

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 2, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Ken Baptiste, Chair Pro Tem
Joe Leggett
Jim Smith
Mary Taggart
Elissa Heard
David Pichette, Agent

Members Absent: Sandy Slavin
Rob Lassen
Mark Carboni, Associate

III. PRELIMINARY BUSINESS

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

A. NOI – Mercers Brum, c/o McKinnon & Keese Eng. – SE76-2517

Mr. Pichette stated this hearing is to be continued to January 16, 2019.

MOTION: Ms. Heard moved to continue the public hearing for Mercers Brum to January 16, 2019. Ms. Taggart seconded.

VOTE: (5-0-0)

B. NOI – Town of Wareham/Municipal Maintenance Dept., c/o G.A.F. Engineering, Inc. – SE76-2521

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

Mr. Rogers stated at the last meeting, all the ConCom's questions were answered, but they were waiting to allow more time for the Division of Fish & Wildlife to respond. He had written a letter stating this project was exempt & ultimately Natural Heritage/Endangered Species disagreed. He provided NHESP w/ a checklist & a filing fee. He has since received a letter from NHESP stating this project does not result in a take of rare species habitat. The project consists of maintaining an existing gravel road & repair/replacement of drainage components.

Mr. Pichette described the project. The property is located on Murphy St. in the Swifts Beach area. The project involves upgrading a drainage system on Murphy St. & filling in washed out areas of the street w/in a coastal beach & w/in a coastal flood zone. The site is also w/in the estimated habitat of rare & endangered species. Deteriorated stormwater drainage structures w/in a section of Murphy St. are to be replaced w/ new structures. An existing manhole is to be replaced & the outfall pipe is also proposed to be replaced. The existing manhole is in the beach & the new manhole will be pulled back to be w/in the end of the dirt road. The existing outfall pipe will be replaced w/ a new pipe. Comments have been received by NHESP w/ no negative comments & a DEP file # has been received. He recommended the issuance of an OOC w/ standard conditions based on the revised plan & the added condition that the gravel to be used should be natural gravel, not a re-processed asphalt material.

MOTION: Mr. Leggett moved to close the public hearing for Town of Wareham/Municipal Maintenance Dept. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an OOC w/ standard conditions for the Town of Wareham/Municipal Maintenance Dept. & w/ the added condition that natural gravel be used. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

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

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

Mr. Pichette described the project. The property is located at 91 Edgewater Dr. The project involves the construction & expansion of an existing deck in the buffer zone to a coastal bank/coastal beach & w/in a coastal flood zone. This is an after-the-fact filing as the work has already been started. An existing deck that was 8x14 wide & 47 ft. long has been removed & a new 16x47 ft. deck frame has been installed. The project was halted as there was no building permit obtained for the work. Nine new sono tube footings have been installed & the deck frame built onto that. The deck would now be right on the edge of the top of a granite block wall which also looks relatively newer & may not have been approved. There is an existing concrete patio under mostly in the deck area. Soil material from digging the sono tubes has spilled onto the coastal beach, but this is mostly sand.

Mr. Pichette stated the project was issued a cease & desist order by the Building Inspector. At the last meeting he questioned the existence of a granite block wall which looked newer. There was discussion as to showing how long this wall has been there. The claim is the work is being done in a previously altered area even though it is w/in the 30 ft. no activity zone. The deck is bigger than what was originally there. A DEP file number has been received. Some ConCom members visited this site.

Mr. Leggett stated he visited the site & it looks like the same stone as is up top. He feels it has been there for many years. He has issue w/ the after-the-fact filing & suggested a \$100.00 fine. Ms. Taggart concurred w/ Mr. Leggett. Mr. Baptiste concurred w/ Mr. Leggett as well.

MOTION: Mr. Leggett moved to close the public hearing for Mario Signore. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an OOC w/ standard conditions for Mario Signore & to issue a \$100.00 fine. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Glenn & Pamela Johnson, c/o Charon Associates, Inc. – SE76-2520

The ConCom concurred to wait to address this application until later in the meeting.

E. NOI – Kenneth Nelligan – SE76-2516

The applicant has requested a continuance until February 20, 2019.

MOTION: Mr. Leggett moved to continue the public hearing for Kenneth Nelligan to February 20, 2019. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. RDA – Buzzards Bay National Estuary Program, MCZM, c/o Joe Costa

The public hearing notice was read into the record.

Present before the ConCom: Joe Costa, Director of Buzzards Bay National Estuary Program

Mr. Pichette described the project. The property is located at Little Harbor Beach. The project involves the installation of a long term elevation benchmark & other monitoring points within a coastal barrier beach, a coastal dune & w/in saltmarsh areas & also w/in a coastal flood zone. A stainless steel rod would be driven into an upland area in a coastal dune behind the existing parking lot. The rod would be driven to refusal then capped to serve as an elevation benchmark for ongoing monitoring purposes. Additionally, six PVC pipes would be driven into the adjacent saltmarsh & nearby uplands to monitor saltmarsh loss & sea level rise over time. There is also a proposal to install a temporary sensor in the adjacent tidal creek to measure tidal elevations. No machinery will be involved. Ongoing monitoring would be conducted. He recommended a Negative #2 for the project.

