

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

**Date of Meeting: December 16, 2015**

### **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, Vice Chairman  
Joe Leggett  
Jim Smith  
Elizabeth Lydon, Associate Member  
Dave Pichette, Agent

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

### **III. PRELIMINARY BUSINESS**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Town of Wareham, c/o G.A.F. Engineering, Inc.**

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.  
Dave Menard, Municipal Maintenance Director

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at Marine Avenue in the Rose Point area. The project involves road work within a coastal flood zone, riverfront area and within the buffer zone of a coastal bank. This is an after the fact filing for road work that was done on Marine Avenue that involved re-grading a portion of the road. Marine Avenue is an existing dirt road in the Rose Point area. The work involved lowering the grade of a portion of the road by 3' to help alleviate a ponding problem in this portion of the road. The section of road was lowered to create a more consistent grade and remains as a gravel road. The shoulders of the road have been stabilized. No further work is proposed at this time. He recommended the issuance of a Negative Determination #2.

Discussion ensued re: the project.

**MOTION: Ms. Lydon moved to continue the public hearing for the Town of Wareham to January 20, 2016. Ms. Slavin seconded.**

**VOTE: (5-0-0)**

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

Present before the Commission: Representative for Douglas Schneider & Associates

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 35 Long Beach Road. The project involves the construction of an in-ground pool and relocating a septic system within a coastal flood zone, possible buffer to a Bordering Vegetated Wetland (BVW). An 18x36' in-ground pool with associated patio area is proposed within coastal flood zone VE, elevation 18. The work is within the center island area of existing driveways to the site. An existing septic system will have to be relocated to accommodate the proposed pool. The new leach field will be relocated within the interior driveway island area. He stated wetlands exist to the east, which is not shown on the plan. He questioned if work will be within the buffer. A violation involving cutting vegetation up to the edge of the wetland exists at the site. The applicant has filed a Notice of Intent (NOI) to address this issue. He noted the Commission could approve the proposed work or wait to review the NOI and condition the whole project. He stated the NOI will be on the next agenda.

The Commission concurred to wait until the next meeting to review the NOI.

**MOTION: Ms. Slavin moved to continue the public hearing for Ted Knopf to January 6, 2016. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

**C. NOI – Lawrence Hill/Hill Financial Co., c/o Goddard Consulting LLC – SE76-2368**

Present before the Commission:

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at Lot 2 on Minot Ave. The project involves the construction of a duplex in the buffer zone to Bordering Vegetated Wetland (BVW) at the site. The site is also within the estimated habitat of rare and endangered species. The wetland boundary was previously approved by the commission under a separate Abbreviated Notice of Resource Area Delineation (ANRAD) filing. A 40x52' duplex dwelling, with each unit having an attached 22x22' garage, is proposed 83' to the edge of the BVW. The limit of work would be 60' to the resource area. There would be some minor grading as shown on the plan. The duplex is proposed to have town water and sewer. He questioned if sewer has been approved. Also proposed is the installation of a manhole and stormwater drain pipe. He questioned if there is any proposed water quality treatment. Hay bales and silt fence are proposed between the work

and the resource areas. Comments have been received from the Natural Heritage and Endangered Species Program (NHESP) stating the project will have no adverse impacts. A DEP file # has been received. If stormwater issues are not resolved then Mr. Pichette recommended a continuance, otherwise he recommends the issuance of the OOC with the standard conditions and the added condition that no work including the removal of vegetation be allowed beyond the approved limit of work line.

**MOTION: Ms. Lydon moved to continue the public hearing for Lawrence Hill/Hill Financial Co., c/o Goddard Consulting LLC to January 6, 2016. Ms. Slavin seconded.**

**Unanimous (5-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – Onset Beach Mobile Home Park, c/o Field Engineering Co.**

Present before the Commission: Representative for Field Engineering Co.

The representative stated he met with Mr. Pichette and Mr. Menard re: the project and it was stated that a third party review was agreed upon by the applicant. The applicant will submit the project to the Town Review Engineer, Charles Rowley, to receive comments and make changes if needed. The representative requested if the project could be continued as an RDA and a condition of an RDA instead of filing for a Notice of Intent. Mr. Pichette stated the Commission could not condition an RDA to the extent that may be required. He stated if there are minor conditions, it could be done with an RDA, but multiple conditions would require a Notice of Intent and the conditions would be dependent on the peer review.

**MOTION: Ms. Slavin moved to continue the public hearing for Onset Beach Mobile Home Park to January 20, 2016. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**B. RDA – Adriano Pimenta**

Present before the Commission: Adriano Pimenta

A site inspection was made at 4 Northport Dr. The project involves construction of a block wall to replace a rotted timber wall in the buffer zone to a coastal bank. The old timber wall surrounded the septic system which is slightly elevated and the side of the yard. The old timbers have already been removed. The wall to be constructed would be 18” high and 80’ long in the same location as the previous wall. Mr. Pichette questioned how the corner near the coastal bank will be handled and if it will require any excavation. He recommended allowing the work to construct the wall to contain the septic system. He added that other work, including the construction of a shed, has been done at the site with no building permits. This issue has to be addressed.

