

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: August 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
Sandy Slavin
Joe Leggett
Jim Smith
Mary Taggart, Associate Member
Dave Pichette, Agent

Members Absent: Mark Carboni
Elissa Heard
Elizabeth Lydon

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: March 2, 2016.

MOTION: Ms. Slavin moved to approve the meeting minutes of March 2, 2016. Mr. Leggett seconded.

VOTE: (3-0-1)

IV. PUBLIC HEARINGS

A. RDA – Town of Wareham/CEDA, c/o G.A.F. Engineering, Inc.

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

The public hearing notice was read into the record.

A site inspection was made at downtown Main Street. The project involves streetscape improvements within a coastal flood zone, zone AE el 14. Phase 4 of the streetscape improvement project is proposed which will be from Sawyer Street to Chapel Street. The project will include sidewalk reconstruction, curbing, street resurfacing, catch basin improvements and other landscaping improvements. This work will be done within a coastal flood zone and within the riverfront area of the Wankinko River. The project will not result in any increase of impervious surfaces or significant grade changes. Silt sacks will be installed in the catch basins during construction to prevent

construction material or excess sediments from entering the stormwater drainage system. The catch basins will be fitted with stormwater hoods to improve stormwater treatment. Hoods will reduce bacteria and hydrocarbons in runoff water.

Mr. Pichette questioned the use of the granite gutter inlets which allow larger debris into the catch basin and stormwater system. He recommended these be modified or eliminated. He also recommended the issuance of a Negative Determination #2 for the project with the condition that the project contractor's contact information be submitted to the Conservation office prior to the commencement of the project and that gutter inlets be removed or replaced with an alternative grate system.

MOTION: Mr. Leggett moved to close the public hearing for the Town of Wareham/CEDA. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Town of Wareham/CEDA with the added conditions that the project contractor's contact information be submitted to the Conservation office prior to the commencement of the project & the gutter inlets be removed or replaced w/ an alternative grate system. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

B. RDA – Thomas Bronk

Present before the Commission: Thomas Bronk

The public hearing notice was read into the record.

A site inspection was made at 14 Carmichael Way. The project involves the construction of a deck in the buffer zone to Blackmore Pond. A 10x20' deck is proposed on the side of the existing dwelling 48' from the edge of the retaining wall along the beach. The deck would be supported on sono tube footings. All work would be done by hand. The site is flat and is already part of the yard area. Mr. Pichette recommended the issuance of a Negative Determination #3 for the project.

Present before the Commission: Joe Malone, abutter

Mr. Malone requested to see the plan.

MOTION: Mr. Leggett moved to close the public hearing for Thomas Bronk. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #3 Determination for Thomas Bronk with the added condition that all work will be done by hand. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

C. RDA – Steve Tempini

Present before the Commission: Steve Tempini

The public hearing notice was read into the record.

A site inspection was made at 160 Pinehurst Dr. The project involves the construction of a shed in the buffer zone to a coastal bank and within a flood zone. A 10x20' shed is proposed 70' from the edge of a salt marsh/beach area and within a coastal flood zone. The shed would be supported by sono tube footings. All work would be done by hand and there are no grade changes proposed. The site of the shed is currently lawn area. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

The applicant did not have the green cards, so the hearing must be continued.

MOTION: Mr. Leggett moved to continue the public hearing for Steve Tempini to September 7, 2016. Ms. Slavin seconded.

VOTE: Unanimous(4-0-0)

D. Amended Order of Conditions: - Cranberry Plaza/TRT Wareham, LLC, c/o Onsite Engineering, Inc. – SE76-2383

Present before the Commission: Ray Willis

The public hearing notice was read into the record.

