

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: September 20, 2017

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

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

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

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: July 1, 2015 & September 2, 2015

MOTION: Mr. Leggett moved to accept the meeting minutes of September 2, 2015. Ms. Lydon seconded.

**VOTE: (4-0-1)
Ms. Taggart abstained**

MOTION: Ms. Lydon moved to accept the meeting minutes of July 1, 2015. Mr. Leggett seconded.

**VOTE: (4-0-1)
Ms. Taggart abstained**

**NOTE: The meeting proceeded w/ item IX. Any other business/discussion – A.
Discussion: Stone Bridge Drainage – Onset.**

Mr. Pichette stated the Town previously came in w/ a drainage project that was reviewed & approved by the Commission. This was in conjunction w/ work to be done on Ocean Ave. in Onset. This system is now online & has created problems w/ erosion of Onset Beach as a result of the way it is functioning. An attempt was made to correct the problem w/ the addition of

rip/wrap & filter fabric to prevent the erosion. The same problems persist. This is an issue needs to be addressed & corrected.

Ms. Slavin distributed pictures to Commission members re: the work being done to fix the issue. She displayed a picture of the current condition of erosion after the attempt to fix the issue.

Mr. Pichette stated a representative of G.A.F. Engineering also sent him some pictures of how the area looks at this time.

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

He stated the project commenced to solve the drainage issues at the mobile home park. If there were more space, a larger collection infiltration discharge system would have been designed. What is being seen today is what will occur from wherever the erosion protection stops at the water line. All that can be done is minimize the amount of beach between the trap rock & the water. There is clean run-off coming out of the system. If it is left alone, the channel is going to stabilize. It's an improvement in water quality although there is a portion of beach that will scour wherever the end of discharge is to the water line. You cannot use pipes anymore. He discussed rainfall amounts & impacts to the system. He discussed the reasons why this location was chosen for the drainage. He stated this was the only Town land available to place the drainage. The only solution would be to direct the discharge to the low tide mark. Mr. Pichette feels there are other solutions that time & thought need to be put into. The impression was given previously that this type of erosion would not be seen. There are significant erosion issues w/ the past two large storms. He feels a discussion is needed w/ the engineers & the Municipal Maintenance Director as to other options.

IV. PUBLIC HEARINGS

A. RDA – Greg Barrett

The public hearing notice was read into the record.

Present before the ConCom: Greg Barrett
George Barrett

Mr. Pichette explained a site inspection was made at 5 Winslow Lane. The project involves the construction of a garage w/in a coastal flood zone. A 30x30 garage is proposed to be constructed w/in flood zone AE el. 15. The project has already been started w/ the installation of the foundation prior to ConCom approval & to getting a building permit. The project is not in the buffer zone to any other resource area. The site is relatively flat & there are no grade changes proposed. He recommended the issuance of a Negative Determination #2 for the project.

Mr. Barrett stated he wasn't aware he was in a flood zone & wasn't aware that he need to go before ConCom. He stated he applied for the building permit over a month and a half ago. He had gone to apply for the building permit before the set date of the contract to start construction.

Clearing was started before the permit. Mr. Leggett stated the foundation was started prior to the permit being obtained.

Present before the ConCom: Stacey Sylvester
Patrick Romulez

Ms. Sylvester stated she is a direct abutter to this project. She stated she doesn't have a problem w/ the project & Mr. Barrett has been respectful w/ the project.

MOTION: Mr. Leggett moved to close the public hearing for Greg Barrett. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

Mr. Leggett questioned the issue of a fine for work done w/out approval. Brief discussion ensued.

MOTION: Mr. Leggett moved to grant a Negative Determination #2 for Greg Barrett. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

Mr. Barrett submitted his green return abutter notifications.

B. RDA – William Mootos

The public hearing notice was read into the record.

Present before the ConCom: William Mootos

Mr. Pichette explained a site inspection was made at 73 Barlow Ave. This is an after-the-fact filing for landscaping work in the buffer zone to salt marsh & w/in a coastal flood zone. Landscaping work was done right up to the edge of a salt marsh & w/in coastal flood zone AE e. 14. A one foot to 16 foot high landscape block was installed w/in an existing concrete block wall which exists right at the edge of the marsh. The new blocks are just dry placed & would be subject to being shifted around in a flood event & potentially could end up on the marsh. Some loam was placed w/in the block wall area to try to establish grass. Stone was also placed in what would be part of a driveway area. Much of the work that was done was not on the owner's property, but on Rose Point Beach Assoc. property. He recommended a continuance of the hearing to evaluate options for the installed wall.

