

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: July 18, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:08 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chair
Sandy Slavin
Joe Leggett
Mary Taggart
Elissa Heard
Jim Smith
Robert Lassen

Member Absent: Mark Carboni, Associate Member

Also Absent: David Pichette, Agent

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: January 17, 2018 & April 18, 2018

Minutes to be handled later in the meeting.

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

A. RDA – Frank O’Brien

MOTION: Mr. Leggett moved to continue the public hearing for Frank O’Brien to August 1, 2018. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

B. NOI – Joseph E. Gomes, c/o JC Engineering, Inc. – SE76-2488

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

Mr. Leggett read Mr. Pichette’s field notes into the record. A site inspection was made at 24 Shangri-La Blvd. The project involves the construction of a garage & retaining walls in the buffer zone to BVW along Glen Charlie Pond. The Commission had previously issued an OOC for another project at this property & that OOC has since expired. There were some violations

that took place on that project in terms of doing certain things that were not shown on the approved site plan. This included the construction of a gravel driveway & the construction of an addition to the dwelling. Under this new NOI, a 24x36 garage is proposed 50 ft. from the edge of the BVW at the site. A stone retaining wall 4-5 ft. high is proposed 32 ft. from the edge of the BVW. It is proposed to back fill behind the stone retaining wall & raise the grade by 4-6 ft. There is a question as to how much fill will be needed for the project. Drywells are proposed to handle roof runoff for the project. Haybales & silt fence are proposed between the work & the resource area. The site is on a steep slope & it looks like a large structure & difficult area to accomplish this type of project. There is a question if the garage will be a two-story building & if the un-permitted gravel drive will be removed. A DEP file # has been issued. It is recommended the hearing be continued to see if the project requires ZBA approval.

Mr. Bertollo stated he has filed an application w/ the Building Dept. to obtain a determination w/ them. It is still pending. Approx. 300 yds. of fill will be needed for the project. Besides the proposed garage, the driveway was put in to aid in the construction of the retaining walls for equipment. After construction, the hope was to maintain the driveway. The garage is a one-story garage w/ a walk-out basement. Brief discussion ensued re: waiting for a determination from the Building Dept., the existing driveway & proposed driveway

MOTION: Ms. Slavin moved to close the public hearing for Joseph E. Gomes. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions for Joseph E. Gomes contingent upon approval from the ZBA & standard conditions apply. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

C. NOI – John Vyhnanek, c/o G.A.F. Engineering, Inc. – SE76-2487

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for John Vyhnanek to August 1, 2018. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

IV. PUBLIC HEARINGS

A. RDA – Steven Doire

The public hearing notice was read into the record.

Present before the ConCom: Steven Doire

Mr. Leggett read Mr. Pichette's field notes into the record. A site inspection was made at 250 Barker Road. Mr. Pichette had contacted the owner of the property after he had visited a neighboring property & noticed significant work being done at the site in the buffer zone to White Island Pond. The owner had previously obtained an OOC at the first for the reconstruction of the existing dwelling. The owner had subsequently requested a COC for that project which the Commission issued, thereby closing out any permit allowing work in the buffer zone to the pond.

During a recent site visit to the neighbor's property, Mr. Pichette witnessed significant work going on at the subject property in the form of landscaping work. The entire yard area had been loamed over in an effort to establish a lawn area. No approval was issued by the Commission for this work. The owner did, however, install haybales at the site for this work. Mr. Pichette informed the owner that this work required review & approval from the Commission & that an RDA had to be filed for said work. The owner also stated he had replaced a failed timber retaining wall along the edge of the pond w/ a new block retaining wall. The Commission was not informed of this work either. The owner then submitted an RDA for the work, but also included additional items that were not previously mentioned which include repairs/reconstruction of a dock, repairs/installation of an irrigation system on the property, & work to remove poison ivy w/in the 30 ft. no activity zone. Given the work as a whole, both in terms of what has already been done & the additional work being requested under the RDA, which is more extensive than simple landscaping, Mr. Pichette recommends a positive determination #1 & #5 to require an NOI for the work requested.

Mr. Doire stated everything that was done was done to existing structures, lawn, etc. He stated there was a lot of damage done w/ the storms this past winter & he felt he needed to act immediately to rectify the issues. He spoke re: his large slope & erosion issues leading down to the pond. He didn't feel what he did was major; it was just landscaping. Mr. Baptiste stated a lot of work was done w/in the 100 ft. buffer. Mr. Doire stated he understands that, but anything that was done was to something already there, for example, lawn & retaining wall. He thought he was doing what was right for the pond. He discussed his proposal to get rid of the poison ivy.

