

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

**Date of Meeting: September 6, 2017**

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

The meeting was called to order at 7:00 P.M.

### **II. ROLL CALL**

Members Present: Sandy Slavin, Chair Pro Tem  
William Smith  
Joe Leggett  
Ellisa Heard  
Elizabeth Lydon  
Robert Lassen, Associate Member  
David Pichette, Agent

Members Absent: Mark Carboni, Associate Member  
Ken Baptiste  
Mary Taggart  
Donald Rogers, Associate Member

### **III. PRELIMINARY BUSINESS**

**A. Approve meeting minutes: June 17, 2015, July 19, 2017, & August 2, 2017**

**MOTION: Mr. Leggett moved to accept the meeting minutes of June 17, 2015. Ms. Heard seconded.**

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

**MOTION: Ms. Lydon moved to approve the meeting minutes of July 19, 2017. Ms. Heard seconded.**

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

**MOTION: Mr. Leggett moved to approve the meeting minutes of August 2, 2017. Mr. Smith seconded.**

**VOTE: (3-0-2)  
Ms. Heard & Ms. Lydon abstained**

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

**A. RDA – William L. Womack, c/o G.A.F. Engineering, Inc.**

Present before the ConCom: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Pichette explained the project site is at 31 Monument Avenue on Onset Island. The project involves the construction of a shed in the buffer zone to a coastal beach, a coastal bank, & in a coastal flood zone, AE elevation 16. A 12x20 shed is proposed 32 ft. from the top of a coastal bank at this location & w/in flood zone AE elevation 16. An 8 ft. wide ramp would be right at the 30 ft. line. The shed is proposed to be supported on helical screw anchors. The previous hearing was continued to allow for the agent &/or members to go look at the proposed site. A revised plan has been submitted. He concurs w/ the placement area of the shed. He recommended approval of the project w/ a Negative Determination #2.

Brief discussion ensued re: if some small trees will need to be taken down to accommodate the shed.

**MOTION: Mr. Leggett moved to close the public hearing for William L. Womack. Ms. Lydon seconded.**

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

**MOTION: Mr. Leggett moved to grant a Negative #2 Determination for William L. Womack. Ms. Lydon seconded.**

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

**B. Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o the Nature Conservancy – SE76-2432**

The applicant has asked for a continuance.

**MOTION: Mr. Leggett moved to continue the public hearing for Garry Buckminster/Wareham Harbormaster/Shellfish Dept. to September 20, 2017. Mr. Smith seconded.**

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

**C. ANRAD – Jonathan Mancini, BWC Harlow Brook, LLC, c/o Field Engineering, Inc. – SE76-2439**

Present before the ConCom: Rich Riccio, Field Engineering  
Lexi Browler, BlueWave Solar

Mr. Riccio stated additional flags were placed on an additional isolated wetland. These flags are now represented on the plan before the ConCom this evening.

Mr. Pichette explained a site inspection was made at Lots 1002A & 1003 on Map 115. The application is for the approval of a wetland delineation. There are isolated wetlands identified at this property. One wetland was shown on the original plan & an additional one was located that should have been on the plan. This wetland is now shown on the revised plan this evening. He recommended approval of the wetland boundaries as shown on the revised plan.

**MOTION: Mr. Leggett moved to close the public hearing for Jonathan Mancini, BWC Harlow Brook, LLC. Ms. Heard seconded.**

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

**MOTION: Mr. Leggett moved to grant the wetland boundary delineation as shown on the revised plan for Jonathan Mancini, BWC Harlow Brook, LLC. Ms. Heard seconded.**

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

**NOTE: The meeting proceeded w/ item IX. Any other business/discussion.**

**A. Discussion: Wareham Land Trust**

Present before the ConCom: Nancy McHale, Wareham Land Trust

Ms. McHale spoke re: a project called the “Stoney Run Preserve” at 600 Main St. Community Preservation Funds had been applied for. The BOS decided to decide not to put this on the Town Meeting Warrant this fall. The Land Trust is still interested in pursuing this project. This property is part of a larger corridor that is trying to be established. One of the parcels w/in this corridor is owned by the Town. The Land Trust will be negotiating w/ the owner of this property at 600 Main St. for an extension. The Land Trust would like the ConCom to consider this project still active.

