

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 20, 2019

I. CALL MEETING TO ORDER

The meeting was called to order at 7:05 P.M.

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Ken Baptiste
Mary Taggart
Elissa Heard
Robert Lassen
David Pichette, Agent

Members Absent: Mark Carboni, Associate
Joe Leggett
Jim Smith

III. PRELIMINARY BUSINESS

NOTE: The meeting proceeded w/ item V. Continued Public Hearings.

A. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – SE76-2526

Present before the ConCom: Tracey Minihan, Beals & Thomas, Inc.
Zach Farcus, Borrego Solar Systems, Inc.

Mr. Pichette described the project. The property is located at 299 Farm-to-Market Road. The project involves the installation of a solar array w/in the buffer zone to BVW & to an inland bank. A 3.5 megawatt solar array is proposed w/in the existing cranberry bogs. Previously discussed is the fact that clearing work has already been done. The final review from the Town's Engineer has been completed & approved by the Planning Board. A DEP file number has been assigned. He recommended an OOC w/ standard conditions.

MOTION: Mr. Baptiste moved to close the public hearing for Borrego Solar Systems, Inc. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions for Borrego Solar Systems, Inc. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Ken Nelligan - SE76-2516

The applicant has requested a continuance to April 17, 2019.

MOTION: Mr. Baptiste moved to continue the public hearing for Ken Nelligan to April 17, 2019. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497

The applicant has requested a continuance to April 17, 2019.

MOTION: Ms. Taggart moved to continue the public hearing for Southcoast Hospitals Group, Inc. to April 17, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item IX. Any other business/discussion and/or vote.

A. Reappointments

Ms. Slavin stated that reappointments are coming up. She would like the ConCom to vote to support ConCom members who wish to be reappointed & then send it to the BOS.

MOTION: Ms. Taggart moved the ConCom recommend reappointment of Ms. Heard & Mr. Lassen to the ConCom & to send said letter for reappointment to the BOS. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item VII. Enforcement Orders

- A. Kristen Tobia-Simmons – Jordan Road**
- B. Sharon McDuffy – 58 Fearing Hill Road**
- C. David Broderick – 14 Widows Cove Lane**

Mr. Pichette stated he has no new information on these Enforcement Orders.

IV. PUBLIC HEARINGS

A. RDA – Chris Scales

The public hearing notice was read into the record.

Present before the ConCom: Chris Scales

Mr. Pichette described the project. The property is located on Sea Lavender Way. The project involves creating a walking path w/in a coastal flood zone & in the buffer zone to a coastal beach. It is proposed to cut vegetation at the end of Sea Lavender Way to create a footpath through the right of way to the beach. Underbrush currently blocks the right of way to the beach & the applicant is proposing to create a 5 ft. wide natural surface walking path to the beach at the end of the right of way. The site is w/in a coastal flood zone AE, elevation 14. No trees would need to be cut. All work would be done by hand. Cut vegetation would have to be removed & disposed of off-site. He recommended approval of the project w/ a Negative Determination #2 for the project w/ the condition that no work is to commence until the specific location of the right of way has been identified & marked in the field by a licensed land surveyor & that the ConCom office be notified to review the field location prior to the commencement of any cutting of vegetation.

Mr. Scales stated there are several neighbors present to support the project.

Present before the ConCom: Joe Fast, 5 James Drive

Mr. Fast stated he has lived in the area for 23 years. All those years this path has been used. Every time someone buys the property, there is the same problem. He stated it used to be used as a boat launch. Mr. Pichette stated it can't be used as a boat launch, except for kayaks/canoes.

MOTION: Mr. Lassen moved to close the public hearing for Chris Scales. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #2 for Chris Scales w/ the stipulation that the right of way needs to be marked prior to cutting & the ConCom office be notified prior to commencement of work. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Ken Buckland/Town of Wareham, c/o EcoTec, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Tracy Costa, Ransom Consulting
Paul McCanus, EcoTec, Inc.

Ms. Slavin stated she is an officer & Treasurer of the Wareham Historical Society who is one of the abutters to the property.

Mr. Pichette described the project. The property is located at the Tremont Nail Factory on Elm St. The project involves the clean-up of hazardous materials at the site & the removal of an underground storage tank w/in the riverfront area of the Wankinko River, w/in the buffer zone to

a coastal bank & salt marsh, & w/in coastal flood zone. It is proposed to clean up contaminated soils & groundwater at the site by using chemical injection treatment. This is a process that involves injecting a chemical into the ground that interacts w/ & neutralizes the contaminants. Injection wells will be installed in several locations in the areas where contamination has been identified. The proposed well points are indicated as points w/in the red & blue circles on the site plan. These wells are a small diameter & 20 ft. deep to be placed in the area of contamination at the site. The well points in the red area will address the petroleum contaminated area & the well points in the blue area will address the area contaminated w/ heavy metals. The chemicals will be injected into the wells to react w/ the contaminants. The chemical reactions will convert the petroleum product & heavy metals into harmless by-products. This process is repeated until sampling indicates that contaminants have been adequately treated. Some injection wells will be installed w/in two of the buildings as shown on the plan. Stored chemicals & chemical mixing locations will have secondary containment. Also proposed is the removal of an underground storage tank. This is a smaller tanks that is just below the surface so excavation will not need to be extensive to remove it. An erosion control barrier will be installed between the work & the resource area as shown on the plan. A DEP file # has not been received for the project. He recommends a continuance of the meeting.