Mr. Mootos submitted the green return abutter notifications.

Mr. Mootos discussed the grass area. He has since ceased all work. He noted the gravel in the driveway. He was not aware when he purchased the property that a strip of land was Association land. He was looking to create a barrier to people on this strip of land.

Brief discussion ensued re: the wall & the no activity zone perimeters. Brief discussion ensued re: securing the wall blocks.

MOTION: Mr. Leggett moved to continue the public hearing for William Mootos to October 18, 2017. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Webbko, Inc., c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Mr. Pichette explained a site inspection was made at 17 Deanne Street in the Rose Point area. The project involves the construction of a duplex in the buffer zone to BCW. A 28x57 ft. duplex is proposed 90 ft. from the edge of the wetland. The limit of work for clearing at the site is 37 ft. from the edge of the wetland. The duplex would be served by Town sewer & water. There would be some grading behind the structure as shown on the plan. There would be two paved driveways for the duplex. A fence is proposed along the southern property line. Silt fence is proposed between the work & the resource area. He recommended haybales & silt fence. He noted a DEP file numbers has been received. He recommended the issuance of an OOC w/ the standard conditions.

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

Mr. Grady stated the old OOC for this property has expired & a Certificate of Compliance request should be forthcoming.

MOTION: Mr. Leggett moved to close the public hearing for Webbko, Inc. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions & the addition conditions that haybales & silt fence be installed for Webbko, Inc. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Arthur Fitzgerald, c/o JC Engineering, Inc. - SE76-2443

The public hearing notice was read into the record.

Present before the ConCom: Mike Pimental

Mr. Pichette explained a site inspection was made at 53 Agawam Lake Shore Dr. The project involves upgrading a septic system in the buffer zone to Agawam Mill Pond. An existing cesspool is to be replaced w/ a new Title V system. Work involving the installation of septic tanks, lines, & the filling of the existing cesspool will be in the buffer zone to the pond. The existing cesspool is 42 ft. from the edge of the pond. The proposed leach field will be just outside the buffer zone to the pond, located up near the road. The lot slopes from the road to the pond. Haybales will be placed between the work & the resource area as shown on the plan. A DEP file number has been received. He recommended the issuance of an OOC w/ the standard conditions.

Brief discussion ensued re: the project & trees to be removed.

MOTION: Mr. Leggett moved to close the public hearing for Arthur Fitzgerald. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions for Arthur Fitzgerald w/ standard conditions & the added condition of moving the haybales on the right side & removal of the oak tree by the propane tank. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Philippe Astie, c/o Zenith Consulting Engineers, LLC – SE76-2444

The public hearing notice was read into the record.

Present before the ConCom: Niles Zager, Zenith Consulting Engineers, LLC

Mr. Pichette explained a site inspection was made at 30 Maritime Dr. The project involves upgrading a septic system in the buffer zone to a coastal bank & w/in a coastal flood zone. The project is also w/in the estimated habitat of rare & endangered species. An existing cesspool is to be replaced w/ a new Title V system. The new leach field will be 80 ft. from the top of the coastal bank & w/in coastal flood zone VE el. 19. Silt sock is proposed for erosion control. He recommended haybales & silt fence. A DEP file number has been received. No comments have been received from NHESP. He recommended a continuance to await comments from NHESP.

Mr. Zager discussed the location of the current leach field & the proposed location. He stated the current system failed & the owners are selling the property. It failed because it is almost at the water table. The owners want to get moving with this ASAP.

MOTION: Mr. Leggett moved to close the public hearing for Philippe Astie. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions w/ the added condition that haybales be placed for Philip Astie. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Buzzards Bay Coalition

Present before the ConCom: Sarah Quintal, BBC

Ms. Quintal stated the plan before the ConCom presently is now in its final form. She highlighted the detailed work & changes to the plan, such as trails, tree cutting, etc. She discussed machinery access at the top of the island to create the passive recreation area.

