

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 6, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:05 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Sandy Slavin
Joe Leggett
Elizabeth Lydon, Associate Member
Elissa Heard, Associate Member
Dave Pichette, Agent

Members Absent: Mark Carboni
Donald Rogers
Jim Smith

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – James Stevens

Present before the Commission: James Stevens

The public hearing notice was read into the record.

A site inspection was made at 4 Beaver Path. The project involves the construction of a patio in the buffer zone to Bordering Vegetated Wetland (BVW). A 20x30' patio is proposed 40' from the edge of the BVW. Also, a 3' block wall is proposed on the back edge of the patio along the woods line. Some of the work has already been started at the site. All of the proposed work will be done by hand. The work is outside the 30' no activity zone in what is currently part of the landscaped yard. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project.

MOTION: Mr. Carboni moved to close the public hearing for James Stevens. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant a Negative #3 Determination for James Stevens. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Winship, LLC, c/o Environmental Consulting & Restoration, LLC

Present before the Commission: Mr. Enos
Mr. Karl Clemmey

The public hearing notice was read into the record.

A site inspection was made at lot 2 Winship Ave. in the Burgess Point area. The project involves clearing vegetation and trees within a coastal flood zone and within the estimated habitat of rare and endangered species. Lot 2, which is currently an undeveloped wooded lot, is approx.. 5.6 acres in size. A portion of the lot has been identified as Bordering Vegetated Wetland (BVW) with an additional area also being within the coastal flood zone, Zone AE el. 14. The boundaries of these resource areas have been approved previously under a separate application. The proposed work involves clearing trees and vegetation on the property outside the 100 foot buffer zone to the wetland, but partially within the coastal flood zone, Zone AE el. 14. The portion of the property that is within the flood zone, but outside the buffer zone to the wetland is 20,000 sq. ft. The other area of the property is not within jurisdictional area.

Mr. Pichette questioned what amount of the lot is proposed to be altered by clearing vegetation. An erosion control barrier is proposed to be installed along the 100 foot buffer zone line. The proposal is to use 12” diameter silt sock for erosion control. Mr. Pichette recommended that 18” diameter mulch socks be used or hay bales. The property is also within the estimated habitat of rare and endangered species.

Mr. Pichette recommended if the project is approved with a Negative Determination #2 there should be added conditions that the installed erosion control be inspected prior to the commencement of any cutting work and a determination from the Massachusetts Natural Heritage and Endangered Species Program (MA NHESP) be submitted to the Commission prior to the commencement of any cutting work.

MOTION: Ms. Slavin moved to continue the public hearing for Winship, LLC to January 20, 2016. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Matthew & Kathleen Shannon, c/o JC Engineering, Inc. – SE76-2369

Present before the Commission: Matthew & Kathleen Shannon
Representative of JC Engineering, Inc.
Elaina Figarolli
Lorin_____

The public hearing notice was read into the record.

A site inspection was made at 1 Wareham Lake Shores Dr. The project involves the construction of a garage and gravel driveway in the buffer zone to Bordering Vegetated Wetland along Glen Charlie Pond. A 24x24' garage is proposed 50' from the edge of the wetland. A gravel driveway is also proposed as shown on the plan. All work will be outside the 30' no activity zone. Hay bales will be installed between the work and the resource area as shown on the plan to contain the proposed work. There will be some minor grading around the garage and driveway as shown. The property does slope downhill from the road to the pond. A DEP file # has been received. Mr. Pichette recommended the issuance of an Order of Conditions with standard conditions for the project.

MOTION: Ms. Slavin moved to close the public hearing for Matthew & Kathleen Shannon. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions for Matthew and Kathleen Shannon with the added conditions that the driveway shall remain pervious always, no other alterations on land other than what is shown on the plan, conditioned not to be habitable (water & sewer) and minimal tree removal. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA - Adriano Pimenta

Present before the Commission: Adriano Pimenta

The applicant is proposing to construct a block wall to replace a rotting timber wall on a coastal bank at 4 North Port Drive. The property is raised. The old timber wall surrounded the septic system and ran around the property. The old timbers have already been removed. The wall to be constructed would be approximately 18" high and 80' long in the same location as the previous wall. Part of that has already been constructed in the area adjacent to the septic system. This project would not require excavation and the wall will end at the property corner. Mr. Pichette recommended allowing the completion of the wall so the earth does not begin to erode onto the neighbor's property.

