

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: November 15, 2017**

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:08 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Sandy Slavin  
Joe Leggett  
Mary Taggart  
Jim Smith  
Robert Lassen  
David Pichette, Agent

Members Absent: Elissa Heard  
Mark Carboni, Associate Member  
Donald Rogers, Associate Member

### **III. PRELIMINARY BUSINESS**

A. Approve minutes: June 18, 2014 & October 15, 2014

To be handled later in the meeting.

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

#### **A. NOI – Richard Infussi – Pinehurst Beach Association – SE76-2454**

Present before the ConCom: Richard Infussi  
Mr. Murphy

Mr. Murphy stated at the last meeting, the project had no DEP file number. A DEP file number has now been assigned & he understands there to be no more issues or concerns.

Mr. Pichette described the project. Mr. Pichette explained a site inspection was made at 114 Pinehurst Dr. The project involves repairs to an existing seawall along a coastal bank, coastal beach, salt marsh, w/in a coastal flood zone & w/in the riverfront area of the Broad Marsh River. An existing concrete seawall, 91 ft. in length, is leaning & cracked & needs to be repaired. The work will involve trenching to install a second concrete wall behind the existing wall on the landward side to anchor the existing wall to so that it cannot fall forward onto the beach. He recommended issuing an OOC w/ standard conditions & added condition that no equipment be on the beach for the project.

**MOTION: Ms. Slavin moved to close the public hearing for Richard Infussi. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for Richard Infussi w/ standard conditions & the added condition that no equipment be placed on the beach for the project. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**B. NOI – BWC Gibbs Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2450**

Present before the ConCom: Attorney Richard Serkey  
Lexi Barlow  
Rich Riccio, Field Engineering  
John Mancini

Mr. Riccio presented minor changes to the Gibbs Brook project. Attorney Serkey spoke re: this project being before the ZBA presently & some zoning issues that are being addressed.

Mr. Pichette asked if there will be a revised plan for ConCom if the ZBA requires changes. Mr. Riccio stated there would not be a revised plan for ConCom matters.

Mr. Pichette stated for issuance of an OOC, the ConCom would need a final plan that would be the plan of record, which includes any ZBA changes, etc.

Mr. Pichette recommended the issuance of an OOC w/ standard conditions based on the most recent plan revision. Comments from Town Engineer have been received & there is a DEP file number.

Present before the ConCom: Mr. Jepsom

Mr. Jepsom asked how many trees will be cut. Mr. Pichette stated in terms of acreage, this project will encompass 19 acres will be cut. He stated approx. 39 acres of land will be cut. Mr. Riccio stated there will be habitat enhancements to counteract the tree cutting which he discussed briefly.

Mr. Jepsom asked if an Environmental Impact Study is required for this project. Mr. Pichette stated it is not required. Mr. Jepsom suggested a website be looked at re: tree carbon calculations & impacts of tree cutting & habitat issues. He feels it is counter-productive in taking trees. Mr. Pichette stated the Commission can't require certain things that are not in the Wetland Regulations.

**MOTION: Ms. Slavin moved to close the public hearing for BWC Gibbs Brook, LLC. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for BWC Gibbs Brook, LLC w/ standard conditions & the added conditions that an updated plan be submitted & the 50 ft. no activity zone be adhered to. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**C. NOI – BWC Pocasset River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc.  
– SE76-2451**

Mr. Pichette stated there is a DEP file number for this project & comments have been received from the Town Engineer. He recommended the issuance of an OOC w/ standard conditions & the added conditions that the 50 ft. no activity zone be adhered to and updated plans be submitted.

**MOTION: Ms. Slavin moved to close the public hearing for BWC Pocasset River, LLC. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for BWC Pocasset River, LLC w/ standard conditions & the added conditions that the 50 ft. no activity zone be adhered to & an updated plan be submitted. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**D. NOI – BWC Harlow Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc.  
– SE76-2452**

**MOTION: Ms. Slavin moved to close the public hearing for BWC Harlow Brook, LLC. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for BWC Harlow Brook, LLC w/ standard conditions & the added conditions that an updated plan be submitted & the 50 ft. no activity zone be adhered to. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**E. NOI – BWC Wareham River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2449**

**MOTION: Ms. Slavin moved to close the public hearing for BWC Wareham River, LLC. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for BWC Wareham River, LLC w/ standard conditions & the added conditions that an updated plan be submitted & the 50 ft. no activity zone be adhered to. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

#### **IV. PUBLIC HEARINGS**

##### **A. NOI – Kevin Oliveira, Coastal Orthodontics, Wareham, LLC, c/o G.A.F. Engineering, Inc. – SE76-2455**

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. A site inspection was made at 6 Recovery Road. The project involves the construction of a medical office building w/ associated parking & stormwater drainage structures in the buffer zone to BVW. A 62x80' medical office building is proposed 60 ft. from the BVW. The wetland line was previously approved by the Commission at this site under a separate ANRAD, w/ the exception of the last four flags in the line. Those flags were checked & no changes were made. Also proposed are parking areas, retaining walls, & stormwater drainage structures. The proposed limit of work is 50 ft. from the edge of the BVW. Haybales & silt fence will be placed along the limit of work line as shown on the plan. The proposed building & retaining walls are very near the limit of work. He asked if there will be enough room to construct the project & access the rear of the building once the project is completed. The project has been reviewed by the Town Engineer who is comfortable w/ the project. He expressed concern for steep slopes & how these will be stabilized on the wetland side of the retaining walls. A DEP file number has been received. He recommended the approval of the project w/ the standard conditions & the added conditions that the 50 ft. no activity zone be line be permanently identified, split rail fence, & maintained. He also recommended added conditions for maintenance of the stormwater structures as described on page 2 of the plan set, as ongoing.

