2432

Present before the Commission: No one was present.

The applicant has requested a continuance to June 7, 2017.

MOTION: Mr. Leggett moved to continue the public hearing for Garry Buckminster/Wareham Harbormaster/Shellfish Dept. to June 7, 2017. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Ralph Amadeo – 110 Sandwich Road

Present before the Commission: No one was present.

A letter from Town Counsel was received concerning this issue and will be sent out to the property owner. The matter will be continued.

VIII. CERTIFICATES OF COMPLIANCE

A. BrownBuilt Builders – 8 Pond View Terrace

This project was for the construction of a single family home at this address. There was disturbance on the property that has since been stabilized. Mr. Pichette recommended an issuance of a Certificate of Compliance for the project.

MOTION: Mr. Leggett moved to issue a Certificate of Compliance for BrownBuilt Builders – 8 Pond View Terrace. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

- A. Discussion: Reappointments
- B. Discussion: Conservation Restriction/Stewardship
- C. Discussion: Bills
- D. Discussion: Appointments

X. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting.

VOTE: Unanimous (6-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chair Pro Tem

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____