

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: September 21, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:03 P.M.

II. ROLL CALL

Members Present: Ken Baptiste
Sandy Slavin
Joe Leggett
Jim Smith
Elissa Heard
Mary Taggart, associate member
Dave Pichette, Agent

Members Absent: Mark Carboni
Elizabeth Lydon

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: June 17, 2015

The minutes were not approved at this time.

IV. PUBLIC HEARING

A. RDA – Clement Fisher

Present before the Commission: Lorraine Fisher
Clement Fisher

A site inspection was made at 4 Sandpiper Terrace. The project involves the removal of trees in the buffer zone to a salt marsh and within a coastal flood zone. The applicant is proposing to remove 6 mature oak trees from the back yard of their property in the locations indicated on the plan. The applicant wishes to put solar panels on the roof of the house which is currently being shaded by the trees. The closest tree is 20' from the edge of the wetland, another is 30' to the wetland and the others within 50'. The trees are within existing yard area. The trees are generally healthy and are proposed to be removed purely for shading reasons. Mr. Pichette recommended trees within the 30' no activity zone should remain.

MOTION: Ms. Slavin moved to grant a Negative Determination _____? with the added condition that five (5) Junipers be planted. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Paul Maloney, c/o Murphy’s General Contracting

Present before the Commission: Paul Maloney

A site inspection was made at 48 Edgewater Drive. The project involves the construction of an addition in the buffer zone to a salt marsh and within a coastal flood zone. An 8x14’ kitchen addition and an 8x62’ wrap around farmers porch is proposed 90’ from the edge of the salt marsh and within coastal flood zone ae el 16. The addition would on a poured concrete foundation and the farmers’ porch would be on 9 36” diameter bigfoot footings. Silt fence would be placed between the work and resource area. Any excess material from the project would be removed from the site. No grade changes are proposed. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Paul Maloney. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Paul Maloney.

VOTE: Unanimous (5-0-0)

C. RDA – Linda Reisner, c/o CEF Building, LLC

Present before the Commission: Linda Reisner
Dennis Reisner

A site inspection was made at 10 Pine Tree Drive. The project involves the reconstruction and reconfiguration of a deck, and the replacement of a fence in the buffer zone to a coastal bank. The existing deck which is 50’ from the edge of the seawall is to be taken down and reconstructed in the same general area but with a slightly different configuration. The large portion of the deck is to be squared off from its curved shape and there will be a 6x12’ extension along the back of the house that currently doesn’t exist. Stairs will also be added to either side of the main deck space as shown. This will require the installation of three new sono tubes and concrete pads for the stairway landing. Also proposed is to replace an existing chain link fence that goes along the edge of the property. All of the alterations are minor. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project

MOTION: Ms. Slavin moved to continue the public hearing for Linda Reisner to October 5, 2016 for the submittal of green abutter notifications. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

D. RDA – Bob Every, c/o JC Engineering, Inc.

Present before the Commission: Mike Pimental, JC Engineering

A site inspection was made at 3 Every Lane. The project involves upgrading a septic system in the buffer zone to an inland bank and within a coastal flood zone. An existing cesspool is to be replaced with a new title v system. Some of the pipe installation work will be in the buffer zone to the inland bank and within the coastal flood zone, ae el 14. The limit of work is set to be 77' to the edge of the inland bank. The new septic tank and the leach field will be outside the buffer zone to the inland bank but still within the flood zone. Hay bales will be installed between the work and the resource area. The site is relatively flat. Mr. Pichette recommended the issuance of a Negative Determination # 2.

MOTION: Ms. Slavin moved to close the public hearing for Bob Every. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

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

VOTE: Unanimous (5-0-0)

E. NOI – David Paling – SE76-2406

Present before the Commission: David Paling

A site inspection was made at shellfish grant w-3 off of long beach road. The project involves the establishment of a shellfish grant off of long beach road. The shellfish grant area would be 6.82 acres in size and would involve the cultivation of quahogs and oysters. Shellfish seed would be suspended in mesh bags which would be on lines between metal helical anchors. Helical anchors would be installed by hand. Initially only a portion of the grant area would be utilized with the expectation to expand the operation within the grant area over time. Access to the area would be by boat launched from another location. Materials to be transported to the site by boat. Corners of the grant would be marked by floating buoys. MA Division of Marine Fisheries have commented with no negative comments. Natural Heritage has commented with no negative comments. The Harbormaster has approved the grant area. A DEP file # has been received. Mr. Pichette recommended the issuance of the Order of Conditions with the standard conditions and the added conditions re: access to the site from the shore in the vicinity of the grant, that the area be properly marked, and that there is no refueling of vessels at the site.

MOTION: Ms. Slavin moved to close the public hearing for David Paling. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions and the added conditions that work be done from a boat and not from the beach, the area is to be properly marked, and there will be no re-fueling done at the site.

