

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: November 2, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:03 P.M.

II. ROLL CALL

Members Present: Ken Baptiste
Joe Leggett
Jim Smith
Elizabeth Lydon (Arrived at 7:07 P.M.)
Elissa Heard
Mary Taggart
Dave Pichette, Agent

Member Absent: Sandy Slavin
Mark Carboni, Associate
Donald Rogers, Associate

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: June 17, 2015

MOTION: A motion was made & seconded to approve the minutes of June 17, 2015 as amended.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARING

A. RDA – Adria Steinberg & Steven Seidel, c/o Lockwood Architects

Present before the Commission: Bill Lockwood, Lockwood Architects

A site inspection was made at 3 Acorn Street. The project involves the construction of an addition in the buffer zone to a coastal beach and within a coastal flood zone. A 6x10' addition is proposed within flood Zone AE E1 14. The coastal beach is on the other side of Cove Street from the project. The addition will be constructed on existing lawn and driveway area. No grade changes are proposed. Mr. Pichette recommended approval of the project with a Negative Determination #2.

MOTION: Mr. Leggett moved to close the public hearing for Adria Steinberg & Steven Seidel. Mr. Lydon seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Adria Steinberg & Steven Seidel. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

B. RDA – Barbara A. Kellegrew

Present before the Commission: Main Street Builders representative

A site inspection was made at 64 West Boulevard. The project involves the construction of an addition in the buffer zone to a coastal bank and within a coastal flood zone. A 11x12' addition is proposed within flood zone ae el 14. The coastal bank is on the other side of West Boulevard from the project. The addition will be constructed on existing lawn and driveway area. No grade changes are proposed. Mr. Pichette recommended the approval of the project with a Negative Determination #2.

MOTION: Mr. Leggett moved to close the public hearing for Barbara A. Kellegrew. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

C. NOI – Ronald & Lois Enos/Eighteen Burgess Point Realty Trust, c/o G.A.F. Engineering, Inc. W-001-16

Present before the Commission: Adam Brodsky, representative for Winship, LLC (abutter)
Bill Madden, G.A.F. Engineering, Inc.

NOTE: Mr. Baptiste and Ms. Lydon recused themselves from this hearing due to a conflict of interest. Mr. Baptiste appointed Mr. Leggett to act as Chair Pro Tem since the Vice Chair is not present.

Before the Commission opened the public hearing, Mr. Brodsky stated there are procedural errors with the hearing, which he feels should cause the Commission to elect to not open the public hearing.

Mr. Brodsky stated the applicant has a valid Order of Conditions for the project. However, the Order has expired. It is also required that the applicant also file under the Wetlands Protection Act, not only under the Wareham Wetlands Protective By-Law, which was not done.

Mr. Brodsky suggested the applicant withdraw the application, file under the Wetlands Protection Act as well, and re-notify abutters and DEP. He added another issue is there is a pending appeal of the issuance of an Order of Conditions.

Mr. Madden stated he is not opposed to the Commission not opening the public hearing at this time.

The Commission did not open the public hearing.

NOTE: Mr. Baptiste and Ms. Lydon returned to the table at 7:43 PM.

D. NOI – Fadi Zaknoun, c/o JC Engineering, Inc. SE76-2414

Present before the Commission: Brian Wallace, JC Engineering, Inc.

A site inspection was made at 2707 Cranberry Highway. The project involves the construction of a parking area and landscaping associated with the construction of a commercial building, in the buffer zone to Bordering Vegetated Wetlands, and within the estimated habitat of rare and endangered species. A 72x98' commercial building is proposed on the site. A portion of the grading and parking area will be within 86 feet of the edge of the wetland. With regards to the wetland line, Mr. Pichette thought there was a change that needed to be made at one of the flag locations. Also there are no flag #'s represented on the plan. The plan should be revised to include this information. Grade changes are proposed along the eastern edge of the site as shown on the plan. Stormwater is proposed to be directed into subsurface detention areas. These would be outside the buffer zone to the wetland. Hay bales are proposed between the work and the resource area.

Mr. Pichette recommended both hay bale and silt fence be used for the project. A DEP file # has been received. The applicant did not have the green cards for the abutter notification. No comments have been received from the Natural Heritage and Endangered Species Protection. Mr. Pichette recommended a continuance of the hearing for a plan revision and comments from Natural Heritage, as well as green cards from the applicant.

