

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: November 6, 2019

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
Mary Taggart
Robert Lassen
Jim Smith
David Pichette, Agent

Member Absent: David Hall

III. PRELIMINARY BUSINESS

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

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

The applicant has requested a continuance to November 20, 2019.

MOTION: Ms. Taggart moved to continue the public hearing for Buzzards Bay Coalition, Inc. to November 20, 2019. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

B. NOI – Scott Blagden, Tr./Preserve Association Trust, c/o G.A.F. Engineering, Inc. – SE76-2550

Present before the ConCom: Brian Grady, G.A.F. Engineering, Inc.
John Wilokowski
Wallace Frigon

Mr. Pichette described the project. The property is located at Lot 100A off Preservation Lane/Cromesett Road in Cromesett. The project involves expanding an existing pier by adding addition floats & float piles to an existing structure w/in land under the ocean, land containing shellfish, and land w/in a coastal flood zone. The site is also w/in the estimated habitat of rare & endangered species. The existing pier which is a common pier used among several homeowners of the homeowner's association was permitted originally as a dingy dock. There were conditions at the time of approval that the dingy dock not have vessels moored to it. This proposal seeks to add additional floats to the structure & create slips to allow boats to be moored on the slips on a regular basis. At a previous meeting, there was a request that an eel grass survey be conducted. This was done & it was found that there is eel grass in close proximity to where this expansion is proposed. A revised plan has been received that includes the eel grass line on it.

Mr. Pichette stated the Wetland Bylaw clearly states that no new structures should be constructed w/in 50 ft. of eel grass beds. Based on this information, he recommended not approving the project based on this part of the Bylaw. He added that the float system exceeds the Town's Bylaw re: the amount of square footage. This had been discussed previously that this was a common pier used by common owners.

Mr. Grady spoke re: the revised plan which includes eel grass line, extending the gangway, etc. the eel grass is on the inland side of the floats. He spoke re: the water depths. There is a commitment from the boat owners to remove moorings if this project is approved.

Ms. Slavin summarized that the existing dock is w/in 50 ft. of eel grass, but Mr. Grady is saying there is no eel grass growing out where the floats would be. Mr. Grady stated that eel grass growth gets less conducive as you go out. Not increasing the activity at the site.

Ms. Slavin summarized the square footage of the proposed addition to the pier goes against the Bylaw, but Mr. Grady has said since it is a communal/association pier it should be fine.

Ms. Heard noted the issue that it was originally approved as a dingy dock forever. Ms. Frigon stated research has been done to seek meeting minutes as to the dingy dock being just that forever & they cannot be found. Mr. Wilokowski stated the OOC doesn't indicate the dingy dock is to be that way in perpetuity. Ms. Slavin stated in looking at the original OOC from 2004 for the dingy dock, item #21 of the conditions states "the pier is to be used for a dingy dock only & is not to have vessels moored on it on a continuous basis".

MOTION: Mr. Baptiste moved to close the public hearing for Scott Blagden, Tr./Preserve Association Trust. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to deny the project request of Scott Blagden, Tr./Preserve Association Trust per the recommendation of the Agent. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

Brief discussion ensued re: the appeals process.

C. NOI – Homestead Realty Trust, c/o JC Engineering, Inc. – SE76-2569

The applicant has requested a continuance to November 20, 2019.

MOTION: Mr. Smith moved to continue the public hearing for Homestead Realty Trust to November 20, 2019. Mr. Lassen seconded.

D. NOI – Troy Larson & Timothy Steadman, c/o G.A.F. Engineering, Inc. – SE76-2572

Present before the ConCom: Troy Larson
 Bob Rogers, G.A.F. Engineering, Inc.

Mr. Rogers stated they submitted the revised plans today to the office. He discussed the changing of the plans to include the roof change for infiltration & the planning for the concrete patio. They have pulled back the concrete patio.

