

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: August 3, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Sandy Slavin, Chair Pro Tem
Joe Leggett
Marc Carboni
Elizabeth Lydon
Elissa Heard
Mary Taggart, Associate Member
Dave Pichette, Agent

Members Absent: Jim Smith
Ken Baptiste

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: December 16, 2015 & February 17, 2016

MOTION: Mr. Leggett moved to approve the meeting minutes for December 16, 2015. Ms. Lydon seconded.

VOTE: (4-0-1)

MOTION: Mr. Leggett moved to approve the meeting minutes of February 17, 2016. Ms. Lydon seconded.

VOTE: (4-0-1)

IV. PUBLIC HEARINGS

A. RDA – Cornelius Sullivan

Present before the Commission: Cornelius Sullivan

The public hearing notice was read into the record.

A site inspection was made at 7 Groveland Street in Onset. The project involves the construction of an addition in the buffer zone to a coastal bank. A 4x20' addition is proposed 45' from the top of the coastal bank. The addition would be within the existing deck on the south side of the

house. The addition would have a poured concrete foundation. No grade changes are proposed and the deck would not extend beyond its existing footprint either. The property is lawn area down to the existing seawall. Silt fence will be installed around the work area. No grade changes are proposed. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project.

MOTION: Mr. Leggett moved to close the public hearing for Cornelius Sullivan. Mr. Carboni seconded.

VOTE: (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #3 Determination with the condition of installing silt fence for Cornelius Sullivan. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Eldon & Madeline Moreira

Present before the Commission: Eldon Moreira

The public hearing notice was read into the record.

Site inspection was made at 33 Cleveland Ave. The project involves the construction of a deck in the buffer zone to a coastal bank and coastal beach and within a coastal flood zone. An 8x38' deck is proposed to replace a deck that had existed there but had fallen down. The deck would require the installation of sono tube footings. The 6 footings would be within 10' of the existing seawall as the house is very near the seawall. Work would be limited to the digging of the holes for the new sono tubes. This is proposed as a replacement project. The area is flat to the edge of the seawall. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Mr. Leggett moved to close the public hearing for Eldon & Madeline Moreira. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Eldon & Madeline Moreira. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Lenord Cubellis/Onset Village Redevelopment, LLC, c/o G.A.F. Engineering, Inc.

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

The public hearing notice was read into the record.

A site inspection was made at 35 East Blvd. The project involves replacing piles of an existing pile supported dwelling within a coastal beach, within riverfront area of the east river and within a coastal flood zone. 20 pilings that support the structure may need to be replaced. This will require the excavation of individual holes to install new footings and then the installation of the new pilings. The footings will be 2 feet into the substrate. The row of pilings closest to the water are right up against the edge of the marsh. The plan calls for a limit of work 5' out into the marsh. Mr. Pichette recommends that the work be done from the inside of the structure so as not to disturb the salt marsh at all. The work would have to be done by hand. It may be that only some of the pilings need to be replaced. Will there need to be a need to have additional bracing or cribbing to accomplish the work? It is also proposed to construct two parking areas, one for each of the two dwellings that exists on the lot. This would involve the construction of timber retaining walls and backfilling these areas to make it flat. These would be gravel parking areas. It is also proposed to enclose an existing deck. This would require the installation of two additional sono tube footings. Dewatering may be required for the pile replacement work. A dewatering basin is shown on the plan to be used should dewatering become necessary. A DEP file # has been received. Mr. Pichette recommended the issuance of the Order of Conditions with the standard conditions and the added condition that work be done from inside the structure so no work is done on the marsh, and to have conditions for dewatering.

MOTION: Mr. Leggett moved to close the public hearing for Lenord Cubellis/Onset Village Redevelopment, LLC. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions & the added conditions that work is to be done from the structure and there will be no cribbing on the marsh for Lenord Cubellis/Onset Village Redevelopment, LLC. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Douglas Bourgault/Cape & Islands Tire c/o G.A.F. Engineering, Inc.

