

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: May 2, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:02 P.M.

II. ROLL CALL

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

Members Absent: Mark Carboni, Associate Member
Robert Lassen

III. PRELIMINARY BUSINESS

There was no preliminary business.

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

A. NOI – Patricia Kells, c/o Alpha Surveying Group/Site Engineering Consultants, Inc. – SE76-2477.

MOTION: Ms. Slavin moved to table the public hearing for Patricia Kells. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

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

The applicant has requested a continuance to May 16, 2018.

MOTION: Ms. Slavin moved to continue the public hearing for NBE Management Corp. to May 16, 2018. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

NOTE: The meeting proceeded w/ item VIII. Certificates of Compliance.

B. Harold Joseph – 9 Point Road

Mr. Pichette explained this project was for a sea wall. The project never commenced & the OOC has expired. He recommended the issuance of a COC indicating that the OOC is no longer valid.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Harold Joseph. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: The meeting went back to item V. Continued Public Hearings.

A. NOI – Patricia Kells, c/o Alpha Survey Group/Site Engineering Consultants, Inc. – SE76-2477.

MOTION: Ms. Slavin moved to remove the public hearing for Patricia Kells from the table. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

Present before the ConCom: Jim Peterson, Alpha Survey Group
Tony Stella, Civil Engineer

Mr. Pichette described the project. The property is located at 3035 Cranberry Highway. The project involves clearing of trees & expanding a parking area in the buffer zone to BVW. It is proposed to clear the existing tree line back to w/in 50 ft. of a wetland line at the site to create additional parking for the Water Wizz Water Park. The area to be cleared is 40x120. Stumps will be removed & the area graded & graveled to create an addition parking area. Haybales & silt fence will be placed between the work & the resource area. A DEP file number has been received for the project. The project is also going for site plan review before the Planning Board. In terms of wetlands issues, he would recommend the issuance of an OOC for the project w/ the standard conditions & the added conditions that the that the applicant have to come back in front of the Commission for an Amended OOC if the plan changes are required by the Planning Board.

Mr. Stella stated they have filed w/ the Zoning Board of Appeals to determine if site plan review is required. He proceeded to describe the project. He stated the entire parcel will result in approx. 95 parking spaces. He showed the wetlands lines on the plan.

Ms. Slavin asked if there are any plans to contain litter that may go into the wetland. Mr. Peterson stated he hasn't seen any issues w/ litter at the site. Mr. Leggett stated he would like to see some sort of fencing along the parking area to address litter issues. Ms. Heard concurred. Discussion ensued re: fencing & placement.

MOTION: Ms. Slavin moved to close the public hearing for Patricia Kells. Mr. Smiths seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Patricia Kells w/ standard conditions & the added condition that a fence be erected along the 50 ft. no activity zone to prevent trash from entering the wetlands & the applicant come back before the ConCom if the ZBA makes any changes to the plan. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

IV. PUBLIC HEARINGS

A. RDA – Reggie Flanders

The public hearing notice was read into the record.

Present before the ConCom: Reggie Flanders

Mr. Pichette described the project. The project is at 26 Ames Island Road. The project involves the construction of a deck in the buffer zone to BVW along Agawam Mill Pond. A 14x28 deck to be supported on six bigfoot sono tube footings is proposed 35 ft. from the edge of the wetlands that exist along Glen Charlie Pond. The location of the deck is w/in existing lawn area. The area of the proposed deck is relatively flat. Excess materials generated from the project shall be removed from the site. The applicant is also requesting to replace an existing wood timber wall that is nearer to the road w/ a new block wall. This will involve the removal of some soils to accommodate the new block wall. Again, excess material will be removed from the site. All work will be done by hand. Silt fence will be installed between the work & the resource area. He recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Reggie Flanders. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Reggie Flanders. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

B. RDA – Ann Saunderson, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 23 Bourne Point Road. The project involves repairs to an existing pier in land under the ocean & w/in a coastal flood zone. The pier

is in Bourne Cove. Two pilings at the end of the pier were lifted by ice over the last winter. The proposed work involves having those pilings driven back into place. A floating barge will be brought in to perform the work to hammer the pilings back into place. The work will have to be done at an appropriate tide & should not be jetted into place. He recommends the issuance of a Negative Determination #2.

MOTION: Ms. Slavin moved to close the public hearing for Ann Saunderson. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #2 for Ann Saunderson & w/ the added condition that the work be done at the appropriate tide for the floating barge to do the work, no jetting of the pilings, & the aquaculture manager in the area be notified & consulted prior to the work. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

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

The public hearing notice was read into the record.

Present before the ConCom: Greg Glavin, Brewer Onset Bay Marina
Mark Smith, CMG Environmental, Inc.

Mr. Pichette described the project. The property is located at Greene St. in Onset. The project involves the installation of an above ground fuel storage tank, the installation of new underground fuel lines, & the removal of existing underground fuel storage tanks w/in a coastal flood zone. Three existing 6,000 gl. Fuel storage tanks are to be removed & taken off site. A new 18,000 gl. above ground fuel storage tank is proposed w/in coastal flood zone AE, elevation 16. A concrete pad 16x40 in length is proposed to be installed & the 18,000 gl. tank will be situated on the concrete pad. This is w/in flood zone AE, elevation 16. Also proposed is the installation of 400 ft. of new underground fuel lines from the new tank location to the docks. The work is entirely w/in existing paved or altered areas at the site. There will be some minor grade changes around the proposed concrete pad area. Comments were received from the Building Commissioner who stated that the project would require review from the Zoning Board of Appeals. A DEP file number has been received. He recommended a continuance of the hearing to allow for the submittal of an application to the ZBA.

