

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 2, 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
Sandy Slavin
Joe Leggett
Mark Carboni
Elizabeth Lydon, Associate Member
Dave Pichette, Agent

Members Absent: Donald Rogers
Jim Smith
Elisa Heard

III. PRELIMINARY BUSINESS

- A. Approve & sign invoice: Invoice #27150 from Wareham Week in the amount of \$140.00 re: legal advertisements.**

MOTION: Mr. Leggett moved to approve & sign Invoice #27150 from Wareham Week in the amount of \$140.00 re: legal advertisements. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

- A. NOI – John Deppe, c/o G.A.F. Engineering, Inc. – SE76-2377**

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 reconstruct a licensed pier out into Bourne Cove. A portion of the existing pier still exists at 31 Bourne Pointe Road. The applicant is requesting to replace the pier with a pier, ramp and float system at 69' in length. It is within a shellfish grant area and also within the Estimated Habitat of Rare and Endangered Species. The area where the floats will be located does not have adequate water depths in accordance with the By-Law. Float stops are proposed, however, Mr. Pichette is concerned this will not adequately support the floats above the ground. Mr. Pichette is concerned with a barge being brought in for construction and how the

floats will be removed. No comments have been received from Natural Heritage or the Massachusetts Division of Marine Fisheries. A DEP file # has been received. Mr. Pichette recommended a continuance of the hearing.

MOTION: Ms. Slavin moved to continue the public hearing for John Deppe to March 16, 2016. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

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

Present before the Commission: Jack Kent

The applicant is proposing to remove nuisance vegetation and replant native vegetation, work in the buffer zone to a coastal bank and within a coastal flood zone at 35 Bourne Pointe Road. It is proposed to remove poplar trees and vines along the coastal bank for 200'-300' and replace them with native plants such as blueberry and bayberry. There is concern for the work being done on the slope of the bank which is steep in several areas. Mr. Pichette recommended the applicant submit a Notice of Intent.

MOTION: Ms. Slavin moved to continue the public hearing for Mark & Martha Fishman to March 16, 2016. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

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

Present before the Commission: Larry Breen
Paul _____, Handyman Heroes

The applicant is proposing to remove an existing deck and reconstruct and expand 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 the new deck proposed is above an existing impervious surface, revised per the last hearing. Mr. Pichette recommended the Board approve the plan.

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

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Larry Breen. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

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

Present before the Commission:

The applicant is proposing to construct a pier, ramp, and float system out into Buzzards Bay on a Coastal Beach, within land under the ocean, within land containing shellfish and within a coastal flood zone at 60 Onset Ave. The pier, ramp, and float system is proposed to be 208' which would be supported by 14 12" diameter pilings and 4 10" diameter pilings. The pier would be 4'x178' the proposed float is proposed to be 12'x20', the water depth at the location of the float is shown to be 3'-3½' at low tide. The structure would be constructed from a floating barge with the exception of the landward pilings which would have to be done from the land by a tripod type driving hammer. There was a previous owner who had proposed a pier in 2006 and was denied at the time. The decision was appealed, and the appeal failed. The Commissions' decision was upheld by the Superior Court Judge. The Massachusetts Division of Marine Fisheries has commented on this project and stated that the site lies within mapped habitat of soft shell clams, quahogs, and bay scallops and that the project site is very close to an aquaculture site and that precautions should be taken to avoid impacts to the site. The Harbormaster stated the area does contain shellfish, but the Harbormaster is not opposed to the project.

MOTION: Ms. Slavin moved to close the public hearing for Diane & Edward Piette. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Diane & Edward Piette for the proposed project with the conditions that all fueling be done off site, all attempts be made to avoid impact to existing aquaculture sites, a containment kit be available on site, re-seed the 178' area with oyster seed, no grounding of the equipment, and all land work will be done with a tripod hammer or an auger. Mr. Leggett seconded.

VOTE: (3-1-0)

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

The applicant has requested a continuance of the hearing.

MOTION: Ms. Slavin moved to continue the public hearing for David & Susan Broderick. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

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

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

The public hearing notice was read into the record.

The applicant is proposing to construct a vinyl sheet pile bulkhead on a coastal bank, coastal beach, coastal flood zone, within riverfront area, and within an estimated habitat of endangered species at 63 Edgewater Drive. Mr. Pichette has recommended the wall not go in a straight line, but have the wall follow the shoreline. The applicant has decided against changing the shape of the wall.

MOTION: Mr. Carboni moved to close the public hearing for John Balciunas. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for John Balciunas as defined on the February 17, 2016 version of the plan. Mr. Carboni seconded.

VOTE: (3-1-0)

VI. EXTENSION REQUESTS

A. David Jones – 20 Canedy Street

The applicant had been approved to demolish an existing cottage and to construct a new house. At this point, the removal of the previous cottage has taken place, but the new construction has not yet commenced. The applicant is requesting a three year extension.

MOTION: Ms. Slavin moved to grant a two- year extension for David Jones – 20 Canedy Street. Mr. Leggett seconded.

VOTE: (3-1-0)

VII. ENFORCEMENT ORDERS

There were no enforcement orders at this time.

VIII. CERTIFICATES OF COMPLIANCE

A. Roy Christopherson – 3 Old Glen Charlie Road

This project dealt w/ the applicant connecting a house to the Town sewer system.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Roy Christopherson – 3 Old Glen Charlie Road. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

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

MOTION: Ms. Slavin moved to sign the Baseline Report for Tweedy & Barnes Central Corridor extension. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

B. Discussion: Wetland Bylaw Committee

There was no discussion.

C. Discussion: Conservation Restriction/Stewardship

There was no discussion.

D. Discussion: Bills

There was no discussion.

E. Discussion: Wetland Bylaw

Ms. Slavin asked what changes were being made to the Wetland By-Law. Mr. Baptiste stated some wording changes are being proposed.

F. Discussion: MACC Conference

There was no discussion.

X. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting at 9:19 P.M. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____