

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: December 21, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Ken Baptiste
Sandy Slavin
Joe Leggett
Elizabeth Lydon
Elissa Heard
Jim Smith
Dave Pichette, Agent

PRELIMINARY BUSINESS

PUBLIC HEARINGS

RDA – Paul Forgione

Present before the Commission: Paul Forgione

A site inspection was made at 16 First Ave. The project involves the construction of a single family dwelling within a coastal flood zone. There is an existing garage on this site with no dwelling. The project involves the construction of a 22'x34' dwelling with proposed addition over the existing garage within coastal flood zone AE el 14. The work is not in the buffer zone to any other resource areas. There are no grade changes proposed. The site has town water and sewer. If limited to the existing cleared area with no further tree cutting, then Mr. Pichette recommends the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Heard seconds.

VOTE: (6-0-0)

MOTION: Ms. Slavin moves to approve with a Negative Determination #2 with the condition that rocks be put into place to mark the 30' no work zone. Ms. Heard seconds.

VOTE: (6-0-0)

RDA – Wayne Leslie & Marcella Holbrook, c/o JC Engineering, Inc.

Present before the Commission: Mike Pimental, JC Engineering, Inc.

A site inspection was made at 1 Johnson Street. The project involves the construction of a single family dwelling within a coastal flood zone. A 24'x32' dwelling is proposed within coastal flood zone AE el 14. The work is not within the buffer zone to any other resource areas or within the riverfront area of the Agawam River. The dwelling will have town sewer and water. There is some minor grading proposed as shown on the plan. Silt fence is proposed between the work and the resource areas. Mr. Pichette recommends the issuance a Negative Determination #2.

MOTION: Ms. Slavin moves to close the public hearing. Mr. Smith seconds.

VOTE: (6-0-0)

MOTION: Ms. Slavin moves to approve the project with a Negative Determination #2. Ms. Lydon seconds.

VOTE: (6-0-0)

NOI – George Pinksten, c/o G.A.F. Engineering, Inc.

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

A site inspection was made at 73 Parkwood Dr. The project involves the reconstruction of an existing pier, ramp, and float within a salt marsh, land under the ocean, and within a coastal flood zone. An existing 88' pier ramp and float system, is to be removed, and a new 116' pier ramp and float system is proposed to be constructed in the same general location. The existing pier is not built according to the approved licensed plan and is currently shorter than the approved plan. The proposed footprint is in a slightly different line, with a three float configuration. Water depths are very shallow in this area and there is only 6" of water depth at low tide. The proposal calls for the floats to be supported by chains, 30" above the substrate. This would leave boats of any size to possibly be stranded in the mud at low tide. Mr. Pichette recommends that this be restricted to a dinghy dock. The new pier would only need 6 piles thereby reducing the number of piles. Division of Marine Fisheries has commented on the project stating the issues with the low water and recommending restricting boat use at the structure. They also mention a concern with float storage and that they should not be stored on the marsh. Mr. Pichette is concerned how construction will be accomplished with low water issues, and recommends that work only be done at high tide. The Harbormaster stated he had no concerns with the proposal other than what has already been stated. A DEP file # has been received. Mr. Pichette recommends the issuance of the Order of Conditions with the standard conditions and the added conditions of no float storage on the marsh, only dinghy dock, construction from a floating barge, and fuel spill equipment to be on site during construction.

Ms. Slavin states that currently the existing dock is being stored on the marsh and asked where the homeowners will place the docks after removal in lieu of leaving things on the marsh. Mr. Grady states that the docks could be stored in the lawn area in the back.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Lydon seconds.

VOTE: (6-0-0)

MOTION: Ms. Slavin moves to approve the project with standard conditions, with three stipulations that no docks will be stored on the marsh, the dock will be a dingy dock only, work will only be done at high tide with spill equipment on site. Ms. Lydon seconds.

CONTINUED PUBLIC HEARINGS

RDA – Giuseppina Reid

Present before the Commission: Giuseppina Reid, owner
Gina Newman, contractor

A site inspection was made at 100 Glen Charlie Rd. The project involves the construction of a new patio area and the replacing of existing patio pavers in the buffer zone to Agawam Mill pond. A 20x26' patio is proposed 32' from the edge of the pond. The patio surface would be concrete pavers. At the last meeting Mr. Pichette had stated that there was not really 30' to the edge of the pond and had recommended a revision to the plan. Mr. Pichette recommends a Negative Determination #3.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Lydon seconds.

VOTE: (6-0-0)

MOTION: Ms. Slavin moves to approve the project with a Negative #3 Determination. Ms. Lydon seconds.

VOTE: (6-0-0)

NOI – Karl Wurst & Amy West, c/o JC Engineering, Inc., SE76-2421

Present before the Commission: Mike Pimental, JC Engineering, Inc.

A site inspection was made at 11 Priscilla Ave. The project involves the construction of dock on white island pond. A 4x32' dock is proposed into White Island Pond. The dock is proposed to be seasonal so no pilings are proposed to be driven. Instead the structure will simply rest on the bottom. There will be 2.5' of water at the end of the dock. The project is not on the owners' property but is on the White Island Shores community property. At the last hearing a DEP file # had not been received. A DEP File # has been received now. Mr. Pichette recommends a continuance of the hearing to wait for comments from White Island Shores. Mr. Pimental formally requests a continuance.

MOTION: Ms. Slavin moved to continue the next hearing until January 4, 2017. Ms. Lydon seconds.

