

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: March 4, 2020**

### **I. CALL MEETING TO ORDER**

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

### **II. ROLL CALL**

Members Present: Sandy Slavin, Chair  
Ken Baptiste  
Elissa Heard  
Robert Lassen  
David Hall  
Jim Smith  
David Pichette, Agent

Member Absent: Mary Taggart

### **III. PRELIMINARY BUSINESS**

#### **A. Approval of meeting minutes: May 5, 2004**

**MOTION: Mr. Baptiste moved to accept the meeting minutes of May 5, 2004 out of the law of necessity. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Jacalyn & Philip Roberts, c/o Lockwood Architects**

**NOTE: To be handled later in the meeting.**

### **V. CONTINUED PUBLIC HEARINGS**

#### **A. NOI – Edward & Susan Cabral, c/o Alpha Survey Group, LLC – SE76-2592**

The applicant has requested a continuance to March 18, 2020.

**MOTION: Mr. Baptiste moved to continue the public hearing for Edward & Susan Cabral to March 28, 2020. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**B. NOI – Barry Cosgrove, Trustee, c/o Prime Engineering, Inc. – SE76-2593**

Present before the ConCom: Rich Triom, Prime Engineering, Inc.

Mr. Pichette described the project. The property is located at 49 Blackmore Pond Circle. The project involves the construction of an addition, garage & expanding a deck in the buffer zone to Blackmore Pond. A 28x40 ft. addition is proposed approx. 26 ft. from the edge of the pond. An 18x24 ft. garage is proposed on the other side of the house approx. 24 ft. from the edge of the pond. There is an existing 14x35 ft. deck to be removed & a new 12x60 ft. deck proposed. This will be approx. 14 ft. from the edge of the pond. The proposed structures are not quite 30 ft. from the retaining wall. He discussed w/ engineer how the edge of the pond was determined & represented on the plan. This project needs to go before the ZBA. An application has been filed w/ the ZBA. Changes have been made to the plan. The ConCom needs to discuss if they agree w/ the edge of the pond bed as to meeting the 30 ft. setback.

Mr. Triom discussed additions to the plan, including preventions for roof runoff. He discussed how the edge of the pond was determined on January 23, 2020.

Brief discussion ensued re: how the pond fluctuates throughout the year & how it varies.

**MOTION: Mr. Baptiste moved to close the public hearing for Barry Cosgrove, Trustee. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant an Order of Conditions for Barry Cosgrove, Trustee w/ standard conditions & no change to the groundcover of the existing lawn. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**C. NOI – Buzzards Bay Coalition, Inc., c/o G.A.F. Engineering, Inc. – SE76-2554**

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

Mr. Pichette described the project. The property is located out in front of the former Decas property that the Buzzards Bay Coalition (BBC) now owns. The project originally called for four floats in a fixed position out in the water in front of the BBC Conservation property in land under the ocean & land containing shellfish & w/in estimated habitat for rare & endangered species. The project has since been modified to propose three floats & fixed to a single line attached to a mooring what would allow for them to swing w/ the tide & wind vs. a fixed position. The floats will be 16x48 ft. in size which equates to approx. 2,300 ft. The floats will be used to store sailboats. The floats will be located in an established eelgrass bed in approx. 4.3 ft. of water at low tide at proposed location. Part of the application proposed a three year study of the eelgrass bed to determine if the floats have any impact on the eelgrass. This will be done by a college intern. The MA Div. of Marine Fisheries has reviewed the plans & they are in favor of the revised plan. They propose that they be consulted on the eelgrass study as to methodology & results be reported to them on an annual basis. MA Natural Heritage had no comments. A DEP file number has been received. He recommended conditions requiring floats be stored in an upland area out of the coastal flood zone in the off season, that the floats be removed at an

appropriate facility, such as the Town Pier, marina or boat ramp, that the floats be made out of non-CCA treated materials & that the eelgrass study be reported to MA Div. of Marine Fisheries & to the ConCom on an annual basis, & if becomes apparent that the eelgrass is being damaged by the floats before the three year term, that the floats be relocated outside of the eelgrass bed or removed.