Brief discussion ensued re: who would hold the Conservation Restriction on this property.

Ms. McHale again stated the Land Trust will still be pursuing this project.

**IV. PUBLIC HEARINGS**

**A. RDA – Judy Cocci**

The public hearing notice was read into the record.

Present before the ConCom: Judy Cocci

**MOTION: Mr. Leggett moved to table this hearing until later in the meeting when the applicant’s builder is present. Ms. Heard seconded.**

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

**B. NOI – Town of Wareham, c/o G.A.F. Engineering, Inc. – SE76-2442**

The public hearing notice was read into the record.

Present before the ConCom: Bob Rogers, G.A.F. Engineering, Inc.  
Renee Muniz, Weweantic Shores

Mr. Pichette explained a site inspection was made at the Lukey Park Playground off of Hathaway Rd. The project involves upgrading the existing playground site w/ the construction of a new parking lot, basketball court, walking path, removal of some trees, & reconstruction of playground equipment in the buffer zone to BVW & w/in a coastal flood zone. The entire site is w/in coastal flood zone AE elevation 14. A 24x120' gravel parking area is to be constructed to expand the existing parking at the site. This will be 35 ft. from the edge of the wetland at the nearest point. The proposed 50x82 basketball court will be outside the buffer zone to the BVW, but w/in the flood zone. There will be some tree clearing w/in the buffer zone to the BVW. It appears that there is some tree clearing w/in the 30 ft. no activity zone. Portions of the proposed 6 ft. wide walking trail to be surfaced w/ reclaimed asphalt will be w/in the buffer zone to the BVW as shown on the plan. There are no significant grade changes proposed. Haybales & silt fence are proposed between the work & the resource area. A DEP file number has been received. He recommends the issuance of an Order of Conditions w/ the standard conditions w/ the added condition that the tree clearing be outside the 30 ft. no activity zone except along the entrance way.

Mr. Rogers stated the plan is an overall site development plan. They have tried to minimize the amount of impervious surfaces at the site. There are not a lot of grade changes to the site. Municipal Maintenance assistance will be sought. Excess material will be removed from the site.

Ms. Muniz stated a lot of work has been done to create this multi-use community park for the Town & a lot of the improvements near the wetland areas is to improve visibility from the street. The site is pretty secluded. With the small changes will increase visibility from the street & will discourage vandalism & littering.

Ms. Slavin stated this project is one being brought forth by the Open Space Committee. She is Chair of the Open Space Committee & has no financial interest in the project. She is co-Chair of the Community Preservation Committee which is funding the project.

Discussion ensued re: where the tree removal will be on the site & cutting of brush/branches.

Present before the ConCom: Barbara Morse, Windsor Dr.

Ms. Morse stated she lives on the other side of the playground. This property is a bit of both in & out of the flood zone. A perpetuation plan is being worked on to make sure this property is funded going forward w/ donations.

**MOTION: Mr. Leggett moved to close the public hearing for the Town of Wareham. Mr. Smith seconded.**

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

Discussion ensued re: signage for the playground delineating it as a playground.

**MOTION: Mr. Leggett moved to grant an Order of Conditions w/ standard conditions & the added condition that the tree clearing be outside the 30 ft. no activity zone except along the entrance way (as the plan depicts) for the Town of Wareham. Ms. Heard seconded.**

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

**MOTION: Mr. Leggett moved to un-table the public hearing for Judy Cocci. Ms. Heard seconded.**

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

Present before the ConCom: Judy Cocci  
William Farrington, Builder

Mr. Pichette explained a site inspection was made at 15 Wedgewood Place. The project involves the construction of an addition & driveway w/in the buffer zone to a coastal bank. A 14x24' addition is proposed 67 ft. from the top of the coastal bank which is off the property. A new driveway is also proposed as there would be a drive-under garage as part of the new addition. There are a couple of oak trees that would need to be removed in order to place the addition. Minor grading would be required for the driveway. Site fence will be placed between the work & the resource area. He recommends the issuance of a Negative Determination #3 for the project.