Present before the Commission: Bob Rogers, G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

A site inspection was made at 3057 Cranberry Highway. The project involves the reconstruction of a commercial building with associated stormwater drainage and parking in the buffer zone to Bordering Vegetated Wetlands (BVW), within the riverfront of the Little Herring River/Gibbs Brook. The previous commercial building that was occupied by Cape and Island Tires had collapsed due to snow loading and has since been. The proposal is to reconstruct a new building in the same general location. There is a wetland to the east of the building off the property. The part of the property that is at the north east corner is in the riverfront area of the herring run that

passes under Route 6. New stormwater drainage structures are proposed to handle stormwater runoff. The town engineer will be reviewing the project to evaluate the proposed project. A DEP file # has been received. Mr. Pichette recommended a continuance for the engineer's review.

MOTION: Mr. Leggett moved to continue the public hearing for Douglas Bourgault/Cape & Islands Tire to August 17, 2016. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Pamela W. Barter, Trs., c/o Marsh Matters Environmental

Present before the Commission: Mike Ball, Marsh Matters Environmental

The public hearing notice was read into the record.

A site inspection was made at 87 Agawam Lakeshore Dr. The project involves upgrading a septic system in the buffer zone to an inland bank along Agawam Mill Pond. An existing cesspool is to be replaced with a new Title V nitrogen reducing system. The new leach field will be installed between the house and the road and would be 90' to the edge of the inland bank. This is the furthest location on the lot from the pond to situate the leach field. New septic tanks will be installed in the location of the existing driveway. The site is relatively flat and there are no significant grade changes proposed. Erosion control will be installed between the work and the resource area. A DEP file # has been received. Mr. Pichette recommended the issuance of an Order of Conditions with standard conditions.

MOTION: Mr. Leggett moved to close the public hearing for Pamela W. Barter, Trs. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions for Pamela W. Barter, Trs. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Susan Whitehead

Present before the Commission:

The project involves the cutting of several trees and the removal of bittersweet and underbrush within a coastal flood zone, within a coastal bank and within the buffer zone to a coastal bank. At the previous hearing the plan did not accurately depict the trees that were proposed to be cut. Mr. Pichette recommended that tree cutting within the coastal bank and within 30 feet of the coastal

bank. He agrees with the removal of the bittersweet as long as it is done by hand, but he recommended leaving the other vegetation.

MOTION: Mr. Carboni moved to close the public hearing for Susan Whitehead. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved grant a determination to approve the removal of three trees, removal of the bittersweet and vista pruning to no more than five feet in height. Ms. Lydon seconds.

VOTE: Unanimous (5-0-0)

B. RDA – Onset Mobile Home Park

Present before the Commission: No one was present

The applicant has requested a continuance to August 17, 2016.

MOTION: Mr. Leggett moved to continue the public hearing for Onset Mobile Home Park to August 17, 2016. Mr. Carboni seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Janet Cooke, Trustee & Howard Whiteside, c/o LEC Environmental Consultants, Inc. – SE76-2395

Present before the Commission: No one was present

The applicant has requested a continuance.

MOTION: Ms. Heard moved to continue the public hearing for Janet Cooke, Trustee & Howard Whiteside to August 17, 2016. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Andrew Streit/SolBright Renewable Energy, LLC, c/o Goldsmith, Prest, & Ringwall, Inc. – SE76-2394

Present before the Commission: Cal Goldsmith, Goldsmith, Prest, & Ringwall, Inc

The applicant is proposing to construct a solar field with associated structures in the buffer zone to Bordering Vegetated Wetland and within isolated wetlands at the site. There will be approximately 4,230 solar panels at the site. Mr. Pichette stated he went out to review the wetland line, changes were made and are reflected on the revised plans. The project was also

modified to ensure they were outside of the 50 foot no activity zone of the wetland areas on site. The Town Review Engineer has reviewed the project and would recommended approval of the project. A DEP File # has been received. Mr. Pichette recommended approval of the project with certain conditions, such as old debris be removed from the site and both silt fence and hay bales be used for erosion control at the site.