Ms. Slavin stated Town Counsel stated that the Town's eelgrass Bylaw is no applicable in this matter. The reason is because the floats are not fixed or attached to a dock.

Mr. Pichette stated there will be six boats to a float.

**MOTION: Mr. Baptiste moved to close the public hearing for the Buzzards Bay Coalition, Inc. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant an Order of Conditions to the Buzzards Bay Coalition, Inc. w/ standard conditions & the added conditions that the floats be stored in an upland area out of the coastal flood zone in the off season, that the floats be removed at an appropriate facility, such as the Town Pier, marina or boat ramp, that the floats be made out of non-CCA treated materials, that the eelgrass study be reported to MA Div. of Marine Fisheries & to the ConCom on an annual basis, & if becomes apparent that the eelgrass is being damaged by the floats before the three year term, that the floats be relocated outside of the eelgrass bed or removed. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE: The meeting proceeded w/ item VII. Enforcement Orders – B. Tom Melanson – Cranberry Highway.**

Present before the ConCom: Thomas Melanson, Village Motel

Mr. Pichette stated this site is 2739 Cranberry Highway. There is a stream that runs along the west side of the building. There was a lot of material & storage along the top of the bank of the stream & vegetation had been removed. An Enforcement Order was issued to clean up the materials where they were stored & to allow the disturbed area to be re-vegetated. Haybales were requested as well.

Mr. Melanson stated he doesn't feel the haybales are aesthetically pleasing. He feels a smaller barrier, such as a 2x10 plank stood up at the edge. He feels haybales produce smell, rodents & mildew.

Discussion ensued re: the vegetation being removed & now there is just dry soil & runoff going into the stream. Ms. Slavin noted that the haybales are a temporary fix until some sort of vegetation can be planted there to stop the erosion. Discussion ensued re: other options.

Mr. Melanson expressed concern re: the cost issues involved, rodent issues, etc.

**MOTION: Mr. Baptiste moved to ratify the Enforcement Order for Tom Melanson – Cranberry Highway & for the ConCom to revisit this matter in two weeks & if problems are not rectified, a \$300.00 fine will be issued. Mr. Hall seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE: The meeting resumed w/ item IV. Public Hearings.**

**A. RDA – Jacalyn & Philip Roberts, c/o Lockwood Architects**

The public hearing notice was read into the record.

Present before the ConCom: Bill Lockwood, Lockwood Architects

Mr. Pichette described the project. The property is located at 14 Evergreen St. The project involves the construction of additions & a patio in a coastal flood zone. A 9x19 ft. patio, a 6x16 ft. addition & a 3x3 ft. addition are proposed w/in flood zone AE, elevation 14. The work is not in a buffer zone to any other resource area. No grade changes or fill are proposed. He recommended the issuance of a Negative Determination #2.

**MOTION: Mr. Lassen moved to close the public hearing for Jacalyn & Philip Roberts. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Lassen moved to grant a Negative Determination #2 for Jacalyn & Philip Roberts. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

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

**D. NOI – Kenneth Deluze, c/o G.A.F. Engineering, Inc. – SE76-2587**

The applicant has requested a continuance until March 18, 2020.