Mr. Pichette described the project. The property is located at 20 23th Ave. This filing is in response to an Enforcement Order that was issued for unpermitted work that was going on at the site that involved the removal of an existing concrete patio & the installation of a new paver patio & concrete block planters along the top of a coastal bank & w/in a coastal flood zone. The concrete patio was removed & the new patio & concrete block planters were being installed. At the last meeting, there was discussion re: an infiltration structure to handle roof runoff & that it be located further away from the wetland. The revised plan indicates this change. The plan also indicates the concrete block planters will be removed & the area disturbed will be pulled back to the area that is now representative of the patio area. Given these changes, he recommended approval of the project based on the revised plan & the condition that the plantings be reviewed by the Agent & no further expansion beyond what is indicated on the approved plan.

MOTION: Mr. Baptiste moved to close the public hearing for Troy Larson & Timothy Steadman. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant an Order of Conditions for Troy Larson & Timothy Steadman w/ standard conditions & the added conditions that the planting list be reviewed by the Agent & no further expansion beyond what is indicated on the approved plan & further, a fine of \$200.00 be issued for the unpermitted work. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

IV. PUBLIC HEARINGS

A. RDA – Church in the Pines, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 17 Carver Road, Church in the Pines. The project involves the upgrading of a septic system in the buffer zone to BVW. An existing septic system is to be upgraded to a new Title V septic system. The new septic tanks & piping will be the only work w/in the buffer zone to the BVW at 77 ft. from the wetland. The new leach field will be over 150 ft. from the edge of the wetland. There are no grade changes proposed. He recommended the issuance of a Negative Determination #3 for the project.

Brief discussion ensued re: the septic system features.

MOTION: Mr. Baptiste moved to close the public hearing for Church in the Pines. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #3 for Church in the Pines. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

B. NOI – Shawn Lapworth, c/o G.A.F. Engineering, Inc. – SE76-2573

The public hearing notice was read into the record.

Present before the ConCom: Douglas Schneider, Consulting Engineer

Mr. Pichette described the project. The property is located at 8 Arlington Road. The project involves the tearing down of an existing dwelling & construction a new dwelling in the same general location w/ an attached breezeway & garage, new deck, new septic system, & driveway in the buffer zone to a coastal bank. The existing 24x44 dwelling is to be removed & a new 24x44 dwelling w/ attached breezeway & 24x26 garage is proposed. The new dwelling will be 47 ft. from the top of the coastal bank which is flood zone line at elevation 14. A new septic system will be installed which will be outside the buffer zone. The driveway will remain as a gravel driveway w/ the exception of a concrete or paved pad out in front of the new garage. There will be some grade changes around the proposed structure as shown on the plan. The deck on the new dwelling will be expanded considerably from the existing deck & part of the new deck will be a covered porch, but the new structure will all be outside the 30 ft. no activity zone. The work area is existing house footprint or existing yard area. Haybales & silt fence will be installed around the work area. A DEP file number has been received. He recommended the issuance of an OOC w/ standard conditions & the added condition that if any new plans are contemplated for the driveway, it will need further ConCom review.

Mr. Schnieder noted that the new septic system is a new denitrification system. Mr. Pichette stated the BOH has no problems w/ the new septic system.

MOTION: Mr. Lassen moved to close the public hearing for Shawn Lapworth. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant an Order of Conditions for Shawn Lapworth w/ standard conditions & the added condition that if there are any new plans for the driveway, further ConCon review will be required. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

- A. NOI – Buzzards Bay Coalition, Inc., c/o G.A.F. Engineering, Inc. – SE76-2554 (DONE)**
- B. NOI – Scott Blagden, Tr./Preserve Association Trust, c/o G.A.F. Engineering, Inc. – SE76-2550 (DONE)**

VOTE: Unanimous (6-0-0)

- C. NOI – Homestead Realty Trust, c/o JC Engineering, Inc. – SE76-2569 (DONE)**
- D. NOI – Troy Larson & Timothy Steadman, c/o G.A.F. Engineering, Inc. – SE76-2572 (DONE)**

- E. NOI – William Evans/Big Block Trust, c/o Webby Engineering, Inc.**

No-one was present to represent the application.

MOTION: Ms. Heard moved to continue the public hearing for William Evans/Big Block Trust to November 20, 2019. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

NOTE: The meeting proceeded w/ item IX. Any Other Business/Discussion And/Or Vote.