MOTION: Mr. Leggett moved to continue the public hearing for Fadi Zaknoun to November 16, 2016. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Peter & Laurie Andrews, c/o Braman Surveying & Assoc., LLC

Present before the Commission: Peter Andrews

A site inspection was made at 2 Bradford Street, in the Rose Point area. This is an after the fact filing for work that has already been done involving improvements to a roadway and cutting

phragmites in the buffer zone to a salt marsh, within the riverfront area of the Weweantic River, and within the coastal flood zone. This work was also in violation of an Order of Conditions which stated that any additional work beyond what had been approved would have to come back in front of the conservation commission for review and approval. The applicant performed work on a town street by covering the surface of Bradford Street from Rose Point Avenue back to his property with crushed stone that was trucked in. The work was within several feet of the edge of the salt marsh. Also, an area of phragmites has been cut down which is actually off the applicants property. This area is owned by the Rose Point Improvement Association. Part of this request is to seek permission to continue to be able to cut the area indicated on the plan. I had asked to get some cross section information on what had been done to the road. This has not been submitted. The Rose Point Improvement Association has submitted a letter stating that their Board must vote on approval of the cutting of phragmites on their property. Guy Campinha of the Sewer Department stated that the Town must lift a manhole cover that has been covered by the crushed stone and they will bill the applicant when the work is complete. The Municipal Maintenance Department has also stated it will not require any additional work to be done on the roadway. Mr. Pichette recommended the approval of the work with a Negative Determination #2 with fines for work done in violation of the Order of Conditions.

An abutter came forward and asked what will be done for the marsh land that was removed and filled with crushed stone.

MOTION: Mr. Leggett moved to fine Peter Andrews \$200.00 for doing work without a permit and also to have the boat moved within two weeks, and further, the phragmites issue will not be addressed at this time. Ms. Lydon seconded.

VOTE: (4-0-2)

B. NOI – MA Department of Transportation, c/o Tetra Tech SE76-2412

Present before the Commission: Mr. Hutchison – Tetra Tech

The project site is on Routes 495 and Route 25. The project involves the installation of stormwater improvements along Route 25 between Tihonet Road and Charge Pond Road and the work is within the buffer zone to Bordering Vegetated Wetlands. The project also includes planning and resurfacing a portion of 495. Leeching galleys are to be installed in several locations to control runoff from 495. The galleys will be installed to take runoff from catch basins that currently runoff into wetlands and water bodies. There are 2 infiltration basins also proposed approximately 35' x 80' in size and this would be installed to handle runoff in between the east and west bounds lanes. The hearing was continued to wait for a DEP File # which has been received. Mr. Pichette recommended the use of hay bales in lieu of silt socks. He also recommended the issuance of the Order of Conditions with standard conditions.

MOTION: Mr. Leggett moved to close the public hearing for MA Department of Transportation. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard stipulations plus hay bales for erosion control for MA Department of Transportation. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

C. NOI – Erin & Michael Schaaf, c/o G.A.F. Engineering, Inc. SE76-2411

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

A site inspection was made at 6 valley road in onset. The project involves the installation of a water line in a Bordering Vegetated Wetland and within a coastal flood zone. A one inch water line is to be installed to service the dwelling at 6 valley road. The water line will be installed along valley road for a length of 335'. The line will be trenched along the edge of the existing gravel road. Bordering Vegetated Wetland exists very near the edge of the road at certain points. Erosion control will be installed between the work and the wetland. Trench will be backfilled. No DEP file # has been received. Mr. Pichette recommended a continuance.

MOTION: Mr. Leggett moved to close the public hearing for Erin & Michael Schaaf. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to approve an Order of Conditions with standard conditions for Erin & Michael Schaaf. Mr. Smith seconded.

D. NOI – Frank Adrean, Nanumett Shores Improvement Assoc., c/o G.A.F. Engineering, Inc. SE76-2413

MOTION: Mr. Leggett moved to continue the public hearing for Frank Adrean, Nanumett Shores Improvement Assoc. to November 16, 2016. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Derek Chang, c/o JC Engineering, Inc. SE76-2355

MOTION: Mr. Leggett moved to continue the public hearing for Derek Chang to December 7, 2016. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Ira Somerset – 45 East Blvd.

The Order of Conditions on this house was issued in 1980. Mr. Pichette recommended the issuance of a Certificate of Compliance.

MOTION: Mr. Leggett moved to grant a Certificate of Compliance for Ira Somerset. Ms. Lydon seconded.

B. John Deppe – 31 Bourne Point Rd.

Mr. Pichette recommended waiting to issue this Certificate of Compliance.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Chapter 61A Land Sale – A.D. Makepeace Co., Lot 1, Charlotte Furnace Road

Mr. Pichette stated to the Commission that he doesn't believe the funds are available to purchase this property.

MOTION: Ms. Heard moved the Commission recommend the Town not purchase this property. Ms. Lydon seconded.

VOTE: Unanimous (6-0-0)

B. Discussion: Zoning Board Rewrite Committee Representative

The Selectmen would like candidates for the Zoning Board Rewrite Committee. Mr. Baptiste recommended Ms. Lydon and Ms. Taggart. Ms. Lydon questioned what the time frames would be for this Committee. Mr. Baptiste suggested they could vote for Ms. Lydon to be the candidate and if the time constraints are incompatible, then they could elect Ms. Taggart to take her place. No motion is made at this time.

C. Discussion: Tree Cutting Policy

D. Discussion: Conservation Restriction/Stewardship

E. Discussion: Bills

F. Discussion: Appointments

X. ADJOURNMENT

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

VOTE: Unanimous (6-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____