**MOTION: Mr. Baptiste moved to continue the public hearing for Kenneth Deluze to March 18, 2020. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**E. NOI – Thomas Parenteau/TJP Realty, LLC, c/o G.A.F. Engineering, Inc. (15 Over Jordan Rd.) – SE76-2575**

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

Mr. Pichette described the project. The property is located at 15 Over Jordan Rd. The project involves the construction of a pier, ramp & float system into Shell Point Bay. A 200 ft. pier, ramp & float system is proposed located in land under the ocean, saltmarsh & w/in a coastal flood zone. The Harbormaster's recommendation is that this project not be approved. The Harbormaster stated the site is a valuable shellfish area for commercial & recreational shellfishermen & also a shellfish relay area. He spoke to Mr. Buckminster, Harbormaster & Mr. Buckminster stated he is still opposed to this project & has no additional comments other than what he has stated previously. Based on Mr. Buckminster's comments, Mr. Pichette does not recommend approval of this project. He spoke re: a Town Bylaw that states piers/docks shall not be located in an area that has significant shellfish habitat as determined by MA DMF or the Town's Shellfish Constable. There was also comment that this pier would be used by multiple residences that was not disclosed at the beginning of this process. This presents other issues. He doesn't feel this area is suited for a pier to be used by multiple residences, even if they are saying it will only be used for kayaks.

Mr. Grady was hoping to get additional clarification from the Harbormaster. Comments were received from the Harbormaster & MA DMF. A revised plan was submitted addressing MA DMF comments which he discussed, such as raising the structure. From the beginning many things have been done to minimize impacts to the area. He addressed the Harbormaster's comments, specifically access to the shellfish habitat. He again addressed how the revised plan addresses concerns & that conditions could be placed on the project & possible further revisions if needed.

Mr. Pichette stated Mr. Buckminster is aware of conditions that can be placed on a project such as this, but he did not provide this in his comments. Brief discussion ensued.

Present before the ConCom: Thomas Parenteau

Mr. Parenteau stated that shellfishermen go around other docks in the area & they could do the same at his dock. The reason for this pier is there was one here prior. The other reason is for this pier to go w/ this particular property. As far as others being able to use the pier, he was just making a kind gesture to the neighbors.

**MOTION: Ms. Heard moved to close the public hearing for Thomas J. Parenteau/TJP Realty, LLC (15 Over Jordan Rd.). Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Lassen moved to deny the project for Thomas J. Parenteau/TJP Realty, LLC (15 Over Jordan Rd.). Mr. Smith seconded.**

**VOTE: (4-2-0)**

**Mr. Heard & Mr. Baptiste opposed**

**F. NOI – Thomas Parenteau/TJP Realty, LLC, c/o G.A.F. Engineering, Inc. (12 Over Jordan Rd.) – SE76-2595**

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

Mr. Pichette described the project. The property is located at 12 Over Jordan Rd. The project involves the demolition of an existing dwelling & the construction of a new dwelling & septic system in the buffer zone to a coastal bank & w/in a coastal flood zone. An existing 28x45 ft. dwelling w/ a 22x28 ft. garage will be removed & a new 28x44 ft. dwelling w/ associated nitrogen reducing septic system is proposed. The new dwelling will be approx. 8 ft. from the top of the coastal bank & w/in flood zone VE, elevation 18. He had recommended shifting the dwelling footprint slightly to get the house further from the coastal bank. The new dwelling will be on concrete pilings as the site is in a velocity flood zone. Haybales & silt fence are proposed between the work & the resource area. There are also remnants of an old cottage that is also being proposed to be removed. A revised plan has been submitted. He recommended approval of the project w/ standard conditions & the added conditions that the debris from the old cottage be removed from the site & no heavy machinery drive into the wetlands to get the cottage out.

**MOTION: Mr. Baptiste moved to close the public hearing for Thomas Parenteau/TJP Realty, LLC (12 Over Jordan Rd.). Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant an Order of Conditions for Thomas Parenteau/TJP Realty, LLC (12 Over Jordan Rd.) w/ standard conditions & the added conditions that debris from the old cottage be removed from the site & that no heavy machinery be used in the wetlands to dismantle & remove the old cottage. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**G. NOI - Thomas Parenteau/TJP Realty, LLC, c/o G.A.F. Engineering, Inc. (14 Over Jordan Rd.) – SE76-2598**

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

Mr. Pichette described the project. The property is located at 14 Over Jordan Rd. The project involves the demolition of an existing dwelling & the reconstruction of a new dwelling & a new septic system in the buffer zone to a coastal bank & w/in the flood zone. The existing dwelling will be removed & a new 24x28 ft. dwelling with a new nitrogen reducing Title V septic system. The new dwelling will be approx. 14 ft. from the top of the coastal bank & w/in flood zone VE, elevation 18. The dwelling will be elevated on concrete pilings. The grade will be raised by 2-3 ft. in the vicinity of the dwelling & septic system. A DEP file number has been received. He recommended approval of the project based on the revised plan of February 17, 2020.