Discussion ensued re: how to proceed.

MOTION: Ms. Slavin moved to close the public hearing for Steven Doire. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant a Positive Determination #1 & #5 for Steven Doire & to require an NOI filing & that all work cease. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

B. RDA – Ralph Marriott, c/o McKinnon & Keese, Eng.

The public hearing notice was read into the record.

Present before the ConCom: Sandy Keese, McKinnon & Keese, Eng.

Mr. Leggett read Mr. Pichette's field notes into the record. A site inspection was made at 24 Crooked River Road. The project involves the upgrading of a septic system w/in a coastal flood zone. An existing system is to be replaced w/ a new Title V septic system in coastal flood zone AE, elevation 14. The new system will be placed up near Crooked River Road outside the buffer zone to the BVW. No grade changes are proposed. Mr. Pichette recommends the issuance of a Negative Determination #2 for the project.

Ms. Keese explained the project further. The BOH has approved this project.

MOTION: Ms. Slavin moved to close the public hearing for Ralph Marriott. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

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

VOTE: Unanimous (7-0-0)

C. RDA – John William Deppe

The public hearing notice was read into the record.

Present before the ConCom: John William Deppe

Mr. Leggett read Mr. Pichette's field notes into the record. A site inspection was made at 30 Bourne Point Road. The project involves the re-installation of pilings in land under the ocean in the Bourne Cove area. It is proposed to reinstall four pilings for the float of an existing dock system. The pilings for the float were lifted by ice damage during the winter. It is proposed to have a crane come in which would site on the upland area to install the four pilings in the same location as they previously existed according to the approved site plan. Pilings are not to be jetted into place. The pilings are still at the site. Any pilings that are too damaged to use will be replaced. Mr. Pichette recommends the issuance of a Negative Determination #2 for the work.

Mr. Deppe explained the engineers stated because of the way three pilings are sitting in the water, it may be difficult to do by land, thus they are suggesting the use of a barge. The project is unable to be done by land. He stated there is enough water depth for the barge to come in & the work will take approx. 1.5 days to complete.

Brief discussion ensued re: any impact to oyster beds. Mr. Deppe stated if the oyster beds need to be moved, he will contact Mr. Besse.

MOTION: Ms. Slavin moved to close the public hearing for John William Deppe. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

MOTION: Mr. Leggett moved to grant a Negative Determination #2 for John William Deppe & contingent upon the barge using favorable tides. Ms. Slavin seconded.

VOTE: Unanimous (7-0-0)

D. RDA – Tiffany Cucinotta, c/o AIM Contracting/Daniel Anna

The public hearing notice was read into the record.

Present before the ConCom: Daniel Anna
Tiffany Cucinotta
John Cucinotta

Mr. Leggett read Mr. Pichette's field report into the record. A site inspection was made at 7 Priscilla Avenue. The project involves the reconstruction of a deck & landscape stairs in the buffer zone to White Island Pond. Work on this project had already commenced, but w/ no permits. An existing deck is being reconstructed in the same footprint as the existing deck. New sono tube footings will have to be installed to support the deck. The sono tubes would be 10 ft. from the edge of the pond. Six sono tubes would have to be installed. Also, existing steps that were built into the side of the hill on the property are to be replaced. The new steps would be 6x6 timbers backfilled w/ gravel. All work is to be done by hand. Both features will be reconstructed in the same footprint. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project.

Ms. Cucinotta stated they are just fixing what is already there. There are portions that are unsafe. Mr. Anna discussed the project. The concrete & timber will be removed off-site by hand.

MOTION: Ms. Slavin moved to close the hearing for Tiffany Cucinotta. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #3 for Tiffany Cucinotta. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

E. NOI – Greg Carey/Clean Energy Collective, c/o G.A.F. Engineering, Inc. – SE76-2489

The public hearing notice was read into the record.

Present before the ConCom: Greg Carey, Clean Energy Collective
Bob Rogers, G.A.F. Engineering, Inc.
Kevin Rabbit, Clean Energy Collective

Mr. Rogers submitted plans to the ConCom members.