MOTION: Ms. Slavin moved to close the public hearing for Adriano Pimenta. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination # _____ and as conditioned on the plan submitted for Adriano Pimenta. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

B. Amended OOC – Christine Wilander, c/o Bracken Engineering, Inc. – SE76-2189

Present before the Commission: Don Bracken, Bracken Engineering, Inc.
Ms. Wilander

The applicant is requesting to amend an Order of Conditions that was issued to construct a dwelling in the buffer zone to a coastal bank and an alteration of 806s.f. of riverfront area for required driveway access at 7 Seventeenth Street. The applicant is requesting to construct the house inside the riverfront area which would disturb 4,946 of riverfront area. The original plan was approved as it was not in the buffer zone. Mr. Pichette recommended against approving this project.

MOTION: Mr. Leggett moved to close the public hearing for Christine Wilander. Ms. Slavin seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to deny an Amended Order of Conditions for Christine Wilander. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

C. NOI – John Balciunas, c/o G.A.F. Engineering, Inc. – SE76-2365

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for John Balciunas to January 20, 2016. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Lawrence Hill/Hill Financial Co., c/o Goddard Consulting, LLC – SE76-2366 (Lot 1)

Present before the Commission: Zack Fergason

The applicant is proposing to construct a duplex in the Bordering Vegetated Wetland (BVW) to the site and is also in an endangered habitat. The wetland boundary was previously approved by the Commission under a separate ANRAD. A 40 'x52' duplex dwelling with each unit having an attached 22'x22' garage is proposed 75' from the edge of the wetland area. The duplex is

proposed to have Town sewer and water. Mr. Pichette recommended the approval of this project.

MOTION: Ms. Slavin moved to close the public hearing for Lawrence Hill/Hill Financial Co. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Lawrence Hill/Hill Financial Co. with the conditions that the project cannot begin until there has been approval by the Sewer Commissioners and there must be a stone boundary to identify the 30' no activity zone. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Ted F. Knopf, c/o Douglas Schneider & Associates – SE76-2367

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Ted Knopf to January 20, 2016. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

A. NOI – Lawrence Hill/Hill Financial Co., c/o Goddard Consulting LLC – SE76-2368 (Lot 2)

Present before the Commission: Zack Fergeson

The public hearing notice was read into the record.

Present before the Board: Zack Fergeson

The applicant is proposing to construct a duplex to a Bordering Vegetated Wetland to the site. The site is in an estimated habitat of rare and endangered species. The duplex is proposed to be 40'x52' with attached 22'x22' garages, 83' to the edge of the wetland. The limit of work would be 60' from the wetland.

MOTION: Ms. Slavin moved to close the public hearing for Lawrence Hill/Hill Financial Co. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Lawrence Hill/Hill Financial Co. with the conditions that large stones or boulders be used to mark the limit of

work, the Sewer Commissioner's approval is received for the hook up, and that some safety feature to prevent access to the drainage pipe be added. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

There were no extension requests at this time.

VII. ENFORCEMENT ORDERS

There were no Enforcement Orders at this time.

VIII. CERTIFICATES OF COMPLIANCE

A. Don Letendre – 18 Old Woods Road

The Certificate of Compliance for Don Letendre was held at this time.

B. MA DOT Railroad Transit – Merchant's Way

The Certificate of Compliance for MA DOT Railroad Transit was held at this time.

C. Steve Doire – 250 Barker Road

The Certificate of Compliance for Steve Doire was held at this time.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Wetland Bylaw Committee

There was no discussion at this time.

B. Discussion: Conservation Restriction/Stewardship

There was no discussion at this time.

C. Discussion: Bills

There was no discussion at this time.

D. Discussion: Wetland Bylaw

Discussion ensued re: guest speakers at the public hearing, engineering reviews, & who will be presenting the article for the public hearing for February 1, 2016.

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 8:36 P.M. Ms. Lydon seconded.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____