Ms. Costa stated some of the injection points may need to be relocated based on the survey of the underground utility placements. They will be working w/ utilities & the Town as well as a conducting a geophysical survey. She understands there are time-of-year restrictions by DMF. July 1 – August 31st is their work window. They will be performing monitoring during the injections so nothing ecologically is impacted in the river.

Mr. McManus stated the injections only occur when staff is on site monitoring the injections. There are monitoring wells as well that will provide data for groundwater movement. He stated the material/soil that is generating during boring the wells, will be disposed of off-site. Ms. Costa stated there will be no liquids left on site at the end of the day.

Ms. Costa discussed report documents that will be filed for the project.

Discussion ensued re: timeline & involvement w/ the Fire Dept. & Police Dept.

MOTION: Mr. Lassen moved to continue the public hearing to April 3, 2019. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

C. NOI – David & William Andrade, c/o JC Engineering, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 0 & 45 Depot St. This is an after the fact filing for work that was done at this location that involved clearing of vegetation w/in the

buffer zone to BVW & w/in a coastal flood zone. Vegetation was cleared up to the edge of the BVW to use the site for a stockpile area for materials associated w/ an excavation company. The NOI is being filed to restore the altered area w/in the 50 ft. no activity zone & to approve the use of the remaining buffer zone & area w/in the coastal flood zone for use as a potential stockpile area for the commercial business. The plan submitted shows a planting scheme consisting of native vegetation to restore the disturbed area. A line of concrete jersey barriers is proposed along the 50 ft. no activity zone line to demarcate the line & to contain materials from migrating into the 50 ft. no activity zone. He concurs w/ the planting scheme submitted. No DEP file # has been received. He recommended a continuance of the hearing for the DEP file #.

Brief discussion ensued re: plant material.

MOTION: Mr. Baptiste moved to continue the public hearing for David & William Andrade to April 3, 2019. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Robert Brum, c/o JC Engineering, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 194 Glen Charlie Road. The project involves upgrading a septic system in the buffer zone to Agawam Mill Pond. An existing cesspool is proposed to be replaced w/ a new Title V nitrogen reducing septic. The leach field for the new system will be 70 ft. to the edge of the pond. This is the furthest location on the lot from the pond. A new septic tank & separate pump chamber will be installed. A Redirock retaining wall is proposed between the septic tanks & the leach field. This feature is shown in orange on the plan. The retaining wall will be 3-4 ft. in height. The site is very limited for space & access. He asked if the BOH approved this project yet. Haybales will be installed between the work & the resource area as shown on the plan. A DEP file number has not been received. He recommended a continuance to await the DEP file number.

Mr. Bertollo stated this project is slated for April 3 before the BOH.

MOTION: Ms. Heard moved to continue the public hearing for Robert Brum to April 3, 2019. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

E. NOI – David Moore/Pinehurst Beach Association, c/o David Moore, Trustee – SE76-2532

The public hearing notice was read into the record.

Present before the ConCom: David Moore, Trustee
Kevin Murphy, Trustee
Kathleen Manson, President

Mr. Pichette described the project. The property is located at the end of Cottage St. in the Pinehurst area. The project involves the replacement of a seawall at the end of Cottage St. that was damaged the previous winter. The wall was shored up & has been awaiting a permanent plan to fix the wall. The NOI proposes to remove the existing sloped rip rap & replace it w/ a poured concrete wall. The new wall would have a poured concrete footing 2 ft. below the existing grade. He asked if dewatering is proposed. He asked if the area will be contained. He stated the plans show a row of sandbags, but it's likely that a sandbag barrier would have to be much wider than what is represented on the plans. He asked if this has been discussed. A set of stairs recessed into the wall has been incorporated into the design. Placing 8-10 ft. stone rip rap back in front of the wall once completed is also part of the design. He asked if this is necessary. Stones placed on the beach can result in the accelerated loss of sand from in front of the wall. Because of the design & footing, the stones should not be needed. Weep holes are also designed into the wall fairly close to the level of the beach. He asked if the weep holes will get clogged up w/ sand. An existing stormwater drain pipe is also proposed to be replaced in the same general location. A DEP file number has been received. No comments have been submitted from the MA DMF. He recommended a continuance of the hearing to await comments from MA DMF.

Discussion ensued re: dewatering & stone to be used.

MOTION: Mr. Baptiste moved to continue the public hearing for David Moore/Pinehurst Beach Association to April 3, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Karen Oates, c/o Foresight Engineering, Inc.

The public hearing notice was read into the record.

The applicant has stated they would not be able to attend this meeting.

Mr. Pichette asked if the BOH has seen the plan. He stated the leach field is very close to the wetland line.

MOTION: Mr. Baptiste moved to continue the public hearing for Karen Oates to April 3, 2019. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

- A. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – SE76-2526 (DONE)**
- B. NOI – Ken Nelligan - SE76-2516 (DONE)**

C. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497 (DONE)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

- A. Kristen Tobia – Simmons – Jordan Road (DONE)**
- B. Sharon McDuffy – 58 Fearing Hill Road (DONE)**
- C. David Broderick – 14 Widows Cove Lane (DONE)**

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

- A. Discussion: Reappointments (DONE)**
- B. Discussion: Conservation Restriction/Stewardship**
- C. Discussion: Bills**

X. ADJOURNMENT

MOTION: Mr. Baptiste moved to adjourn the meeting at 8:05 P.M. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____