Mr. Rogers reviewed project details w/ the ConCom.

Discussion ensued re: the steep slope, what it will be seeded with, & delineation of the 50 ft. no activity zone & preventing activity in this area, such as a shrub line or fencing. The ConCom members concurred that there be a split rail fence placed in the back of the property delineating the 50 ft. no activity zone.

**MOTION: Ms. Slavin moved to close the public hearing for Kevin Oliveira. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for Kevin Oliveria & the added conditions that a split rail fence be installed to delineate the 50 ft. no activity zone & that it be maintained, the stormwater drainage operation & maintenance schedule must be adhered to, & the 50 ft. no activity zone be haybaled & staked prior to commencement of work & reviewed by the Agent. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

- F. NOI – Richard Infussi – Pinehurst Beach Association – SE76-2454 (DONE)**
- G. NOI – BWC Gibbs Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2450 (DONE)**
- H. NOI – BWC Pocasset River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2451 (DONE)**
- I. NOI – BWC Harlow Brook, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2452 (DONE)**
- J. NOI – BWC Wareham River, LLC – BlueWave Solar, c/o Field Engineering Co., Inc. – SE76-2449 (DONE)**
- K. NOI – John L. Churchill, Jr., c/o JC Engineering, Inc.**

Mr. Baptiste stated the applicant has requested a continuance.

**MOTION: Ms. Slavin moved to continue the public hearing for John L. Churchill to December 6, 2018. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**VI. EXTENSION REQUESTS**

**A. TK Roy & William Avilla – 200 Blackmore Pond Road**

Mr. Pichette stated this request will be postponed until the next meeting because he needs to do further review of the request.

**B. John Nolan – 226 Blackmore Pond Road**

Present before the ConCom: John Nolan

Mr. Nolan described the property & deals w/ the dam. The dam seems to be working. He has been trying to sell this property for a long time. There was an OOC & an extension. He is requesting a three-year extension & feels the value of the property should come up w/in three years & the water should come up by then also.

Mr. Pichette recommended the issuance of a one-year extension.

**MOTION: Ms. Slavin moved to grant an extension for John Nolan – 226 Blackmore Pond Road for one year. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

## **VII. ENFORCEMENT ORDERS**

**NOTE: The meeting proceeded to item IX. Any other business/discussion – A. Discussion: Stone Bridge Drainage – Onset.**

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

Mr. Pichette stated Mr. Rogers, the Municipal Maintenance Director, & Mr. Rogers have met at the site to discuss potential remedies to the erosion issues. It was decided to reestablish a connection to a specific drain pipes that were disconnected as part of the project which he described.

Mr. Rogers described the initial stormwater design, issues that have occurred, & how it can be corrected. Mr. Pichette feels this fix will be relatively easy because the pipe is very close to the current pipe. Lengthy discussion ensued re: the proposed remedy.

**MOTION: Ms. Slavin moved the ConCom support the connection of the 12 inch pipe as a remedy for the drainage issue at Stone Bridge on Onset Ave. & that it be monitored after a substantial rain event. Ms. Taggart seconded.**

**VOTE: Unanimous (6-0-0)**

## **VIII. CERTIFICATES OF COMPLIANCE**

### **A. Kevin Oliveira – 6 Recovery Road**

**MOTION: Ms. Slavin moved to grant a Certificate of Compliance to Kevin Oliveira – 6 Recovery Road. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

### **B. Pamela Barter – 87 Agawam Lake Shore Drive**

Mr. Pichette recommended this not be issued at this time. There is still adequate growth needed on the site.

### **C. Buzzards Bay Coalition – Burgess Point**

Mr. Pichette stated this is the wildlife habitat enhancement project in which the first phase has been completed at the former Decas property. He recommended the issuance of a COC.

**MOTION: Ms. Slavin moved to grant a Certificate of Compliance to the Buzzards Bay Coalition – Burgess Point. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE: The meeting went back to item III. Preliminary Business – A. Approval of meeting minutes: June 18, 2014 & October 15, 2014.**

**MOTION: Ms. Slavin moved to accept the meeting minutes of June 18, 2014. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to accept the meeting minutes of October 15, 2014. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

**NOTE: Mr. Baptiste noted there is a seawall falling down at 32 Pine Tree Dr. & a filing will be in shortly if any members want to take a look.**

**IX. ANY OTHER BUSINESS/DISCUSSION**

- A. Discussion: Stone Bridge Drainage – Onset (DONE)**
- B. Discussion: Reappointments**
- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**
- E. Discussion: Appointments**

**X. ADJOURNMENT**

**MOTION: Ms. Slavin moved to adjourn the meeting at 8:28 P.M. Mr. Smith seconded.**

**VOTE: Unanimous (6-0-0)**

Date signed: \_\_\_\_\_

Attest: \_\_\_\_\_

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: \_\_\_\_\_

