

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: February 17, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:04 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Joe Leggett
Mark Carboni
Elizabeth Lydon, Associate Member
Dave Pichette, agent

Members Absent: Sandy Slavin
Jim Smith
Donald Rogers
Elissa Heard, Associate Member

III. PRELIMINARY BUSINESS

No preliminary business was discussed at this time.

IV. PUBLIC HEARINGS

A. RDA – Anthony & Wendy Pires

Present before the Commission: Virginia Pires

The public hearing notice was read into the record.

The applicant is proposing to construct an addition to the buffer zone of a coastal beach at 12 Onset Avenue. The proposed addition would be 5/x8' addition that would be supported by 2 sauna tube footings. The addition is approximately 62 feet away from the edge of the seawall. They are also proposing a 25 extension of their fence toward the beach area, which would still be 50' from the beach area. The work is all within existing lawn area on the property and no grade changes are proposed. Mr. Pichette recommended the approval of the project with a Negative #3 Determination.

MOTION: Mr. Carboni moved to close the public hearing for Anthony & Wendy Pires. Mr. Leggett seconded.

VOTE: (4-0-0)

MOTION: Mr. Carboni moved to grant a Negative #3 Determination for Anthony & Wendy Pires. Mr. Leggett seconded.

VOTE: (4-0-0)

B. RDA – Mark & Martha Fishman, c/o Jack Kent

Present before the Commission:

The public hearing notice was read into the record.

A site inspection was made at 35 Bourne Point Road. The project involves the removal of nuisance vegetation and replanting native vegetation on a coastal bank, in the buffer zone to a coastal bank, and in a coastal flood zone. It is proposed to remove poplar trees and vines along the coastal bank for a length of approximately three hundred feet and replace these with native bay berry and highbush blueberry bushes. There is concern for this work being done right on the slope of the bank, which is steep in several areas. Mr. Pichette questioned how will stability of the bank be maintained during removal process & what are the number and types of plants to be planted. He recommend a continuance for members to be able to view the work area. He also recommended that work not be approved on the slope of the bank, but within the buffer to the bank.

MOTION: Mr. Carboni moved to continue the public hearing for Mark & Martha Fishman to March 2, 2016. Mr. Leggett seconded.

VOTE: (4-0-0)

C. RDA – Larry Breen, c/o Handyman Heroes

Present before the Commission:

The public hearing notice was read into the record.

The applicant is proposing to remove an existing deck and the construction and expansion of a new deck in the buffer zone to a coastal bank and within a coastal flood zone at 82 Pinehurst Drive. A 10'x10' deck is to be removed and a 10'x23' deck is proposed. The expansion of the deck would be in the no activity zone, 6-7 feet from the seawall. There is an existing concrete pad that the existing deck is built over. Mr. Pichette recommended the deck reconstruction be limited to the existing impervious areas and he is against any other expansion within the 30 foot no activity zone. He recommended a Negative #2 Determination for work over the existing area and a Positive #3 Determination for any further expansion within the 30 foot no activity zone.

MOTION: Mr. Leggett moved to continue the public hearing for Larry Breen to March 2, 2016. Mr. Carboni seconded.

VOTE: (4-0-0)

D. NOI – Alan Hesse, c/o G.A.F. Engineering, Inc. – SE76-2375

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

The public hearing notice was read into the record.

The applicant is proposing to demolish an existing dwelling and constructing a new dwelling in the buffer zone to a coastal bank at 11 Broadmarsh Avenue. There is an existing 20'x32' dwelling which is to be removed, with a small portion of the foundation to remain in place. A new 27'x44' dwelling is proposed. The new dwelling will be expanded toward the road, not toward the 30' no activity zone. The deck would also be replaced in the same general area. No grading is proposed. Silt fence is proposed. Mr. Pichette recommended both hay bales and silt fence for this project. A DEP File # has been received. He recommended the approval of this project with standard conditions with the added conditions of the hay bales, silt fence, and dry wells be installed.

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

VOTE: (4-0-0)

MOTION: Mr. Carboni moved to grant an Order of Conditions w/ standard conditions and with the added conditions of the hay bales, silt fence, and dry wells be installed. Mr. Leggett seconded.

VOTE: (4-0-0)

E. NOI – Paul J. Perry, Jr., c/o JC Engineering, Inc. – SE76-2374

Present before the Commission: Brad Holmes, JC Engineering, Inc.

The public hearing notice was read into the record.

The applicant is proposing to construct a single family dwelling in the buffer zone to bordering vegetated wetland at 64 Squirrel Island Road. A 26'x36' dwelling with attached 24'x24' garage is proposed approximately 75' from the wetland. The septic system is proposed outside the buffer zone to the wetland. The septic is a raised system. There is significant grade changes proposed at the site. Approximately 4' of fill will be installed in the deepest area. Mr. Pichette questioned how much fill will be needed for the project. Hay bales are proposed between the work and the bordering vegetated wetland. He recommended the hay bales be extended around the south side of the lot between the work and the cranberry bog area. A DEP file # has been received. He recommended the approval of the project with standard conditions and the added condition of the hay bales around the house.