Mr. Grady doesn't anticipate any dewatering needed.

**MOTION: Mr. Baptiste moved to close the public hearing for Thomas Parenteau/TJP Realty, LLC (14 Over Jordan Rd.). Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant an Order of Conditions for Thomas Parenteau/TJP Realty, LLC (14 Over Jordan Rd.) w/ standard conditions. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**H. NOI - Thomas Parenteau/TJP Realty, LLC, c/o G.A.F. Engineering, Inc. (16 Over Jordan Rd.) – SE76-2596**

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

Mr. Pichette described the project. The property is located at 16 Over Jordan Rd. The project involves the demolition of an existing dwelling & the reconstruction of a new dwelling & a new septic system in the buffer zone to a coastal bank & w/in the flood zone. The existing dwelling will be removed & a new 26x30 ft. dwelling w/ a new nitrogen reducing septic system is proposed & will be approx. 42 ft. from the top of the coastal bank & w/in flood zone VE, elevation 18. The dwelling will be on raised concrete pilings. A DEP file number has been received. He recommended approval of the project w/ standard conditions & conditions for dewatering if needed.

**MOTION: Mr. Baptiste moved to close the public hearing for Thomas Parenteau/TJP Realty, LLC (16 Over Jordan Rd.). Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant an Order of Conditions for Thomas Parenteau/TJP Realty, LLC (16 Over Jordan Rd.) w/ standard conditions. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**I. NOI - Thomas Parenteau/TJP Realty, LLC, c/o G.A.F. Engineering, Inc. (9 Over Jordan Rd.) – SE76-2594**

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

Mr. Pichette described the project. The property is located at 9 Over Jordan Rd. The project involves the construction of a single family dwelling, the removal of another dwelling on the site & the modification of another existing dwelling w/in the buffer zone to a coastal bank & coastal flood zone. A 40x55 ft. dwelling w/ proposed septic system is proposed w/in flood zone VE, elevation 17. The new dwelling will be on concrete pilings. The existing dwelling to be removed is approx. 50 ft. from the top of the coastal bank which is a seawall. The other existing dwelling will be re-utilized as an open pavilion w/ a changing room & bathroom. Septic systems are proposed to handle both of these buildings. Haybales & silt fence are proposed between the work & the resource areas. A DEP file number has been received. He recommended the approval of the project based on the revised plan. He asked if the utilities will be elevated. Mr. Grady stated it is proposed to be underground, but this will be clarified during the permitting process.

**MOTION: Mr. Baptiste moved to close the public hearing for Thomas Parenteau/TJP Realty, LLC (9 Over Jordan Rd.). Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Heard moved to grant an Order of Conditions for Thomas Parenteau/TJP Realty, LLC (9 Over Jordan Rd.) w/ standard conditions. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

**J. NOI - Thomas Parenteau/TJP Realty, LLC, c/o G.A.F. Engineering, Inc. (17 Over Jordan Rd.) – SE76-2597**

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

Mr. Pichette described the project. The property is located at 17 Over Jordan Rd. The project involves the construction of a single family dwelling & the removal of an existing in-ground pool in the buffer zone to a coastal bank & coastal flood zone. A 45x50 ft. dwelling w/ associated septic is proposed w/in flood zone VE, elevation 17. The dwelling would be on concrete pilings. The grade will be raised by 3-4 ft. in the vicinity of the dwelling & septic system. The existing in-ground pool is approx. 8 ft. from the top of the coastal bank which is the seawall. The pool materials & patio will be removed & back filled w/ clean sand. A DEP file number has been received. He recommended the issuance of an OOC w/ standard conditions & that clean fill be used to backfill the existing pool.