**MOTION: Mr. Leggett moved to close the public hearing for Judy Cocci. Ms. Heard seconded.**

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

**MOTION: Mr. Leggett moved to grant a Negative Determination #3 for Judy Cocci. Ms. Lydon seconded.**

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

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – William L. Womack, c/o G.A.F. Engineering, Inc. (DONE)**

**B. Garry Buckminster/Wareham Harbormaster/Shellfish Dept., c/o the Nature Conservancy – SE76-2432 (DONE)**

C. ANRAD – Jonathan Mancini, BWC Harlow Brook, LLC, c/o Field Engineering, Inc. – SE76-2439 (DONE)

VI. **EXTENSION REQUESTS**

VII. **ENFORCEMENT ORDERS**

VIII. **CERTIFICATES OF COMPLIANCE**

A. Renewable Generation (NextSun), Protect Energy Solutions – Beaver Creek Lane

Present before the ConCom: Ken Lacourse

Mr. Pichette explained this project involved the construction of a solar field off of Beaver Creek Lane which was in the buffer zone to BVW. The project has been largely completed. One issue that was not constructed according to the plan was an area that had some erosion issues & the vegetation did not grow in properly enough to stabilize the site. Trap rock was put in the area to try to stabilize the area vs. use of vegetation. This is not according to the plan. He & Ms. Slavin went out to the site. They suggest removing the trap rock & placing some vegetation there to stabilize.

Mr. Lacourse stated there was loam under the trap rock & it has now grown in over the trap rock. The trap rock was placed there because the engineer had recommended it due to the low point in the road & kept washing out. The trap rock has held up nicely.

Mr. Pichette doesn't feel there was a lot of vegetation grown over the trap rock when he was there. It was just rock strewn about over sand. There was very little loam. He feels the stones were placed sloppy. There is also some gullying in the detention area & instead of trying to re-shape it & stabilizing it, trap rock was dumped there. The basin doesn't look like it has been maintained. Discussions were supposed to be held between the new contractor & the owner as to who is responsible for the maintenance of the basin. Mr. Lacourse stated his company was contracted to build the site. As to the maintenance of the site, this falls under an O&M which is the owner's responsibility. Once the company is done w/ the project, they are done.

Present before the ConCom: Joe Mertou, Clean Energy Collective

Mr. Mertou explained once the project is complete, the maintenance of the site becomes the owner's. At this point, it is important to determine what maintenance must be done & then it can be sorted out later who is responsible. Mr. Lacourse asked what maintenance needs to be done to the basins. Mr. Pichette pointed out that one basin has been overgrown w/ weeds. Mr. Lecourse stated the basins can be mowed & taken care of.

Mr. Pichette again reiterated that the trap rock should be removed & stabilized w/ vegetation. Mr. Lacourse expressed concern re: growth of vegetation this time of year. Discussion ensued re: how to proceed. Mr. Lacourse suggested a bond for the planting of vegetation contingent

upon granting a COC. He stated it would cost approx.. \$4,500 to remove the trap rock & replant. The ConCom members concurred to request a bond of \$10,000 & after the work is completed, the bond will be returned & the COC will be granted. He stated the trap rock can be taken out w/in the next two weeks.

**MOTION: Ms. Heard moved to request a \$10,000 bond to complete the work at this site as discussed by the ConCom for Renewable Generation (NextSun), Protect Energy Solutions – Beaver Creek Lane. Mr. Smith seconded.**

**VOTE: (3-1-1)  
Ms. Lydon abstained  
Mr. Leggett opposed**

**B. BRT – Wickets – Wickets Island**

Mr. Pichette stated a number of years back when the property was privately owned, there was a project approved that never commenced. He recommended the issuance of a COC noting that the OCC is no longer valid & the project never commenced.

**MOTION: Mr. Leggett moved to grant a Certificate of Compliance for BRT Wickets. Ms. Heard seconded.**

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

**IX. ANY OTHER BUSINESS/DISCUSSION**

**NOTE: Ms. Lydon announced that the next meeting will be her last since she is moving out of town.**

- A. Discussion: Wareham Land Trust (DONE)**
- B. Discussion: Reappointments**
- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**
- E. Discussion: Appointments**

**X. ADJOURNMENT**

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

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

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

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

Sandy Slavin, Chair Pro Tem

WAREHAM CONSERVATION COMMISSION

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