A site inspection was made at 2991 Cranberry Highway the Stop and Shop Plaza). The request is to amend an Order of Conditions with a revised plan for this project which involves the installation of stormwater structures in the buffer zone to bordering vegetated wetlands. Stormwater improvements are proposed at the west end of the Stop and Shop Plaza to try to alleviate flooding that occurs in front of that end of the plaza during heavy rain events. It is proposed to install a new stormwater line and discharge to handle runoff from the problem area. New catch basins would be installed leading to the side and rear of the plaza to a new proposed discharge point. A water quality treatment structure would be installed as part of the new line in the location shown on the plan. Most of the work would be within the existing paved parking lot area. The request is to relocate the location of the approved pipe outfall. The original location was determined to be in a location that would not be suitable due to grade problems. The request is to relocate the pipe outfall further to the east in a location that is at a lower elevation. The new proposed location is ~180' to the east of the approved location into a outfall area that already exists. There would need to be some improvement to the existing outfall and the installation of

an additional manhole structure. Hay bales would be installed between the work and the edge of the resource area. Mr. Pichette recommend approval of the revised plan.

MOTION: Ms. Slavin moved to close the public hearing for Cranberry Plaza/TRT Wareham, LLC. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to approve the amendment to the Order of Conditions for Cranberry Plaza/TRT Wareham, LLC. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

E. NOI – Rita Mulchahey, c/o JC Engineering, Inc.

Present before the Commission: Mike Pimental, JC Engineering

The public hearing notice was read into the record.

A site inspection was made at 240 Barker Road. The project involves upgrading a septic system in the buffer zone to an inland bank along White Island Pond. An existing cesspool is to be replaced with a new Title V nitrogen reducing system. The new leach field will be installed between the house and the road and would be 125' to the edge of the inland bank. This is the furthest location on the lot from the pond to situate the leach field. A new septic tank will be installed in the location of the existing driveway. The existing cesspool will be filled with clean sand and abandoned. Erosion control will be installed between the work and the resource area. A DEP file # has been received. Mr. Pichette recommended the issuance of the Order of Conditions with standard conditions.

MOTION: Mr. Leggett moved to close the public hearing for Rita Mulcahey. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions for Rita Mulcahey. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

F. NOI – Nicholas & Jacqueline Fernandes, c/o JC Engineering, Inc.

Present before the Commission: Mike Pimental, JC Engineering

The public hearing notice was read into the record.

The applicant is requesting to construct a single family dwelling in the buffer zone to wetland and within a coastal flood zone. A 22'x34' dwelling with attached deck is proposed 33' from the edge of the wetland. An Order of Conditions was previously issued for this project and has since expired. There is no work proposed within the 30' no activity zone. An old foundation exists on the property and is proposed to be removed. A DEP File # has been received. Mr. Pichette recommended the issuance of the Order of Conditions

MOTION: Mr. Leggett moved to close the public hearing for Nicholas & Jacqueline Fernandes. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with the added condition of no work in the 30' buffer zone for Nicholas & Jacqueline Fernandes. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Onset Mobile Home Park

Present before the Commission: Ken Marlin

The applicant had previously contemplated installing a stormwater pumping station using an existing pipe. They have since spoken with DPW and come up with a different design. The current stormwater system will remain in place; an existing catch basin will be replaced. The applicant is currently proposing to modify the current pump system to pump water into the proposed pump system being installed by the Town on Ocean Avenue in Onset. The work is proposed in a flood zone. The applicant is waiting for a response from Municipal Maintenance. Mr. Pichette recommended the issuance of a Negative #2 Determination.

MOTION: Ms. Slavin moved to close the public hearing for Onset Mobile Home Park. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for the Onset Mobile Home Park with the stipulation that no work may begin until the Town of Wareham approves the project linking Onset Avenue. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

B. NOI – Janet Cooke, Trustee & Howard Whiteside, c/o LEC Environmental Consultants, Inc. – SE76-2395

Present before the Commission:

A site inspection was made at 253 & 255 Great Neck Road. The project involves the replacement of an existing culvert under Great Neck Road which would involve work in bordering vegetated wetland, a coastal flood zone, in riverfront area, salt marsh, and within the estimated habitat of rare and endangered species. An existing 6" 32' long clay culvert pipe is to be replaced with a new 8" 35' plastic culvert pipe in the same general location. The ends of the new pipe will be anchored by helical screw anchors to be installed by a hydraulic drill. It is also proposed to clean out the ditch on the outfall side by excavating out silt and nuisance vegetation that has accumulated over the years. This material is to be taken off site. It is proposed to do the work at a time when the pond level is below the pipe elevation, but there still may be a need to dewater or coffer dam the work area. The applicant has revised the plans per the previous conversation of the Commission. Comments have not been received from MA NHESP. Mr. Pichette recommended a continuance of the hearing until comments are received from NHESP.