Mr. Smith made a brief presentation re: the project as shown on the proposed plan.

Mr. Glavin stated several neighbors have approached him re: the aesthetics of the area where the proposed project will take place. He stated a fence will be placed around the tank & they are proposing a roof structure be placed over it for aesthetics for the neighbors to the west. The fence is on the plan, but the roof is not on the current plan.

Mr. Smith stated the tank will sit approx. 11 ft. high. He spoke re: the proposed grading. The stone being removed will be removed off site. The guardrail will stay in place.

Discussion ensued re: safety procedures, the slab, & the safety monitoring system.

Present before the ConCom: Mark Paressi

Mr. Paressi asked how the filling of the new tank will be done vs. how it is done now & how many times the tank will be filled per week. He is trying to gauge how many deliveries will be made weekly. Mr. Glavin stated the deliveries will be the same as it is currently at the height of the season. The fuel will be pumped from the marina side, not the road side.

Present before the ConCom: Mr. Besse

Mr. Besse stated the tank seems to be located where boats will be placed. He suggested limiting the distance of boats or other things that could pose a problem w/ the tank. He expressed concern if something breached the tank. He asked if the Onset Fire District has been notified of this project & he asked if a report from them has been generated. Mr. Smith stated marina currently has a license for the tanks they have now. Since the new tank will be above ground, the license to store will need to be modified. The permitting of a tank over 10,000 gallons is done by the State Dept. of Fire Services & requires the local fire marshal/fire dept. to sign off. The Onset Fire District is currently reviewing all the documentation that was sent to the State. Mr. Glavin stated a boundary could be placed around the tank.

Present before the ConCom: Rebecca Hemsley

Ms. Hemsley asked why the tank has to be situated on the exact spot it is being proposed. She asked why it couldn't be placed in a less active area, such as the far side (west side) of the property. Mr. Glavin stated if it were moved to the west side, it would be more in the flood zone. It would also require additional piping. Environmentally, this project is better than what exists.

Present before the ConCom: Debra Ponzo

Ms. Ponzo asked re: containment in a hurricane situation. Mr. Smith spoke re: the design of the tank, anchoring of the tank, & FEMA guidelines for the tank. The openings are well above the flood zone & needs to be anchored properly.

Present before the ConCom: Tom Daley

Mr. Daley asked re: the current location of the three underground tanks. Mr. Smith depicted the tanks on the plan. Brief discussion ensued re: size of trucks bringing in the fuel & limitations on delivery times.

MOTION: Ms. Slavin moved to continue the public hearing for Greg Glavin/Brewer Onset Bay Marina to May 16, 2018. Mr. Leggett seconded.

VOTE: Unanimous (6-0-0)

D. NOI – Wayne Shaw, c/o Foresight Engineering, Inc. – SE76-2485

The public hearing notice was read into the record.

Present before the ConCom: Darren McCallis, Foresight Engineering

Mr. Pichette described the project. The project is located at 46 Circuit Ave. The project involves the demolition of an existing deck & the construction of a three season room in the buffer zone to a coastal bank, salt marsh, & a coastal flood zone. An existing 12x20 porch is to be removed & a new 12x20 three season room in the same footprint is proposed. The new room would be supported on big foot sono tube footings. The three season room would be 20 ft. from the sea wall at the site. Haybales are proposed between the work & the resource area. A DEP file # has been received. He recommended the issuance of an OOC w/ the standard conditions for the project & the added condition that no further expansion be allowed beyond the approved footprint.

Mr. McCallis stated everything would be done by hand.

MOTION: Ms. Slavin moved to close the public hearing for Wayne Shaw. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Wayne Shaw w/ standard conditions & the added conditions that all work be done by hand, no debris be left on site, & no further expansion beyond the existing plan. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

- A. NOI – Patricia Kells, c/o Alpha Survey Group/Site Engineering Consultants, Inc. – SE76-2477 (DONE)**
- B. NOI – NBE Management Corp., c/o JC Engineering, Inc. – 3 Pine Needle Lane (DONE)**

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

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

Mr. Pichette asked that this COC be put on hold.

B. Harold Joseph – 9 Point Road (DONE)

C. Joseph Elassaad – 36 Nicholas Drive

Mr. Pichette stated this is a project that involved the construction of a single family home in the buffer zone. He recommended the issuance of a Certificate of Compliance.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Joseph Elassaad. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

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

This item was not handled.

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

This item was put on hold.

C. Discussion: Expenditure of Funds – Conservation Fund

Mr. Pichette stated there are some projects in the works, such as trail improvements, kiosks, etc. He is looking for approval from the ConCom to spend an amount of funds re: these projects. He itemized estimates for what the materials would cost. Brief discussion ensued re: who will be providing the labor which would be all volunteer labor.

MOTION: Ms. Slavin moved the ConCom authorize the expenditure of \$3,500.00 from the Conservation Fund. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

D. Discussion: Reappointments

E. Discussion: Conservation Restriction/Stewardship

F. Discussion: Bills

X. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting at 8:07 P.M. Ms. Slavin seconded.

VOTE: Unanimous (6-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____