

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: October 5, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Sandy Slavin, Chair Pro Tem
Joe Leggett
Jim Smith
Elizabeth Lydon
Elissa Heard
Mary Taggart, Associate member
Dave Pichette, Agent

Member Absent: Ken Baptiste
Mark Carboni

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: March 16, 2016

The minutes were not approved at this time.

IV. PUBLIC HEARING

A. RDA – Richard Brodney, c/o GS Design Group

Present before the Commission: George Gaieis, GS Design Group

A site inspection was made at 28 Cleveland Avenue. The project involves the construction of an addition within a coastal flood zone. A 10x22' addition is proposed partially over existing decks within flood zone AE, elevation 15. The addition will require the installation of a new 5x5' footing. The work is not in the buffer zone to any other resource areas. No grade changes are proposed. Mr. Pichette recommended the approval of the project with a Negative Determination #2. The applicant does not have the green abutter notification cards at this time, thus the hearing will need to be continued.

MOTION: Mr. Leggett moved to continue the public hearing for Richard Brodney to October 19, 2016. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Michael & Susanne Scipione

Present before the Commission: Michael & Susanne Scipione

A site inspection was made at 9 Eagle Way in Onset. The project involves landscaping work and the removal of invasive plant species in the buffer zone to coastal beach and coastal dune, and within the coastal flood zone. The site is the former Point Independence Inn which is now a private residence. The owners are proposing to do some landscaping by replacing lawn with garden beds, rebuilding an existing stone retaining wall, remove bittersweet, and add some native plant species to a garden area around the existing flagpole. Also proposed is to replace some existing railroad ties that edge the parking area with cobble stone edging. No grade changes are proposed. Mr. Pichette recommended the approval of the work with a Negative Determination #2.

MOTION: Mr. Leggett moved to close the public hearing for Michael & Susanne Scipione. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Michael & Susanne Scipione. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

C. RDA – Peter & Laurie Andrews, c/o Braman Surveying & Assoc., LLC

Present before the Commission: Peter & Laurie Andrews

NOTE: Ms. Taggart recused herself from this hearing.

A site inspection was made at 2 Bradford Street in the Rose Point area. This is an after the fact filing for work has already been done involving improvements to a roadway and cutting phragmites in the buffer zone to a salt marsh, within the riverfront area of the Weweantic river, and within the coastal flood zone. This work was also in violation of an Order of Conditions which stated that any additional work beyond what had been approved would have to come back in front of the Conservation Commission for review and approval. The applicant performed work on a Town street by covering the surface of Bradford Street from Rose Point Avenue back to his property with crushed stone that was trucked in. The work was within several feet of the edge of the salt marsh. Also, an area of phragmites has been cut down which is actually off the applicant's property. This area is owned by the Rose Point Improvement Association. Part of this request is to seek permission to continue to be able to cut the area indicated on the plan.

Mr. Pichette stated he had asked to get some cross section information on what had been done to the road. This has not been submitted. The Rose Point Improvement Association has submitted a letter granting approval for the requested work on its land. The Municipal Maintenance Department has also stated that it

will not require any additional work to be done on the roadway. Mr. Pichette recommended approval of the work with a Negative Determination #2 with fines for work done in violation of the Order of Conditions.

MOTION: Mr. Leggett moved to continue the public hearing for Peter & Laurie Andrews to October 19, 2016. Ms. Lydon seconded.

VOTE: Unanimous (4-0-0)

D. RDA – Alexander Urquhart, c/o G.A.F. Engineering, Inc.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

A site inspection was made at 20 First Avenue. The project involves the construction of a garage within a coastal flood zone. An 18x26' garage is proposed within flood zone AE, elevation 14. The project is just outside the buffer zone to salt marsh that exists to the rear of the property. The driveway will also be modified to meet the new garage. The garage will be constructed on existing lawn and driveway area. No grade changes are proposed. Silt fence is proposed between the work and the salt marsh. Mr. Pichette recommended the approval of the project with a Negative Determination #2.

MOTION: Mr. Leggett moved to close the public hearing for Alexander Urquhart. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

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

VOTE: Unanimous (5-0-0)

E. NOI – Erin & Michael Schaaf, c/o G.A.F. Engineering, Inc.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

A site inspection was made at 6 Valley Road in Onset. The project involves the installation of a water line in a Bordering Vegetated Wetland and within a coastal flood zone. A one inch water line is to be installed to service the dwelling at 6 Valley Road. The water line will be installed along valley road for a length of 335'. The line will be trenched along the edge of the existing gravel road. Bordering vegetated wetland exists very near the edge of the road at certain points. Erosion control will be installed between the work and the wetland. Trench will be backfilled. No DEP file # has been received. Mr. Pichette recommended a continuance of the hearing.