Mr. Costa stated the Buzzards Bay National Estuary Program is conducting this monitoring in conjunction w/ the Buzzards Bay Coalition. There will be 15 sites monitored around Buzzards Bay to establish benchmarks.

MOTION: Mr. Leggett moved to close the public hearing for the Buzzards Bay National Estuary Program. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for the Buzzards Bay National Estuary Program. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Anna Pollock, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 1 Tinkers Lane. The project involves a septic upgrade w/in a coastal flood zone. An existing cesspool is to be replaced w/a new Title V system w/in coastal flood zone AE, elevation 14. The site is relatively flat & there are no grade changes proposed. The work is not w/in the buffer zone to any other resource areas. He recommended the issuance of a Negative Determination #2.

Mr. Rogers stated the septic plan is pending approval at the Board of Health.

MOTION: Mr. Leggett moved to close the public hearing for Anna Pollock. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative Determination #2 for Anna Pollock contingent upon approval by the Board of Health. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

C. ANRAD – Kate Benton, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 85 Towhee Road. This application is for the approval of wetland resource area boundaries. The request is to approve the delineations of the coastal bank & the edge of salt marsh on this lot. The wetland boundaries are accurate. The intuition plan did not have the delineation boundary point numbers, but a revision plan has been submitted showing these points. A DEP file number has not been received. He

recommended the issuance of the ORAD approving the boundaries of the coastal bank & the salt marsh as shown on the revised plan. He also recommended continuing the hearing to await a DEP file #.

MOTION: Mr. Leggett moved to continue the public hearing to January 16, 2019. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

F. NOI – Mercedes Brum, c/o McKinnon & Keese Eng. – SE76-2517 (DONE)

G. NOI – Town of Wareham/Municipal Maintenance Dept., c/o G.A.F. Engineering, Inc. – SE76-2521 (DONE)

H. NOI – Mario Signore, c/o G.A.F. Engineering, Inc. (DONE)

I. NOI – Glenn & Pamela Johnson, c/o Charon Associates, Inc. – SE76-2520

Present before the ConCom: Charon Associates, Inc. Representative

Mr. Pichette described the project. The property is located at 39-41 East Blvd. The project involves repairs to an existing seawall along a coastal bank & w/in a coastal flood zone. An existing stone seawall 80 ft. in length is to be repaired by filling in voids w/ stone & mortar & pouring concrete behind the wall for support. The washed out area behind the wall will be filled in w/ clean fill & loamed & seeded to the matching grade. A concrete cap will be placed on the top of the wall. Also proposed is to move & replace an existing 4x7 entry area. This will have a new foundation. Haybales will be placed around this work area. A DEP file number has been issued. Comments have been received from MA DMF. They made several comments on this project that will be included in the OOC. He recommended approval of the OOC w/ standard conditions & also the added conditions that only clean fill be used & no construction material/debris be stored in inter-tidal area.

MOTION: Mr. Leggett moved to close the public hearing for Glenn & Pamela Johnson. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to issue an OOC w/ standard conditions to Glenn & Pamela Johnson w/ the added conditions that only clean fill be used, no construction material/debris be stored in the inter-tidal area & all conditions set forth by the MA DMF be included. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

J. NOI – Kenneth Nelligan – SE76-2516 (DONE)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

- A. Jacob A. Lowe – 142 Blackmore Pond Road**
- B. Kristin Tobia-Simmons – Jordan Road**
- C. Sharon McDuffy – 58 Fearing Hill Road**
- D. David Broderick – 14 Widows Cove Lane**

Mr. Pichette stated he placed the Enforcement Order items on the agenda in case there was any discussion to be had by ConCom members.

Mr. Pichette stated Mr. Broderick has contacted G.A.F. Engineering.

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

Mr. Madden did speak w/ Mr. Broderick. He said he & some ConCom members visited this site. There was quite a bit of work done there & would be difficult to restore it back to its original condition. He is looking for guidance as to what the ConCom wants to be done.

Mr. Pichette suggested doing some research of what is permitted there & some restoration. He & some members feel it should be restored to what it was. Mr. Madden stated once he does an existing conditions survey he can compare this to what was there previously because he has that information already & then assess the regulations.

Mr. Baptiste stated he & Mr. Leggett visited the McDuffy site. He told them they could clean up the logs that are lying there, but no more cutting & they will need to file an application.

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

- A. Discussion: Enos/Winship, LLC – Burgess Point**
- B. Discussion: Reappointments**
- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**

X. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chair Pro Tem

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____