Discussion ensued re: machinery use, machinery possibly being on the beach & use of a barge.

Discussion ensued re: removal of sandbags & impacts to ground cover & removal of invasive species.

Mr. Pichette noted some special conditions that should be included in the Order of Conditions.

MOTION: Ms. Lydon moved to close the public hearing for the Buzzards Bay Coalition. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions w/ standard conditions for the Buzzards Bay Coalition & further to grant w/ the following special conditions:

- 1. Once the project is complete, the equipment access path shall be stabilized with a wild grass seed mix suitable for sandy soils. Sand bags are to be removed from the site. All sand from the sand bags shall be deposited in an upland area or removed from the site.**
- 2. Construction mats shall be used for temporary access of machinery across the coastal beach, and coastal bank where needed. Area of coastal beach needed to be used for machinery access or operation shall be kept to a minimum.**
- 3. Demolition materials and scrap metal to be removed, shall be removed from the site and shall be disposed of in accordance with all local, state, and federal laws.**
- 4. The application of herbicides to control invasive plant species at the site shall be done by a MA licensed applicator according to the approved site plan. The name, contact phone number, and license information of the herbicide applicator shall be submitted to the Conservation Office at least 3 days prior to the application of herbicides at the site. Information regarding the type of herbicide to be used shall also be provided.**

5. The use of barges to access the site shall be done only during mid to high tidal ranges. Barges shall be moved off shore during lower tides to prevent prolonged grounding.
6. The applicant shall maintain the site in terms of litter clean up by conducting litter pick up at least twice a month at the site. This shall be a continuing condition.

VOTE: Unanimous (5-0-0)

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

MOTION: Ms. Heard moved to continue the public hearing for Garry Buckminster/Wareham Harbormaster/Shellfish Dept. c/o the Nature Conservancy to October 4, 2017. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. James R. Pinkston – 93 Marion Road

Mr. Pichette explained there was an individual running an auto repair business out of this property which was in violation of a number of codes, including Board of Health codes & Building codes. There is a drainage ditch behind the property so it was felt having something on record from the Conservation Dept. was appropriate, although the other Town entities are driving the clean-up efforts. There was no evidence the drainage ditch had any contaminants in it, but the potential for it.

MOTION: Mr. Leggett moved to issue an Enforcement Order for James R. Pinkston – 93 Marion Road. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. Renewable Generation (NextSun), Protect Energy Solutions – Beaver Creek Lane

Mr. Pichette explained this COC request is a continuation of the solar project off of Beaver Creek Lane. Additional work was needed before granting the COC & the ConCom had requested a \$10,000 performance bond which has been established. He went out to the site to look at the additional work & in his opinion, the work was sloppy. Again, the work was done, but corrections are still needed.

Discussion ensued re: issuing or not issuing the Certificate of Compliance at this time.

The consensus of the ConCom was to not grant the Certificate of Compliance this evening.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Stone Bridge Drainage – Onset (DONE)

B. Discussion: Steven King – 12 Riplah Road

Mr. Pichette explained this was a violation that took place in the RLDS Campgrounds & he feels will require an after-the-fact filing. There was tree cutting done w/in the buffer zone to wetlands. The owner didn't realize the person he hired was going to do the work that was done. He had felt only some limbs were going to be trimmed.

Mr. Pichette told the homeowner he would have file w/ the ConCom & he will be coming in at the next meeting.

NOTE: Mr. Pichette stated someone is interested in putting in an oyster farm. He will be filing an NOI, but the question is does the ConCom want to see an engineered plan or can the applicant draw a sketch. It is just a square in the water. It will be located in the area of Cromesett. The BOS & the Div. of Marine Fisheries has approved the project. He needs to get permission from the Army Corp. of Engineers & ConCom. The consensus of the ConCom was to have a well-documented sketch w/ actual coordinates.

NOTE: The ConCom thanked Ms. Lydon for serving on the ConCom & wished her well.

C. Discussion: Reappointments

D. Discussion: Conservation Restriction/Stewardship

E. Discussion: Bills

F. Discussion: Appointments

X. ADJOURNMENT

MOTION: Mr. Heard moved to adjourn the meeting. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

Date signed: 12/6/17

Attest: S S Slavin
Sandy Slavin, Chair Pro Tem
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 12/7/17