

**MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: August 21, 2019**

**I. CALL MEETING TO ORDER**

The meeting was called to order 7:25 P.M.

**II. ROLL CALL**

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

Members Absent: Ken Baptiste  
Mary Taggart

**III. PRELIMINARY BUSINESS**

**A. Approve meeting minutes: April 17, 2019**

To be handled later in the meeting.

**IV. PUBLIC HEARINGS**

**A. RDA – British Landing Condominiums, c/o Bristol South, Inc.**

The public hearing notice was read into the record.

Present before the ConCom: Russell Yule, Bristol South, Inc.

Mr. Pichette described the project. The property is located at 53 Main Street, British Landing. The project involves the reconstruction of a section of sidewalk in the buffer zone to a coastal bank, within the riverfront area of the Wareham River & w/in a coastal flood zone. Sections of the existing deteriorating concrete walkway in the area depicted on the site plan are to be chipped out, leveled & re-surfaced. These areas are in front of the two piers at the site. The sidewalk is to be placed in the same footprint as the existing. The associated brick work is also to be reinstalled. All excess material shall be removed from the site. He recommended the issuance of a Negative Determination #2 for the project.

**MOTION: Ms. Heard moved to close the public hearing for British Landing Condominiums. Mr. Smith seconded.**

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

**MOTION: Ms. Heard moved to grant a Negative Determination #2 for British Landing Condominiums. Mr. Lassen seconded.**

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

**B. Amended OOC – Glenn Priolo, c/o River Hawk Environmental, LLC – SE76-2514**

The public hearing notice was read into the record.

Present before the ConCom: Bob Rigo, River Hawk Environmental, LLC

Mr. Pichette described the project. The property is located at 6 Preservation Lane off of Cromesett Rd. This request is to amend an OOC that was issued for the construction of a single family dwelling, site work, installation of utilities in the buffer zone to BVW & w/in a coastal flood zone. A 30x50" dwelling was approved w/in coastal flood zone VE, elevation 18 w/ particular site work w/in the buffer zone to BVW. The original site plan depicted a certain limit of work around the proposed dwelling. The applicant has requested a plan change to allow for additional area to be cleared than what was originally applied for. The additional area that the applicant wishes to clear was cleared previously at a point in time when a previous owner was going to build on this area the applicant intended to use. Thus, the request to amend the plan. The additional area requested to be included to be cleared is still over 40 ft. to the edge of the riverfront area that had been cleared previously. He recommended the approval of the revised site plan for the project.

**MOTION: Mr. Smith moved to close the public hearing for Glenn Priolo. Mr. Lassen seconded.**

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

**MOTION: Ms. Heard moved to grant an Amended OOC for Glenn Priolo. Mr. Smith seconded.**

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

**C. NOI – Sarajon Realty, LLC, c/o JC Engineering, Inc.**

The public hearing notice was read into the record.

The applicant has requested a continuance to September 4, 2019.

**MOTION: Ms. Heard moved to continue the public hearing for Sarajon Realty, LLC to September 4, 2019. Mr. Smith seconded.**

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

**D. NOI for Ecological Restoration Project – Buzzards Bay Coalition, c/o Princeton Hydro, LLC – SE76-2555**

The public hearing notice was read into the record.

Present before the ConCom: Sarah Quintal, Buzzards Bay Coalition  
Paul Woodworth, Princeton Hydro, LLC

Mr. Pichette described the project. The property is located at Horseshoe Dam at the end of Station Street. The project is a dam removal project & this application is being filed as an NOI for an Ecological Restoration Project. The project is to remove the spillway from the existing dam structure to try to restore the natural river flow, improve fish passage through the area which is currently an obstruction to diadromous fish & provide stabilization to some eroding areas along the riverbank & to control invasive plant species. The project will also create some parking spaces for the site, improve signage, improve hiking trails & install kayak launch points. Resource areas involved include island bank, BVW, land under waterbodies, BLSF, riverfront area, coastal bank, land under the ocean & coastal flood zone. The site is also w/in the estimated habitat of rare & endangered species. The site is also an anadromous fish run. The existing spillway structure of the dam is proposed to be saw cut & removed to eliminate the current barrier to the natural river flow & tidal action both of which are currently reduced due to the presence of the spillway. It is also proposed to dredge 300 yds. of sediment from the upstream side of the dam. This will be done prior to the removal of the spill way. A temporary coffer dam, likely to be a large sandbag coffer dam, will be installed to allow for work on either side of the river channel to accomplish required tasks. Excavators will be used to install the coffer dam & to remove the dredge material. It is proposed to place stone on the slope near the dam from the upland down into the wetland & partially w/in the wetland riverbed for the machine to traverse over. He would like to see this methodology modified to reduce impacts to the wetlands. It is also proposed to use a part of the wetland as a stockpile area for dredge material. He recommended using an upland area for dewatering & stockpiling of dredge & other materials. Dredge material would be used as fill material to fill in an existing raceway that ultimately would become a trail. On the downstream side of the dam, there is a section of eroded coastal bank that is proposed to be stabilized by the installation of boulders, filter fabric & vegetation.

