

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

**Date of Meeting: May 3, 2017**

## **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:15 P.M.

## **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman (Arrived at 7:03 P.M.)  
Joe Leggett  
Sandy Slavin  
Elizabeth Lydon  
Jim Smith  
Robert Lassen, Associate Member  
Dave Pichette, Agent

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

## **III. PRELIMINARY BUSINESS**

Approve meeting minutes: August 3, 2016, January 18, 2017, & February 15, 2017

**MOTION: Ms. Lydon moved to approve the minutes of August 3, 2016. Mr. Leggett seconded.**

**VOTE: (3-0-2)  
Mr. Baptiste and Mr. Smith abstained**

**MOTION: Ms. Lydon moved to approve the minutes of January 18, 2017. Mr. Leggett seconded.**

**VOTE: (4-0-1)  
Mr. Baptiste abstained**

**MOTION: Ms. Lydon moved to approve the minutes of February 15, 2017. Mr. Leggett seconded.**

**VOTE: (4-0-1)  
Ms. Slavin abstained**

## **IV. PUBLIC HEARINGS**

**A. RDA – Morris Mendez, c/o JC Engineering, Inc.**

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

A site inspection was made at 107 Glen Charlie Road. The project involves upgrading a septic system in the buffer zone to Spectacle Pond. An existing cesspool is to be replaced by a new Title V nitrogen reducing system. The new leach field will be 95' from the edge of the pond and is being placed up near the road at the furthest location on the lot possible from the pond. Hay bales will be placed between the work and the resource areas on either side of the dwelling as shown. A liner will be placed around the system also. Minimal grading is proposed. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project.

**MOTION: Ms. Slavin moved to close the public hearing for Morris Mendez. Ms. Lydon seconded.**

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

**MOTION: Ms. Slavin moved to grant a Negative Determination #3 for Morris Mendez. Ms. Lydon seconded.**

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

**B. RDA – Melissa Lima**

Present before the Commission: Melissa Lima  
Bob Owen, Contractor

A site inspection was made at 25 Rose Point Ave. The project involves repairing and replacing a porch/mudroom in the buffer zone to a salt marsh, within the riverfront area of the Sippican River. An existing 10x20' covered porch is to be reconstructed in the same footprint 26' to the edge of the wetland. The project will involve the installation of three big foot sono tube footings. All work is to be done by hand. Erosion control will be installed between the work and the resource area. Mr. Pichette recommended the issuance of a Negative Determination #2.

**MOTION: Ms. Slavin moved to close the public hearing for Melissa Lima. Ms. Lydon seconded.**

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

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Melissa Lima. Ms. Lydon seconded.**

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

**C. NOI – Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o The Nature Conservancy – SE76-2432**

Present before the Commission: Steve Kirk, Nature Conservancy  
Garry Buckminster, Harbormaster

The project site is off of the east side of Onset Island. The project is an oyster habitat restoration project proposed within land under the ocean, land containing shellfish, and within the estimated habitat of rare and endangered species. The purpose of the project is to establish a permanent oyster habitat by placing crushed shells to act as substrate for oyster spat to attach to. It is proposed to place 100 cubic yards of aged sea clam shell cultch in piles distributed over a one acre area. The area would be marked with buoys on the water. The resulting cultch piles would then be seeded and monitored over time and reseeded in the future. A barge would be used to transport the shell material from the shore to the project site. The shells would be transported in totes on the barge and then dumped at the site by hand. The shell piles would then be seeded with oyster seed. Comments have not been received from the MA NHESP, or the MA Division of Marine Fisheries (DMF). A DEP File # has been received. Mr. Pichette recommended a continuance at this time until comments from NHESP and MA DMF are received, but otherwise, he approves the project.