MOTION: Mr. Leggett moved to continue the public hearing for Erin & Michael Schaaf to October 19, 2016. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Frank Adrean, Nanumett Shores Improvement Assoc., c/o G.A.F. Engineering, Inc.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

A site inspection was made at Wildrose Avenue (Nanumett Beach Association) in Onset. The project involves replacing the float piles of an existing pier ramp and float system. It is proposed to remove and replace five deteriorating timber pilings within land under the ocean, land containing shellfish, and within a coastal flood zone. The existing piles would be replaced with 12" greenheart pilings. The work would be done from a floating barge. The existing float system does not match the CH. 91 license plan. The existing float system has been expanded beyond what was licensed. The Notice of Intent should be seeking approval to expand the float system if the desire is to keep the current configuration or provide proof that the existing float system had been previously licensed. Comments have not been received from the Division of Marine Fisheries. No DEP file # has been received. Mr. Pichette recommended a continuance of the hearing.

MOTION: Mr. Leggett moved to continue the public hearing for Frank Adrean, Nanumett Shores Improvement Assoc. to October 19, 2016. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Perched, Inc., c/o N. Douglas Schneider & Associates, Inc. – SE76-2408

Present before the Commission: Schneider & Associates Representative

A site inspection was made at lot 1002, 1004, 1036, & 1038 off of Great Neck Road. The project involves the construction of a single family dwelling, driveway, and dog kennel building in the buffer zone to bordering vegetated wetland (BVW) and coastal bank, within riverfront area, and within a coastal flood zone. The project site is also within the estimated habitat of rare and endangered species. A 26x45' dwelling with associated septic system, grading, and driveway is proposed within the buffer zone to a coastal bank and BVW, within riverfront area, and within the coastal flood zone, AE el 14. A 30x42' dog kennel building is also proposed within the buffer zone to BVW, partially within the riverfront area, and within the coastal flood zone. The driveway into the site also involves a small wetland crossing as shown on the plan. The wetland is a drainage ditch that connects wetland areas. It is proposed to place two culvert pipes within the ditch and then fill over the pipes to allow the crossing, as detailed on the plan. 13,000 sq. ft. of riverfront area is proposed to be altered as part of the project. Mr. Pichette stated there are alternatives to the project that have been proposed that would alter less riverfront area. This includes relocating the house and the kennel building outside the riverfront area, possibly onto the driveway area just outside the riverfront area. He believes there is room to accommodate this change. The work that would remain in the riverfront area is the installation of the septic system. There is no other location on the site to place the septic system that would meet Title V requirements than the proposed location. An alternatives analysis was submitted as part of the Notice of Intent, but the analysis did not include the described alternative. NHESP has

commented on the project with no negative comments. A DEP file # has been received. Mr. Pichette recommended a continuance of the hearing for a revised plan.

MOTION: Mr. Leggett moved to continue the public hearing for Perched, Inc. to October 19, 2016. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

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

Present before the Commission: CEF Building, LLC Representative

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: Mr. Leggett moved to close the public hearing for Linda Reisner. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #3 Determination for Linda Reisner. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

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

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

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 wetland 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 load.. 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 has reviewed the stormwater structures and he has recommended the approval of the plans. A DEP file # has been received. Mr. Pichette recommended the issuance of an Order of Conditions with the standard conditions, conditions for maintenance of the stormwater structures, and both hay bales and silt fence for erosion control where needed.

MOTION: Mr. Leggett moved to close the public hearing for Douglas Bourgault/Cape & Islands Tire. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions for Douglas Bourgault w/ the added conditions that there be maintenance of the stormwater structures & both hay bales & silt fence be placed for erosion control where needed. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Robert Dunn – 4 Sunset Avenue – SE76-2364

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

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Tree Cutting Policy

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

Present before the Commission: Mario DiBona

Mr. Pichette explained the site is Lot 2 off Brittany Drive. The lot had an Order of Conditions for a single family home, with a condition of a 50' no activity zone shown on the site plan. The clearing was done beyond the limit of work and work was done within the 50' no work zone.

Brief discussion ensued.

MOTION: Mr. Leggett moved to impose a planting plan, impose a fine of \$300.00 for not following stipulations and getting approval from the Conservation Commission, impose

a fine of \$300.00 for doing work within the 50' no activity zone, and granting a Certificate of Compliance with these three considerations as stated for Maplewood Builders, Lot 2. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**
- E. Discussion: Appointments**

X. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: S S Slavin

Attest: 8/2/17

Sandy Slavin, Chair Pro Tem
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 8/3/17