MA DMF has commented on the project & is requesting time of year restrictions on all water work from February 15<sup>th</sup> to June 30<sup>th</sup> & from September 15<sup>th</sup> to October 31<sup>st</sup>. They are also requesting that a post-construction monitoring plan be prepared for the project to confirm that the post construction conditions meet the proposed conditions & to address any potential adverse impacts to diadromous fish migration or spawning habitat that might be caused from the project.

There are a lot of elements to this project & a number of conditions that should be included in an OOC if the Commission approves the project. A DEP file number has been received for the project, but he would recommend a continuance of the hearing to evaluate the modifications to the stockpile area & access methodology, to draft conditions for the project & to address the request of the MA DMF.

Ms. Quintal & Mr. Woodworth proceeded to make a presentation of the project.

Mr. Pichette stated currently at the spillway at the far down stream end. The water goes under the concrete bridge. He asked what will be happening there. Ms. Quintal stated this is at the kayak point. Mr. Woodworth stated the concrete decking there will be demolished & filled in to get down to the water. Brief discussion ensued re: the downstream riffle, the raceway & the kayak launch area.

Ms. Quintal & Mr. Woodworth continued w/ the presentation of the project.

Mr. Pichette stated he would like to meet w/ the representatives at the site prior to the next meeting.

**E. MOTION: Ms. Heard moved to continue the public hearing for Buzzards Bay Coalition to September 4, 2019. Mr. Lassen seconded.**

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

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

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located in front of the BBC property at the former Decas property. The project involves the installation of four floats out in the water in front of the BBC conservation property in land under the ocean & in land containing shellfish. The site is also w/in the estimated habitat of rare & endangered species. It is proposed to place four seasonal floats each 16x48 ft. for a total of 3100 sq. ft. in this area to be used to store sailboats to be used for a sailing program. The floats would be bottom anchored held in place w/ helical screw anchors. The square footage of the proposed floats is excessive & far exceeds the square footage of floats allowed under the Town's Wetland Bylaw. MA Division of Marine Fisheries has commented & has asked for an eelgrass survey to be conducted at the site & has also commented that the floats should not be accessed by motor boats due to the shallow depths in relation to eelgrass. Comments have not been received from MA NHESP. A DEP file number has been received. He recommended the hearing be continued for the eelgrass study, comments from MA NHESP & a revised plan significantly reducing the overall square footage of floats.

Mr. Grady stated he has spoken w/ Mr. Pichette. There is a low tide Monday morning to conduct an eelgrass study.

Ms. Heard asked how many sailboats will be using the floats. Mr. Grady stated each raft will fit six sailboats, thus 24 sailboats.

**MOTION: Ms. Heard moved to continue the public hearing for Buzzards Bay Coalition to September 4, 2019. Mr. Lassen seconded.**

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

**G. NOI – Michael Solimando, Jr., c/o G.A.F. Engineering, Inc. – SE76-2553**

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 11 Elizabeth St. The project involves the construction of a single family dwelling in the buffer zone to BVW & w/in a coastal flood zone. A 28x40 ft. dwelling w/ the attached 24x24 ft. garage is proposed 55 ft. to the edge of the BVW w/in flood zone AE elevation 14. The wetlands line was checked & there was some question about an area w/in the Elizabeth St. layout that needed to be rechecked. Some additional wetland flags were placed recently, but he has not had a chance to review those flags. A revised plan shows the new wetland flags. The project also involves a wetland crossing for the driveway access to the lot. A wetland alteration of 2700 sq. ft. is proposed w/ a replication area of 3190 sq. ft. proposed. The replication area location & planting scheme are shown on the plan. The driveway will be gravel. Fill is proposed around the proposed dwelling to raise the grade around the proposed foundation. He asked about the volume of fill that will be needed. The site will be serviced by Town water & sewer. Haybales & silt fence will be installed between the work area & the resource area as shown on the plan. A DEP file number has been received. He recommended a continuance to review the wetlands flags.

Mr. Grady submitted a report re: the additional flags.

**MOTION: Ms. Heard moved to continue the public hearing for Michael Solimando, Jr. to September 4, 2019. Mr. Lassen seconded.**

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

**H. NOI – Jeffrey & Jenifer Dias, 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 2 Fairway Drive in Onset. This is being filed in response to an Enforcement Order that was issued for unpermitted landscaping, removal of vegetation, re-grading work & dumping stumps in the buffer zone to wetlands & partially w/in a coastal flood zone at this location. The NOI submitted proposes to construct a retaining wall in the buffer zone & to backfill behind the wall & to landscape that area. Also proposed is to construct a 16x24 ft. patio on the back of the house, a 12x30 ft. stone pad on the side of the house & an above ground pool. It is also proposed to remove deposited stumps & other historically dumped stumps & yard waste. Selective tree clearing is also proposed in the cross hatched area. He asked what this means. More details are needed as to what that entails.