VOTE; (6-0-0)

Present before the Commission: Sarah Quintel, Buzzards Bay Coalition
Carl Clemmy

A site inspection was made at Lot D on Burgess Point. The proposed project is for wildlife habitat improvement within a coastal dune, within the buffer zone to Bordering Vegetated Wetlands, within the coastal flood zone, and within the estimated habitat of rare and endangered species. Endangered species listed are Roseate Tern, Common Tern, and Eastern Box Turtle. The project site is 15.5 acres in size and is the former Decas property that has a conservation restriction on it. The area to be worked on is 7 acres of the site. The proposal is to restore early successional coastal sandplain habitats by cutting trees throughout the 7 acre project area so that the tree canopy is reduced to only 20-25%. Currently there is 90% coverage in the target area. At the last meeting Mr. Pichette recommended to permit a scaled back version of the project. Mr. Pichette believes a project this size would have a large impact, and done in a smaller portion would allow the Commission to review the impact and decide if they would like to approve further work at a future point and time. NHESP did provide comments, and have reviewed and approved the management plan for the site. A DEP File # has been received.

Ms. Quintel states that she has presented a revised plan that would separate the project into two parts. Phase I is proposed to be carried out this winter, focusing on the 4 acres closest to the water. Everything north of the access trail and two Poplar sites is what is proposed to be cleared. Ms. Quintel states that the Coalition has taken a closer look at the proposed access road, Winship Avenue, and that the engineer has reviewed the road width and the vehicles would be able to fit down the road and make turns. Other suggested roads have been looked at and are not practical. An estimated 10 truck trips should be required over the span of 4 days, worst case scenario it would require 14 trucks. Mr. Decas is allowed access on Winship Avenue and Mr. Decas has granted the Coalition permission to use his access to clear the area. Ms. Quintel states that the Coalition has still not had contact with the agent at DEP regarding their comments released on November 4, 2016. Ms. Quintel also states that a filing with NHESP has not been submitted.

Mr. Clemmy states that there is a pipe under the road that he believes will be ruined by the truck trips. Mr. Clemmy states that he would like the Commission to put something into writing stating that if the pipe becomes ruined the Coalition would be responsible for repair or replacement. Mr. Clemmy states that he believes Burgess Point Shores or Lydia's Island Road are better access points for this project. Mr. Clemmy also asks whose pier is on the property and who has access to the pier. Ms. Quintel states that the Coalition does own the pier but it is only to be used for guided recreation and education. Mr. Clemmy is concerned with the public landing on the pier, the roads to each home from the pier, and if there will be fencing between the pier and the roads to the house lots. Ms. Quintel states that it is posted that there is no landing on the site. Mr. Baptiste states that he could recommend to the Commission to include conditions to address the maintenance of the pipe under the road.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Lydon seconds.

VOTE: (6-0-0)

MOTION: Ms. Slavin moves to approve Phase I habitat restoration project and stipulate that the condition of the existing drainage pipe under Winship Avenue be documented before work begins and after work is completed and that the pipe be restored to its condition at the start of the project if it becomes damaged. Ms. Lydon seconds.

VOTE: (6-0-0)

NOI – Terry Edwards, c/o G.A.F. Engineering, Inc., SE76-2418

Present before the Commission:

A site inspection was made at 50 Winship Ave. The project involves adding a new fixed pier extension off of an existing stone pier within land containing shellfish, land under the ocean, and within the estimated habitat of rare and endangered species. A fixed pier, ramp, and float extension 122' in length is proposed. This would bring the overall length of the structure to 190' from mean high water (MHW). The pier would be an aluminum pier with wide spans which will require fewer pilings. The pilings would be steel covered in pvc. Also proposed are two dolphin piles an additional 24' out from the float. This would place the activities outside 200' limit from MHW. At previous hearings there were several comments including the dolphin piles being further out than the proposed construction. The dolphin piles have been removed from the plans. There were also concerns with moorings in the area of the proposed construction. The harbor master has stated that the two moorings closest to the structure have been removed and the other moorings are far enough away to not be a concern. A DEP file # has been received. Mr. Pichette recommends approval of the proposed project based on the revised plan that has been submitted.

MOTION: Ms. Slavin moves to close the public hearing. Ms. Heard seconds.

VOTE: (6-0-0)

MOTION: Ms. Slavin moves to approve the project with standard conditions based on the revised plan dated 12-21-16. Ms. Lydon seconds.

VOTE: (6-0-0)

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

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

Mr. Grady requests a continuance.

MOTION: Ms. Slavin moves to continue the public hearing until January 4, 2017. Ms. Lydon seconds.

VOTE: (6-0-0)

EXTENSION REQUESTS

ENFORCEMENT ORDERS

CERTIFICATES OF COMPLIANCE

ANY OTHER BUSINESS/DISCUSSION

Discussion: Forest Cutting Plan – Trustees of Reservations, Lyman Reserve

Mr. Pichette states that no one is present at the meeting for discussion; he would just like the Commission to be aware of this proposed project. A forest management plan was submitted and approved and the work will begin mid-January. Mr. Pichette is planning to do a site visit with the owners and the forester. The clearing is for habitat management. Ms. Slavin asks if they are planning to harvest and sell. Mr. Pichette states that not is the goal, if there are trees large enough to sell they may do that but the intent is to clear for management.

Discussion: Conservation Restriction/Stewardship

Discussion: Bills

Discussion: Appointments

III. ADJOURNMENT

MOTION: Ms. Slavin moves to adjourn at 8:12 PM. Ms. Lydon seconds.

VOTE: (6-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____