MOTION: Mr. Leggett moved to close the public hearing for Paul J. Perry, Jr. Mr. Carboni seconded.

VOTE: (4-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions and the added condition of the added hay bales be placed around the house for Paul J. Perry, Jr. Mr. Carboni seconded.

VOTE: (4-0-0)

F. NOI – Denise & Carl Schulz, c/o Lockwood Architects – SE76-2373

Present before the Commission: Bill Lockwood, Lockwood Architects

The public hearing notice was read into the record.

The applicant is proposing to construct an addition and deck extension in the buffer zone to a coastal dune within coastal flood zone at 15 Roby Street. A 10'x30' addition is proposed approximately 55' from the coastal dune. It is also proposed to remove the existing side deck and replace the deck with an extension. The deck will be constructed on concrete piers. The work will take place on existing lawn area and is outside the 30' no activity zone. There are no grade changes proposed. A DEP File # has been received. Mr. Pichette recommended the approval of this project with the added condition that hay bales be added between the work and the coastal dune.

MOTION: Mr. Leggett moved to close the public hearing for Denise & Carl Schulz. Mr. Carboni seconded.

VOTE: (4-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions and the added condition that hay bales be installed between the work and the coastal dune for Denise & Carl Schulz. Ms. Lydon seconded.

VOTE: (4-0-0)

G. NOI – James Kenney, c/o P.M.P Associates, LLC – SE76-2376

Present before the Commission: Representative P.M.P. Associates

The public hearing notice was read into the record.

The applicant is proposing to construct a garage addition in the buffer zone to a coastal bank and within a coastal flood zone at 19 Thirteenth Avenue. A 26'x32' garage addition is proposed approximately 10' from the top of the coastal bank at the site and approximately 53' from the edge of the wetlands at the side. The garage will have additional living space as well. A driveway from Highland Drive to the garage is proposed as well. The project is partially in Flood

Zone AE14. The work being proposed is within the 30' no activity zone. Mr. Pichette is against approving the project as proposed as it is within the 30' no activity zone.

MOTION: Mr. Leggett moved to continue the public hearing for James Kenney to March 16, 2016. Ms. Lydon seconded.

VOTE: (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Onset Mobile Home Park

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

The applicant has requested a continuance to March 16, 2016.

MOTION: Mr. Carboni moved to continue the public hearing for Onset Mobile Home Park to March 16, 2016. Mr. Leggett seconded.

VOTE: (4-0-0)

B. NOI – Diane & Edward Piette, c/o Shorefront Consulting – SE76-2370

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

The applicant has requested a continuance.

MOTION: Mr. Leggett moved to continue the public hearing for Diane & Edward Piette to March 2, 2016. Ms. Lydon seconds.

VOTE: (4-0-0)

C. NOI – David & Susan Broderick, c/o G.A.F. Engineering, Inc. – SE76-2371

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

The applicant is proposing to construct a pier, ramp, float system, and boat lift out into Onset Bay and also the construction of a stairway and a shed at 14 Widows Cove Road. The work is proposed on a coastal bank, coastal beach, land under the ocean, land containing shellfish, land within a coastal flood zone and land within the estimated habitat of endangered species. A 184' pier, ramp and float system is proposed which would be supported by 22 12" pilings. There is an attached 18' x 18' boat lift which would require an additional 6 pilings. Mr. Pichette recommended the overall square footage of the boat lift and float system not exceed 300 square feet combined, as stated in the By-Law. This would require either the float systems be reduced or the boat lift would need to be removed. There would be 4'-4 1/2' of water at the end of the float at low tide. There is also proposed an 8' x 10' shed proposed on a coastal bank, which should not

be allowed on the coastal bank or within 30' of the bank. The proposed stairs down the coastal bank should be re-designed to be in a straight line down the coastal bank to minimize the area of alteration on the coastal bank. Proposed utilities would be trenched into the coastal bank, which is steep.

Mr. Pichette recommended trying to tie these lines to the stairway structure rather than trench into the bank. The MA Division of Marine Fisheries has commented on this project. The site is mapped for bay scallops, soft shell clams, quahogs, and oysters. They also had questions on the pressure treated materials to be used. Natural Heritage has commented on the project and stated the work would require a MESA review and that no work on the site should commence until they have completed the MESA review. There is a DEP File # for this project, but Mr. Pichette recommended a continuance to address some recommended changes and to wait for the Natural Heritage review comments.

MOTION: Mr. Leggett moved to continue the public hearing for David & Susan Broderick to March 2, 2016. Ms. Lydon seconded.