VOTE: Unanimous (5-0-0)

F. NOI – Kristine Fulkerson, c/o JC Engineering, Inc.

Present before the Commission: Mike Pimental, JC Engineering

A site inspection was made at 4 Blissful Lane. The project involves upgrading a septic system in the buffer zone to an inland bank along Glen Charlie Pond. An existing septic system is to be replaced with a new title v nitrogen reducing system. Some of the pipe installation work and the installation of the septic tanks will be in the buffer zone to the inland bank. The work would be between the house and the road. The leach field will be just outside the buffer zone. The site slopes from the road towards the pond. Hay bales will be installed between the work and the resource area. A DEP file # has been received. Mr. Pichette recommended the issuance of the Order of Conditions w/ the standard conditions.

MOTION: Ms. Slavin moved to close the public hearing for Kristine Fulkerson. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions and the added condition to install hay bales and silt fence for erosion control for Kristine Fulkerson. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Ernie DeBonise, c/o G.A.F. Engineering, Inc. – SE76-2405

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

A site inspection was made at 19 Ames Island Road. The project involves upgrading a septic system in the buffer zone to bordering vegetated wetland (BVW). An existing system, location unknown, is to be replaced with a new title v nitrogen reducing system which would be ~59' from the edge of the wetland. The BVW is across the dirt road used to access the area. Silt fence is proposed between the work and resource area. Mr. Pichette recommended both hay bales and silt fence be used for erosion control. Some work within the buffer zone has already been started at the site. A DEP file # has already been received. Mr. Pichette recommended the issuance of an Order of Conditions with the standard conditions.

MOTION: Ms. Slavin moved to close the public hearing for Ernie DeBonise. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions and the added condition of installing hay bales and silt fence for erosion control. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Douglas Bourgault/Cape & Islands Tire, c/o G.A.F. Engineering, Inc. – SE76-2400

The applicant has requested a continuance to October 5, 2016.

MOTION: Ms. Slavin moved to continue the public hearing for Douglas Bourgault/Cape & Islands Tire to October 5, 2016. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Roger Gaydou, c/o Woodard & Curran – SE76-2403

Present before the Commission: Roger Gaydou, Business Development Manager

A site inspection was made at 418 County Road. The project involves the construction of a solar field in the buffer zone to bordering vegetated wetland (BVW). A 2.2 mw solar facility is proposed with the limit of work to be at least 50' from the edge of the BVW. The majority of the site is a previously disturbed area that had been used for sand removal. There will need to be some additional tree removal and regrading of the project area. Stormwater drainage is proposed for the project. The project was reviewed by the town engineer who has submitted a comment letter on the project and has some recommended changes to the project. A revised plan has been submitted reflecting the comments of the Town Engineer. The Town Engineer approves of the revised plan. A DEP file # has been received. Mr. Pichette recommended the approval of the project and the silt fence and hay bales will need to be removed.

MOTION: Ms. Slavin moved to close the public hearing for Roger Gaydou. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to approve an Order of Conditions with standard conditions & the added condition that hay bales and silt fence be replaced for Roger Gaydou. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Ed Rossi – 11 Harborview Lane

Mr. Pichette stated the work has been completed in compliance with the Order of Conditions and he recommends the issuance of a Certificate of Compliance.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Ed Rossi. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

B. Robert Dunn – 4 Sunset Avenue

Mr. Pichette stated the work has been completed in compliance with the Order of Conditions and he recommends the issuance of a Certificate of Compliance.

MOTION: Ms. Slavin moved to approve a Certificate of Compliance for Robert Dunn. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Maplewood Builders – Lot 2 – Brittany Drive

This site was issued an Order of Conditions for construction of a single family home. In the Order of Conditions, based on a letter from MA Natural Heritage, it was conditioned that no work be done within the 50' no work zone. When a site inspection was performed on the site, work was done in the 50' no work zone. Mr. Pichette stated he spoke with MA Natural Heritage and they stated they would support whatever decision the Commission saw fit, however, MA Natural Heritage was unsure why they had placed a 50' no activity order. Mr. Baptiste recommended Mr. Pichette issue an Enforcement Order.

MOTION: Ms. Slavin moved to continue this discussion re: Maplewood Builders to the next meeting. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

B. Discussion: Conservation Restriction/Stewardship

MOTION: Ms. Slavin moved to accept and notify the Board of Selectmen Selectmen of Mark Carboni's letter to step down as a full member to an Associate member and also move to appoint Mary Taggart as a full member. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

C. Discussion: Bills

MOTION: Ms. Slavin moved to approve payment to Massachusetts Association of Conservation Commission in the amount of \$270.00. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

D. Discussion: Appointments

X. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____