MOTION: Mr. Leggett moved to close the public hearing for Andrew Streit/SolBright Renewable Energy, LLC. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions and additional conditions that the debris be removed before the solar buildout starts and that hay bales and silt fence are used for erosion control for Andrew Streit/SolBright Renewable Energy, LLC. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

E. NOI – J. Donegan Company, c/o Bohler Engineering – SE76-2385

Present before the Commission: Mark Wixted, Bohler Engineering

A site inspection was made at 2419 & 2427 cranberry hwy. The project involves the construction of a commercial shopping center in the buffer zone to Bordering Vegetated Wetlands. A commercial shopping center with 46,000 sq. ft. of building area for commercial and retail use, along with associated parking lots and stormwater structures are proposed 50' from the edge of the wetland. There will be several different buildings proposed with a grocery store, restaurants, and other commercial uses. The proposed work will be at least 50' from the edge of the wetland as required by the town wetland by-law. Hay bales and silt fence will be set up along the 50' set back line. Stormwater will be handled and contained on site with a stormwater treatment system that is proposed to meet the DEP stormwater standards. A stormwater detention basin is proposed at the west end of the site as shown on the plan. There are also under pavement leaching structures proposed to handle some of the stormwater volume. 318 parking spaces are proposed. A DEP file # has been received for the project. Mr. Rowley has reviewed the project at this time and recommends its approval. Mr. Pichette recommended approval of the project.

MOTION: Mr. Leggett moved to close the public hearing for J. Donegan Company. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions for J. Donegan Company. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Brewer Onset Bay Marina, c/o G.A.F. Engineering, Inc.

Present before the Commission: No one was present

The applicant has requested a continuance.

MOTION: Mr. Carboni moved to continue the public hearing for Brewer Onset Bay Marina to August 17, 2016. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Keith Amado, c/o G.A.F. Engineering, Inc. – SE76-2393

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

A site inspection was made at 312 Onset Ave. The project involves tearing down an existing dwelling and constructing a new dwelling in the buffer zone to a coastal bank. An existing 13 x30' dwelling is to be removed and replaced in its same footprint with an added 13x24' addition. Part of the existing dwelling is within the 30' line of the coastal bank and part of the dwelling and the proposed addition are outside the 30' no activity zone. The closest part of the existing dwelling is 11' from the top of the coastal bank. No grade changes are proposed. A DEP file # has been received. ZBA approval has been received. Mr. Pichette recommended the issuance of an Order of Conditions with the standard conditions and the added condition of hay bales and silt fence.

MOTION: Mr. Leggett moved to close the public hearing for Keith Amado. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions and the added condition of hay bales and silt fence for Keith Amado. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

A. Nathaniel Heard – 23 Elizabeth Lane

This project was for construction on a new house. The applicant is requesting an extension of three years on the Order of Conditions because the house has not yet been constructed. Mr. Pichette recommended granting an extension at a length of the Board's discretion.

MOTION: Ms. Lydon moved to grant a two year extension for Nathaniel Heard. Mr. Leggett seconded.

VOTE: (4-0-1)

B. Office of Fishing & Boating Access – Agawam Mill Pond

The request is for an extension to build the boat ramp. Funding has not yet come through for this project.

MOTION: Mr. Leggett moved to grant a three- year extension for the Office of Fishing & Boating Access. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Steve Doire – 250 Barker Road

There was no certificate issued at this time.

B. Patrick Sheehan – 30 Pine Tree Drive – SE76-2324

MOTION: Mr. Leggett moved to grant a Certificate of Compliance for Patrick Sheehan. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

C. Patrick Sheehan – 30 Pine Tree Drive – SE76-2336

MOTION: Mr. Leggett moved to grant a Certificate of Compliance for Patrick Sheehan. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Volunteers on Conservation Land

The Harbormaster is looking for a letter of approval from the Commission on a project experimenting with oyster spawning. Discussion ensued.

The Commission asked that the pools be marked, weighted, removed before storms and removed after spawning season.

MOTION: Mr. Baptiste moved for the Commission for Mr. Pichette to write a letter of support for the project. Seconds.

VOTE: (5-0-0)

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 (5-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chair Pro Tem

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____