MOTION: Ms. Slavin moved to close the public hearing for Janet Cooke, Trustee & Howard Whiteside, c/o LEC Environmental Consultants, Inc. – SE76-2395
Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Janet Cooke, Trustee & Howard Whiteside, c/o LEC Environmental Consultants, Inc. pending positive feedback and stipulations from NHESP within the next three weeks. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

C. NOI – Kevin Oliveira, c/o G.A.F Engineering, Inc. – SE76-2396

Present before the Commission: No one was present.

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Kevin Oliveira to September 7. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

D. NOI – Brewer Onset Bay Marina, c/o G.A.F. Engineering, Inc.

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

A site inspection was made at Onset Bay Marina. The project involves the replacement of existing piles, decking, handrails, and joists of the existing pier structures within land under the ocean, within the coastal flood zone and within the estimated habitat of rare and endangered species. The application is to permit the replacement of deteriorated pilings at the facility as

needed. There are 205 pilings at the marina, a number of which are older and may need replacing in the near future. The application is to get an Order of Conditions to allow pile replacement as conditioned by the Commission so the marina is in compliance with the wetland laws to do pile replacement. Existing piles would be replaced with 12” greenheart pilings. Work would be done from a floating barge. MA NHESP has returned their letter with no comments. MA Division of Marine Fisheries commented they would like to see a time of year restriction between January 15-May 31. A DEP File # has been received. Mr. Pichette recommended the approval of the project with standard conditions and the time of year restriction.

MOTION: Mr. Leggett moved to close the public hearing for Brewer Onset Bay Marina. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions with standard conditions for Brewer Onset Bay Marina and the added condition that no work take place from January 15-May 31. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

E. NOI – Douglas Bourgault/Cape & Islands Tire, c/o G.A.F. Engineering, Inc. – SE76-2400

Present before the Commission:

The applicant has requested a continuance.

MOTION: Ms. Slavin moved to continue the public hearing to September 7, 2016 for Douglas Bourgault/Cape & Islands Tire. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Roy Scandora – 11 Peaceful Lane

This request was made after a septic upgrade.

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for Roy Scandora. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Tree removal – Briarwood

Present before the Board: Edward Ledger. Lisa Marrone

Mr. Ledger has a tree at the site close to the edge of the seawall that he feels is in poor health and he is requesting to take the tree down. Discussion ensued.

Ms. Slavin stated she does not have an issue with the birch tree being cut down with nothing to replace it.

B. Discussion: Meyers Conservation Property application

This item is on the agenda to make the Commission aware that the Community Preservation Committee has received an application requesting money to purchase land (Meyers Conservation property). Discussion ensued.

C. Discussion: Horseshoe Dam

The Buzzards Bay Coalition purchased this property. The Coalition is considering removing the dam. The issue is that removal of the dam will remove Horseshoe Pond.

D. Discussion: AB Auto Sales

Present before the Board: Anibal Barroso

The applicant is requesting to run a used car business. They have obtained a license from the Board of Selectmen, with the condition that the Conservation Commission review the site. Discussion ensued.

The Commission needs to provide a type of letter/sign off on their approval of the project.

MOTION: Ms. Slavin moved the Conservation Commission write a letter to the Board of Selectmen that the Commission has no issues with this site as proposed, with the understanding that no repair work or additions may be made without filing with the Commission. Mr. Leggett seconded.

VOTE: Unanimous (4-0-0)

E. Discussion: Conservation Restriction/Stewardship

F. Discussion: Bills

G. Discussion: Appointments

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 8:36 P.M. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____