**MOTION: Ms. Slavin moved to continue the public hearing for Garry Buckminster /Wareham Harbormaster/Shellfish Dept. to May 17, 2017. Mr. Smith seconded.**

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

**V. CONTINUED PUBLIC HEARINGS**

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

Present before the Commission: No one was present

**MOTION: Ms. Slavin moved to continue the public hearing for Frank Adrean, Nanumett Shores Improvement Association to May 17, 2017. Mr. Leggett seconded.**

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

**B. NOI – Kenneth & Susan Nelligan, c/o JC Engineering, Inc. – SE76- 2431**

Present before the Commission: Brad Bertollo, JC Engineering, Inc.  
Ken Nelligan, Applicant

The project involves the construction of a slab foundation under an existing elevated dwelling within the buffer zone to a wetland, within the riverfront area of Cedar Island Creek and within a Coastal Flood Zone. A new concrete slab will be poured under the existing 28'x52' dwelling within Coastal Flood Zone VE el 18. 4-8 inches of material shall be removed under the dwelling which is mostly crushed stone and then the new slab would be poured. Any extra material shall be removed from the site. It is then proposed to enclose the columns supporting the dwelling with breakaway panels to create a garage area under the dwelling

Mr. Leggett had asked at the previous hearing if the break-away panels on the columns could be secured to the columns.

The applicant has submitted a revised plan. The revised plan has removed the concrete slab and proposed a ground level deck with crushed stone as suggested at the previous hearing. It was also suggested at the previous hearing to remove the front steps and construct a concrete patio. The plan was revised to reflect this recommendation.

A DEP File # has been received. Mr. Pichette recommended the issuance of an Order of Conditions.

**MOTION: Ms. Slavin moved to close the public hearing for Kenneth & Susan Nelligan. Ms. Lydon seconded.**

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

**MOTION: Ms. Slavin moved to issue a standard Order of Conditions for Kenneth & Susan Nelligan. Ms. Lydon seconded.**

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

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**A. Dylan Arsenault – 1067 Main Street**

Present before the Commission: Mr. Arsenault

A violation has occurred at 1067 Main Street. The violation involves the removal of vegetation along the edge of Tremont Pond adjacent to the location. The owner had removed vegetation along the edge of the pond for a distance of 30’.

Mr. Arsenault stated he was removing debris from the area. The area in question along the pond appears to be on Town property. There was also some additional removal of vegetation and landscaping activity in terms of grading and adding loam in the buffer zone to the pond. The owner was directed to install hay bales along the edge of the disturbance.

**MOTION: Ms. Lydon moved to ratify the Enforcement Order for Dylan Arsenault. Ms. Slavin seconded.**

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

**B. Ralph Amadeo – 110 Sandwich Road**

The Commission is waiting for Town Counsel to write a letter for this Enforcement Order.

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Charles Oneil – 4 Point Road**

A request for a Certificate of Compliance has been requested for DEP File # SE76-1825. The project involved the removal of an existing concrete block and concrete seawall and replacing it with a new poured concrete wall. The project was never commenced and the order has expired. The owner is now trying to clear the old order. Mr. Pichette recommended the issuance of the Certificate of Compliance with the box checked off that the order has expired and the project never commenced.

**MOTION:** Ms. Lydon moved to grant a Certificate of compliance for Charles Oneil & further, the project has expired and never commenced. Ms. Slavin seconded.

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

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Reappointments**

Ms. Slavin stated the associate members are up for re-appointment in June and those members will have to write a letter to the Selectmen expressing their interest to remain on the Board. Mr. Baptiste is also up for re-appointment in June.

**MOTION:** Mr. Leggett moved the Commission recommend the re-appointment of all three associate members and the re-appointment of Mr. Baptiste, Ms. Lydon and Mr. Leggett. Ms. Slavin seconded.

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

**B. Discussion: Nitrogen Conditions**

Discussion ensued re: nitrogen use regulation and enforcement.

**MOTION:** Mr. Leggett moved for Mr. Pichette to create a draft re: nitrogen conditions and regulations in Wareham. Ms. Lydon seconded.

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

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

**D. Discussion: Bills**

**E. Discussion: Appointments**

**X. ADJOURNMENT**

**MOTION:** Mr. Leggett moved to adjourn the meeting. Ms. Slavin seconded.

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

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

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

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

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