A. Discussion: Rita Earle – 93 Glen Charlie Road

Present before the ConCom: Rita Earle

Mr. Pichette stated that Ms. Earle is present to discuss two properties she owns. One is on 93 Glen Charlie Road & the other is at 14 Old Woods Rd. There has been work done on 14 Old Woods Rd. that involved the removal of vegetation along the pond that was not permitted & placement of block along the pond & beach & also placement of sand. She met w/ the owner & was told there was some vegetation removed. At 93 Glen Charlie Road, there is a dock that was put in on the side. There doesn't appear to be any permitting for this dock. If no permitting is found, the dock will need to be removed. He suggested some planting done along a portion of the pond's edge to replace what was removed.

Ms. Earle stated the dock is located on 95 Glen Charlie & is a co-owned lot.

Present before the ConCom: Mario Delito

Mr. Delito stated he is co-owner of 95 Glen Charlie Rd. He stated this dock has been in the water for many years. He doesn't understand what the problem with the dock is. He has maintained it for many years. Mr. Pichette stated there needs to have been formal approval to put the dock in. Someone can't just put a dock in w/out permission. If the dock wasn't permitted, it will have to be taken out & be applied for. Mr. Delito stated the dock has been there for over 30-40 years. He discussed what maintenance he has done over the years to maintain the dock. Ms. Slavin stated she did some research & found that there is no information in Town re: the installation of this dock & no-one is being assessed taxes on this dock. She has reported this to the Assessor's Office. Other people w/ docks in the area are being assessed for their docks. Ms. Earle submitted pictures of the dock in years past.

Mr. Lassen stated for the maintenance part of the dock that Mr. Delito described he has done, should also have been permitted.

Mr. Pichette again reiterated that the dock needs to be removed until it is formally permitted. Mr. Delito asked re: grandfathering of docks. Mr. Pichette stated there is no grandfathering of docks, just permitting. He discussed the permitting process.

Ms. Earle discussed the removal of the vegetation along the property line which she didn't know she wasn't supposed to do. Mr. Pichette stated it appears that vegetation was also removed along the pond. She stated a stump was there & was taken out by a neighbor who offered to take it out. Mr. Pichette suggested the ConCom members go look at this site & what was done w/ the vegetation.

VI. EXTENSION REQUESTS

A. David Goldstein – 2683 Cranberry Hwy.

Mr. Pichette stated this is a request for an extension of an OOC for a septic upgrade. The request is for a one-year extension.

MOTION: Mr. Baptiste moved to grant a one-year extension for David Goldstein – 2683 Cranberry Highway. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Dorothy Schnetzer – 31 Priscilla Ave.

Mr. Pichette stated this was for a tear down & rebuild. This has been completed.

MOTION: Mr. Baptiste moved to grant a Certificate of Compliance for Dorothy Schnetzer – 31 Priscilla Ave. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

B. Brett Bussiere – 77 Green Gate Lane

Mr. Pichette stated this project was for an addition. He has not formally reviewed this yet. He asked to hold off on this. Brief discussion ensued re: details of this project.

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion: Rita Earle – 93 Glen Charlie Road (DONE)

B. Discussion: Wareham Congress

Ms. Slavin stated the ConCom has been asked whether or not they wish to be a part of the Wareham Congress. She recommended the ConCom be a part of this & that the Chair be the ConCom representative on this Congress. The ConCom members concurred to participate.

C. Discussion: Fines for Violations

Ms. Slavin sent out documentation to the ConCom members electronically today. Lengthy discussion ensued re: fines for violations. Ms. Slavin stated this can be reviewed further at the next meeting.

D. Discussion: Appointments/Reappointments

E. Discussion: Conservation Restriction/Stewardship

F. Discussion: Bills

Brief discussion ensued re: trees being requested to be taken down at 117 Glen Charlie Road.

X. ADJOURNMENT

MOTION: Mr. Baptiste moved to adjourn the meeting at 8:05 P.M. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

Date signed: 1/15/2020

Attest: 

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 1/21/20