Haybales & silt fence are proposed between the work & the resource area as shown on the plan. No DEP file number has been received. He recommended a continuance for the DEP file number.

Mr. Rogers addressed past history of violations & clean-up around the property.

**MOTION: Ms. Heard moved to continue the public hearing for Jeffrey & Jenifer Dias to September 4, 2019. Mr. Lassen seconded.**

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

**I. NOI – Edmund Staples**

The public hearing notice was read into the record.

Present before the ConCom: Edmund Staples

Mr. Staples did not have the abutter notification cards in his possession.

Mr. Pichette described the project. The property is located at Broad Street in Onset, Lot 1025-A5. The project involves the construction of an access road & utilities in the buffer zone to wetlands & w/in the coastal flood zone. A 16' wide gravel road w/ associated utilities are proposed 55 ft. from the edge of the wetland which is a certified vernal pool. The site is also w/in flood zone AE, elevation 14. The proposed road would be designed to pitch away from the wetland. A stone trench is proposed on the low side of the road to handle any runoff from the road. Water, sewer & electric lines will also be installed w/in the road layout. Haybales & silt fence will be installed between the work & the resource area. A DEP file number has not been received. He recommended a continuance to receive a DEP file number & abutter notifications.

Mr. Staples stated this was an approved project in 2009, but it expired. He understands the project was reviewed & comments made by the ConCom, but an OOC was never issued.

Present before the ConCom: Nancy McHale, Wareham Land Trust

Ms. McHale stated the Land Trust owns the abutting property that has the vernal pool. This is one of three vernal pools certified in Town. She asked the ConCom to place the most stringent conditions on this project to protect the vernal pool. Part of the proposed driveway is w/in 100 ft. from the vernal pool & any runoff will adversely impact the habitat there. She asked that the project be done responsibly & the less impact the better.

**MOTION: Mr. Lassen moved to continue the public hearing for Edmund Staples to September 4, 2019. Mr. Smith seconded.**

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

**V. CONTINUED PUBLIC HEARINGS**

**A. NOI – Scott Blagden, Tr./Preserve Association Trust, c/o G.A.F. Engineering, Inc. – SE76-255**

Mr. Pichette stated the applicant has requested a continuance to await comments from DMF.

**MOTION: Mr. Smith moved to continue the public hearing for Scott Blagden, Tr./Preserve Association Trust to September 4, 2019. Mr. Lassen seconded.**

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

**B. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497**

Mr. Pichette recommended a continuance.

**MOTION: Mr. Smith moved to continue the public hearing for Southcoast Hospitals Group, Inc. to September 4, 2019. Mr. Lassen seconded.**

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

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**NOTE: The meeting proceeded w/ item IX. Any Other Business/Discussion and/or Vote.**

**A. Discussion: Appointments/Reappointments.**

Present before the ConCom: David Hall

Mr. Hall has submitted an application for membership on the ConCom.

Mr. Hall has retired to Town & is a retired geologist & apply any of his expertise to the ConCom & to get involved. He was involved w/ the DEP in New Jersey. He has experience w/ coastal management.

**MOTION: Mr. Lassen moved to recommend the appointment of David Hall to the ConCom. Ms. Heard seconded.**

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

**B. NOTE: The meeting went back to item III. Preliminary Business. A. Approve meeting minutes: April 17, 2019.**

**MOTION: Ms. Heard moved to approve the meeting minutes of April 17, 2019. Mr. Lassen seconded.**

**VOTE: (3-0-1)**  
**Mr. Smith abstained**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Stephen & Dorothy Sands – 39 Crab Cove Terrace**

Mr. Pichette stated this was for a retaining seawall that has been constructed per the OOC.

**MOTION: Mr. Lassen moved to grant a Certificate of Compliance for Stephen & Dorothy Sands – 38 Crab Cove Terrace. Ms. Heard seconded.**

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

**B. Faith & James Capporicio – 5 Albatross Avenue**

Mr. Pichette stated this will be put off until the next meeting.

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

- A. Discussion: Appointments/Reappointments (DONE)**
- B. Discussion: Conservation Restriction/Stewardship**
- C. Discussion: Bills**
- D. Signatures – Houser Certificate of Compliance**

**X. ADJOURNMENT**

**MOTION: Mr. Lassen moved to adjourn the meeting at 8:50 P.M. Ms. Heard seconded.**

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

Date signed: 1/15/2020

Attest: S S S C w.  
 Sandy Slavin, Chair  
 WAREHAM CONSERVATION COMMISSION

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