**MOTION: Mr. Baptiste moved to close the public hearing for Thomas Parenteau/TJP Realty, LLC (17 Over Jordan Rd.). Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant an Order of Conditions for Thomas Parenteau/TJP Realty, LLC (17 Over Jordan Rd.) w/ standard conditions & the added condition that clean fill be used to fill in the existing pool. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE: The meeting proceeded w/ item VII. Enforcement Orders – A. Marc's Auto – 2688 Cranberry Highway.**

Present before the ConCom: David Wedge, Marc's Auto

Mr. Pichette described the violations at the site, which includes vehicles being stored too close to the edge of the stream that runs next to the business. An Enforcement Order was issued to pull back the vehicles & an established zone to keep vehicles & materials away from the stream. He met w/ Mr. Wedge today & discussed where things should & shouldn't be. A fence will be placed to establish the perimeters. Mr. Wedge has agreed to do the things being requested & work w/ the ConCom.

**MOTION: Mr. Baptiste moved to ratify the Enforcement Order for Marc's Auto. Mr. Hall seconded.**

**VOTE: Unanimous (6-0-0)**

**A. NOTE: The meeting proceeded w/ item VIII. Certificates of Compliance – A. A.D. Makepeace Co. – Off Tihonet Road – SE76-2094**

Present before the ConCom: Dan Gagney, Beals & Thomas



Mr. Pichette stated the project was for the creation of cranberry bog on the Makepeace property many years ago. Everything has been completed per the OOC. He recommended the issuance of the OOC.

**MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for A.D. Makepeace Co. – Off Tihonet Rd. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**VI. EXTENSION REQUESTS**

**A. Kenneth Nelligan – 156 Cromesett Road**

Mr. Pichette stated there is an OOC to work on the foundation of the house. This hasn't been accomplished yet & the applicant is requesting a one year extension. He recommended approval of the request.

**MOTION: Mr. Baptiste moved to grant the extension request of Kenneth Nelligan – 156 Cromesett Rd. for one year. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**B. Jennifer & Ellis Bailey – 31 Crab Cove Terrace**

Mr. Pichette stated there is an OOC for construction of a retaining wall & deck. The wall has been completed, but not the deck. The applicant is requesting a one year extension. He recommended approval of the request.

**MOTION: Mr. Baptiste moved to grant an extension request for Jennifer & Ellis Bailey for one year. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**VII. ENFORCEMENT ORDERS**

**A. Marc's Auto – 2688 Cranberry Highway (DONE)**

**B. Tom Melanson – Cranberry Highway (DONE)**

**VIII. CERTIFICATES OF COMPLIANCE**

**B. A.D. Makepeace Co. – Off Tihonet Road – SE76-2094 (DONE)**

**C. Walter & Delores Shanks – 10 Nimrod Way (Not handled)**

**IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE**

**A. Discussion: Appointments/Reappointments**

Ms. Slavin stated an application has been received from Michael Mercier to be an Associate member of the ConCom.

**MOTION: Mr. Baptiste moved to accept the application of Michael Mercier as an Associate member of the ConCom. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE:** Brief discussion ensued re: silt fence & haybales.

**B. Discussion: Conservation Restriction/Stewardship**

**C. Discussion: Bills**

**X. ADJOURNMENT**

**MOTION: Mr. Baptiste moved to adjourn the meeting at 8:20 P.M. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**Date signed:** 10/6/2021

**Attest:** Sandy Slavin

**Sandy Slavin, Chair**

**WAREHAM CONSERVATION COMMISSION**

**Date copy sent to Town Clerk:** 3/22/22