VOTE: (4-0-0)

D. NOI – Jeffrey Chrzanowski, c/o G.A.F. Engineering, Inc. – SE76-2372

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

The applicant is proposing to construct a pier, ramp and float system into Butlers Cove at 12 Pinetree Drive. Work is proposed within the salt marsh, coastal beach, land under the ocean, land containing shellfish and within a coastal flood zone. A 97' pier ramp and float system is proposed to replace an existing floating dock system. The pier and float will be supported by 22 12" pilings and 6 8"x8" posts at the end of the structure. At the last hearing the Commission asked if the pier could expand out into the marsh area to avoid using posts. The applicants have presented a revised plan with the pier extending into the marsh. The proposed float is 10.5'x25' in size. The water depth at the location of the float is shown at 2.5' at low tide. The structure would be constructed from a floating barge, with the exception of the landward pilings which would be constructed on land by a tripod and hammer. The Division of Marine Fisheries commented on the project and stated that the area is mapped for bay scallops, soft shell clam, and quahog. The Harbormaster also submitted a letter stating he did not have major concerns with this project. A DEP File # has been received. Mr. Pichette recommended the approval of this project based on the revised plan.

MOTION: Mr. Leggett moved to close the public hearing for Jeffrey Chrzanowski. Mr. Carboni seconded.

VOTE: (4-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions with standard conditions based on the revised plan for Jeffrey Chrzanowski. Ms. Lydon seconded.

VOTE: (4-0-0)

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

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

The applicant is proposing to construct a vinyl sheet pile bulk head along a coastal bank, coastal beach, within a coastal flood zone, within riverfront area and within an estimated habitat of endangered species at 63 Edgewater Drive. The vinyl sheet pile bulk head is proposed to be 90' in length at the toe of the existing stone slope of the property. The bulk head is proposed to encompass an area and back fill behind it. Mr. Pichette recommended it be changed to follow the contour line of the bank instead of a straight line. That has not changed on the plan. He does not recommend the approval of this project at this time because it does still fill over a coastal bank area with the proposed bulk head.

MOTION: Mr. Leggett moved to continue the public hearing for John Balciunas to March 2, 2016. Ms. Lydon seconded.

VOTE: (4-0-0)

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

Present before the Commission: Representative for Doug Schneider & Associates

Mr Pichette explained the applicant had cut vegetation up to and into the wetland without any permit at 35 Long Beach Road. The applicant had come in on a separate filing for work concerning the construction of an in ground pool. The applicant filed this Notice of Intent to permit the work to allow some future cutting within the 100' buffer zone but maintain the 30' no activity zone as a re-planted and untouched area. The initial plan didn't show any mitigation initially, they just proposed to put grass seed in the disturbed area. The Commission did previously ask to see addition planting. The revised plan does show proposed plantings which does establish the 30' no activity zone and the applicant asks for the ability to mow down the underbrush as it grows outside of the 30' no activity zone. Mr. Pichette recommended issuing an Order of Conditions.

MOTION: Mr. Leggett moved to close the public hearing for Ted F. Knopf. Mr. Carboni seconded.

VOTE: (4-0-0)

MOITION: Mr. Leggett moved to grant an Order of Conditions as presented with standard conditions and additional conditions that the applicant proceed according to the plan with allowed mowing and to issue a fine of \$100.00 for Ted F. Knopf. Mr. Carboni seconded.

VOTE: (4-0-0)

VI. EXTENSION REQUESTS

A. Paul Florindo – 8 Beaver Path

Mr. Pichette stated a permit was issued for the construction of a single family home and the applicant has not been able to complete it yet. Mr. Pichette recommended granting a one year extension.

MOTION: Mr. Leggett moved to grant a one-year extension for Paul Florindo. Ms. Lydon seconded.

VOTE: (4-0-0)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Donald Letendre – 18 Old Woods Road

Mr. Pichette stated an Order of Conditions was issued for house construction and the applicant had done some work beyond the limit of work and altered areas that shouldn't have been altered. He recommended the Commission not approve the Certificate of Compliance at this time.

B. Robert Karp – 6 Nimrod Way

Mr. Pichette recommended the issuance of a Certificate of Compliance for Robert Karp.

MOTION: Mr. Leggett moved to issue a Certificate of Compliance for Robert Karp. Ms. Lydon seconded.

VOTE: (4-0-0)

C. Mary Ciccariello – 6 Valley Road

Mr. Pichette recommended the issuance of a Certificate of Compliance at this time Mary Ciccariello.

MOTION: Mr. Leggett moved to issue the Certificate of Compliance for Mary Ciccariello. Ms. Lydon seconded.

VOTE: (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Baseline Report –Wareham Land Trust – Tweedy & Barnes Central Corridor Extension

The Commission agreed to allow the Chair to sign.

MOTION: Mr. Leggett moved to allow the ConCom Chair to sign the document re: the baseline report for Wareham Land Trust – Tweedy & Barnes Central Corridor Extension. Ms. Lydon seconded.

VOTE: (4-0-0)

B. Discussion: Wetland By-Law Committee

No discussion took place at this time.

C. Discussion: Conservation Restriction/Stewardship

No discussion took place at this time.

D. Discussion: Bills

No discussion took place at this time.

E. Discussion: Wetland By-Law

No discussion took place at this time.

F. Discussion: MACC Conference

No discussion took place at this time.

X. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting at 9:05 P.M. Mr. Carboni seconded.

VOTE: (4-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____