Mr. Leggett read Mr. Pichette's field report into the record. A site inspection was made at Lot 1009 off Squirrel Island Road, even though the address is shown as 33 Blackmore Pond Road. The project involves the installation of a solar field in the buffer zone to BVW. A ground mounted solar array is proposed on a portion of the subject lot. 5.5 acres of woodland will be cleared for the project. The proposed limit of work is 50 ft. from the edge of the wetland. The wetland line has been approved by the Commission under a previous application & is still valid. Silt fence & haybales will be placed along the limit of work line between the work & the wetland. The project also involves installing an underground electric line that will be tunneled under part of the wetland along Squirrel Island Road. Directional drilling will be used to install the utility under the wetland. Pits will be established at least 50 ft. away from the edge of the wetland on either side of the wetland. No work or disturbance of the wetland is proposed for this process. The solar field will be fenced in. Mr. Pichette recommended fencing be kept at least six inches off the ground. Several stormwater drainage basins are proposed w/in the solar array area as shown. The project is being reviewed by the Town Engineer. A DEP file # has been received. Mr. Pichette recommended a continuance for comments from the Town Engineer.

Mr. Rogers gave an overview presentation of the project.

Discussion ensued re: stumping of trees, cutting of trees, re-growth of trees, & landscaping.

Present before the ConCom: Douglas Powers, 27 Squirrel Island Rd.

Mr. Powers expressed concern that this project will now be his front yard. The view will be ruined. He expressed concern re: where this is being placed. He is concerned re: the value of his home w/ this project. Mr. Baptiste stated the ConCom only deals w/ conservation & wetlands issues. Aesthetics is not in the purview of the ConCom. Planning & the ZBA is where this matter should be taken up. Mr. Rogers stated this project is going before Planning on August 13, 2018. Mr. Rogers discussed the 50 ft. setback the project has to adhere to & trees won't be touched in this 50 ft. zone.

Present before the ConCom: Eric Lintel, 15 Squirrel Island Road

Mr. Lintel noted the other solar field that is in the area presently. The condition of this existing solar field is as follows: trees that were planted to appease the neighbors have died, the culvert is terrible looking & ugly. The upkeep of this field is awful. He expressed concern w/ the amount of trees that will be cut down for this project. He expressed concern re: the animals that live in this area. He expressed concern re: the poles that need to be installed for solar. He feels there are many other places these solar fields can go. He feels no-one is considering the residents on this street. He stated this project will sandwich in dwellings in the middle of two solar fields.

Mr. Baptiste again stated this is not in the realm of Conservation. Mr. Lintel stated he understands, but the ConCom is part of the process for this project.

Mr. Rabbit stated if they retain ownership of this property, they will be responsible for grass cutting, pruning of trees, & the gravel access road. Mr. Carey stated they will replace any tree that dies.

MOTION: Ms. Slavin moved to continue the public hearing for Greg Carey/Clean Energy Collective to August 15, 2018. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

F. NOI – Joseph & Linda LaMalva, c/o JC Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Leggett read Mr. Pichette's field report into the record. The project site is at 8 Pond Edge Trail in the Crane's Landing subdivision. The project involves site work associated w/ the construction of a single family dwelling. Tree clearing, regrading & landscaping are proposed at the site 37 ft. from the edge of the wetland. The cleared area is to be loamed & seeded. The dwelling & septic system are outside the buffer zone to the BVW. Haybales & silt fence are proposed between the work & resource area. Mr. Pichette recommended the haybale line be extended along the proposed tree line to the edge of the 100 ft. buffer zone. If a DEP file # has been issued, then he recommended the issuance of an OOC w/ standard conditions. If not, he recommended a continuance of the hearing.

Mr. Bertollo stated he checked the website & a DEP file # has been issued. Brief discussion ensued re: how to proceed.

Mr. Bertollo stated that the haybale line can be extended.

MOTION: Ms. Slavin moved to close the public hearing for Joseph & Linda LaMalva. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Joseph & Linda LaMalva w/ standard conditions & the added condition that the haybale line be extended along the proposed tree line to the edge of the 100 ft. buffer zone & use of low nitrogen fertilizer. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

G. NOI – Darrol Roberts & Amy Schwenzfeier, c/o JC Engineering, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering

Mr. Leggett read Mr. Pichette's field report into the record. The project site is at 18 Arlington Road. The project involves the demolition of an existing dwelling & garage & the construction of a new dwelling, garage, & in-ground swimming pool in the buffer zone to a coastal bank, salt marsh, & w/in a coastal flood zone. An existing dwelling & garage are to be demolished & a new 30x38 ft. dwelling w/ decks, attached breezeway & garage are proposed w/in the same bank w/ the new deck being 30 ft. from the top of the coastal bank. The existing deck is 17 ft. from the top of the bank. An in-ground pool is proposed 32 ft. from the top of the bank. Mr. Pichette questions if this project will require dewatering. He is concerned for this as the existing grades are low & in close proximity to the salt marsh. A new septic system is proposed which would be 125 ft. from the top of the bank. Part of the driveway is proposed to be constructed over the new septic system. Associated patios & walkways are also proposed. The entire site is located w/in flood zone AE, elevation 14. Grade changes are proposed as shown on the plan to raise the elevation around the house by 1-3 ft. Mr. Pichette questions if fill will be needed to be brought in & how much. Several retaining walls are also proposed in the locations indicated on the plan. New utility lines will also be installed. As of this report, a DEP file # has not been issued, but if in the interim it has been issued, he recommended the issuance of an OOC with added conditions for dewatering & also that pool water is not be drained towards the coastal bank/salt marsh. Further, there is to be no future expansions into the 30 ft. no activity zone. If no DEP file # has been issued, he recommended a continuance of the hearing.

Mr. Bertollo stated a DEP file # has been received. He displayed a sketch of the existing structure & what the new structure's location & noted the house will comply w/ FEMA standards. The septic has been designed for vehicular loading. He discussed the pool & dewatering.

Ms. Slavin expressed concern re: existing lawn being mowed all the way down to the wetlands. She recommended low nitrogen be used.

Mr. Bertollo noted the new septic will be a de-nitrification system.

MOTION: Ms. Slavin moved to close the public hearing for Darrol Roberts & Amy Schwenzfeier. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for for Darrol Roberts & Amy Schwenzfeier w/ standard conditions & the following conditions: allow for dewatering, pool water not be discharged into the existing wetlands, low nitrogen fertilizer be used on lawn areas, no work w/in the 30 ft. no activity zone. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

V. CONTINUED PUBLIC HEARINGS

D. RDA – Frank O’Brien (DONE)

E. NOI – Joseph E. Gomes, c/o JC Engineering, Inc. – SE76-2488 (DONE)

F. NOI – John Vyhnanek, c/o G.A.F. Engineering, Inc. – SE76-2487 (DONE)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Norman Belanger – 95 Shore Avenue

B. Norman Belanger – 95 Shore Avenue

C. Parker Real Estate Trust – 2 Ames Island Ext.

D. Tina Galavotti – 232 Blackmore Pond Road

E. Steve McCarthy – 17 Kendrick Road

MOTION: Mr. Leggett moved & Ms. Slavin seconded to grant Certificates of Compliance to the following:

Norman Belanger – 95 Shore Avenue

Norman Belanger – 95 Shore Avenue

Parker Real Estate Trust – 2 Ames Island Ext.

Tina Galavotti – 232 Blackmore Pond Road

Steve McCarthy – 17 Kendrick Road

NOTE: Ms. Slavin stated Mr. Pichette has acknowledged that all the COC’s are in compliance.

VOTE: Unanimous (7-0-0)

IX. NOTE: The meeting went back to item III. Preliminary Business.

A. Approve meeting minutes: January 17, 2018 & April 18, 2018

MOTION: Ms. Slavin moved to approve the meeting minutes of January 17, 2018. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

MOTION: Mr. Leggett moved to approve the meeting minutes of April 18, 2018. Ms. Slavin seconded.

VOTE: (5-0-2)
Mr. Smith & Mr. Lassen abstained

B. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Commission Re-organization

Mr. Leggett recommended Ms. Slavin become Chair & Mr. Baptiste become Vice Chair. Mr. Baptiste has no doubt Ms. Slavin can run the Commission. He expressed concern re: conflicts w/ Ms. Slavin's husband being a Selectman. Ms. Slavin stated she & her husband are independent of each other. She stated she would like to be Chair for at least a year.

MOTION: Mr. Leggett moved for Ms. Slavin to be Chair & Mr. Baptiste be Vice Chair of the ConCom. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

B. M.A.C.C. Annual Dues

MOTION: Mr. Leggett moved to have the Chair sign the invoice for M.A.C.C. annual dues in the amount of \$281.00. Ms. Slavin seconded.

VOTE: Unanimous (7-0-0)

C. Discussion: Reappointments

D. Discussion: Conservation Restriction/Stewardship

E. Discussion: Bills

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 8:48 P.M. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

Date signed: 11/7/18

Attest: S S Slavin R J Bapt
Sandy Slavin, Chair
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 11/8/18