**MOTION: Ms. Slavin moved to continue the public hearing for Adriano Pimenta to January 6, 2016. Mr. Smith seconded.**

**VOTE: (5-0-0)**

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

Present before the Commission: No one is present at this time.

**MOTION: Ms. Slavin moved to continue the public hearing for Christine Wilander to January 6, 2016. Mr. Smith seconded.**

**VOTE: (5-0-0)**

**D. Amended OOC – Patrick Sheehan, c/o G.A.F. Engineering, Inc. – SE76-2336**

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

A site inspection was made at 30 Pine Tree Dr. This request is to amend an Order of Conditions (OOC) that was issued for the construction of an in-ground pool in the buffer zone to a coastal bank and other associated landscape activities. The request is to revise the approved plan to include some other activities that were not originally part of the approved project. This would include the reconstruction of the existing stairway on the coastal bank leading down to the dock in the same location. The stairway work should be conditioned to have minimal disturbance to the bank. Hay bales will be installed around this work as shown on the plan. Also proposed is the construction of an outdoor shower area on the east side of the dwelling. The relocation of a fire pit as shown on the plan, Mr. Pichette recommended the issuance of the amended Order of Conditions.

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

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to grant an Amended Order of Conditions as presented for Patrick Sheehan. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

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

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

A site inspection was made at 63 Edgewater Dr. The project involves the construction of a vinyl sheet pile bulkhead along a coastal bank, coastal beach, within a coastal flood zone, within the riverfront area of Crooked River and within the estimated habitat of rare and endangered species.

A vinyl sheet pile bulkhead is to be installed 90' in length at the toe of the existing stone slope. Mr. Pichette recommended the wall be installed further inland at the top of the slope or if allowed, at the toe of the slope that it only be allowed to come up a small amount from the ground elevation so as not to require much backfill. This should not result in gaining additional land area at the site by filling over a coastal bank. No comments have been received from Natural Heritage and Endangered Species Program (NHESP) at this point. A DEP file # has been received. Mr. Pichette recommended a continuance for comments from NHESP.

**MOTION: Ms. Slavin moved to continue the public hearing for John Balciunas to January 6, 2016. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

**F. NOI – Lawrence Hill/Hill Financial Co., c/o Goddard Consulting, LLC – SE76-2366**

Present before the Commission:

A site inspection was made at lot 2 on Minot Ave. The project involves the construction of a duplex in the buffer zone to Bordering Vegetated Wetland (BVW) at the site. The site is also within the estimated habitat of rare and endangered species. The wetland boundary was previously approved by the commission under a separate Abbreviated Notice of Resource Area Delineation (ANRAD) filing. A 40x52' duplex dwelling, with each unit having an attached 22x22' garage, is proposed ~83' to the edge of the BVW. The limit of work would be 60' to the resource area. There would be some minor grading as shown on the plan. The duplex is proposed to have town water and sewer. Mr. Pichette asks if sewer has been approved yet. Also proposed is the installation of a manhole and stormwater drain pipe. Mr. Pichette asks if there is any proposed water quality treatment. Hay bales and silt fence are proposed between the work and the resource areas. Comments have been received from the Natural Heritage and Endangered Species Program (NHESP) stating the project will have no adverse impacts. A DEP file # has been received. If stormwater issues are not resolved then Mr. Pichette recommends a continuance, otherwise he recommends the issuance of the Order of Conditions with the standard conditions and the added condition that no work including the removal of vegetation be allowed beyond the approved limit of work line.

**MOTION: Ms. Lydon moved to continue the public hearing for Lawrence Hill/Hill Financial Co. to January 6, 2016. Ms. Slavin seconded.**

**VOTE: (5-0-0)**

**VI. EXTENSION PERMITS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Don Letendre – 18 Old Woods Road**

The Certificate of Compliance for Don Letendre is being held.

**B. MA DOT Railroad Transit – Merchant’s Way**

The Certificate of Compliance to MA DOT Railroad Transit is being held.

**C. Steve Doire – 250 Barker Road**

The Certificate of Compliance to Steve Doire is being held.

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Wetland Bylaw Committee**

**B. Discussion: Conservation Restriction/Stewardship**

**C. Discussion: Bills**

**D. Discussion: Wetland Bylaw**

It was stated the Wetland By-Law Committee had their first meeting. Mr. Baptiste feels the meeting went well.

**E. Discussion: BBC – Weweantic Ridge Baseline Report**

Present before the Board: Mr. Decker, Buzzards Bay Coalition

Mr. Decker explained the Buzzards Bay Coalition has created a baseline report to base future discussion concerning the site on. The baseline report is essentially documenting the changes that have been made on the property up to this point. Mr. Pichette stated he has reviewed the report and recommends the Commission approve the Chair to sign the report.

**MOTION: Ms. Slavin moved to accept the baseline documentation from the Buzzards Bay Coalition and to authorize the ConCom Chair sign the report. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

**X. ADJOURNMENT**

**MOTION: Ms. Slavin moved to adjourn the meeting at 9:11 P.M. Mr. Smith seconded.**

**VOTE: (5-0-0)**

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

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

**Sandy Slavin, Vice Chairman**

**WAREHAM CONSERVATION COMMISSION**

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