

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 16, 2014

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: John Connolly, Chairman
Ken Baptiste, Vice Chairman
Sandy Slavin, Clerk
Joe Leggett
Joe Mulkern, Associate Member
David Pichette, Agent

Members Absent: Donald Rogers
Mark Carboni

III. PRELIMINARY BUSINESS

Approve meeting minutes: April 2, 2014

MOTION: Ms. Slavin moved to approve the meeting minutes of April 2, 2014.
Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

A. RDA – Diane McSweeney, c/o JC Engineering, Inc.

The public hearing notice was read into the record.

Present before the Commission: Mr. Bradford, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 250 Barker Road. The project involves the upgrade of a septic system w/in the buffer zone to White Island Pond. An existing cesspool is to be replaced w/ a new Title V system. The existing cesspool is 42 ft. from the edge of the pond. The proposed leach field will be outside the buffer zone 155 ft. from the edge of the pond. The installation of the new septic tank & associated piping work would be w/in the buffer zone. The septic tank would be 78 ft. from the pond. Silt fence is proposed between the work & the resource area as shown on the plan. He recommends the issuance of a Negative Determination #3.

No-one from the audience had any questions or concerns.

MOTION: Ms. Slavin moved to close the public hearing for Diane McSweeney. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #3 for Diane McSweeney. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

B. RDA – East Wareham DMP IX, LLC, c/o Bohler Engineering, Inc.

The public hearing notice was read into the record.

Present before the Commission: Mr. Bernadino, Bohler Engineering, Inc.

Mr. Pichette described the project. The property is located at 3137-3139 Cranberry Highway. The project involves the construction of a commercial building which would be a Dollar General Store. The request is being filed to satisfy Planning Board requirements to have a determination on the project from the Commission. Upon review, the site is not w/in the jurisdiction of the Conservation Commission. He recommends the issuance of a Negative Determination #1.

No-one from the audience came forward w/ any questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for East Wareham DMP IX, LLC. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #1 for East Wareham DMP IX, LLC. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

C. RDA – Lucy Aptekar

The public hearing notice was read into the record.

Present before the Commission: Lucy Aptekar

Mr. Pichette described the project. The property is located at 17 Bourne Point Road. The project involves the construction of a raised garden area w/in the buffer zone to bordering vegetated wetland & to a coastal bank. A 20x55 raised garden area is proposed 45-50 ft.

from the top of the coastal bank at this site & also w/in 100 ft. of the bordering vegetated wetland. It is also proposed to construct a 2 ft. high concrete block perimeter wall around the garden area. The wall would have a 2 ft. wide footing. Also proposed is the installation of a water line from the existing dwelling to the new garden. Haybales area proposed between the work & the resource area as shown on the plan. There is an area however, w/in the bordering vegetated wetland that has been altered at the site by clearing the underbrush & ground cover. This area should be replanted & allowed to re-vegetate w/out further clearing. The applicant also proposes to plant several white pine trees w/in the buffer zone in the locations indicated on the plan. He recommends the granting of a Negative Determination #3 w/ the condition of re-vegetating the altered area

Brief discussion ensued re: the re-vegetating the altered area.

No-one from the audience came forward w/ questions or comments.

MOTION: Mr. Baptiste moved to close the public hearing for Lucy Aptekar. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Baptiste moved to grant a Negative Determination #3 for Lucy Aptekar w/ the condition of re-vegetating the altered area. Ms. Slavin seconded.

VOTE: (4-0-0)

D. NOI – Richard K. Edge, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Present before the Commission: Mr. Mattos, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 26 Pinehurst Drive. The project involves the repair of an existing seawall along a coastal beach, salt marsh, & w/in a coastal flood zone. This filing is made in response to a violation that occurred at this site when repairs to the wall were started before the Commission reviewed or approved the project. It is proposed to rive vinyl sheet piles in front of the existing stone wall and in front of the collapsed area as well. The access stairs will also be reconstructed as part of the project. Work will be done from the upland side of the property & the sheet piles will be driven w/ a vibratory hammer or mini-excavator. No machinery will be on the beach. Excess stone & rubble from the site will be removed from the site. A DEP has not been received. He recommended continuing the hearing & further, adding a condition that no machines or debris be allowed on the beach area.

Audience members were asked for questions or comments.

Present before the Commission: Mr. Ecstonte

Mr. Ecstonte spoke re: erosion to his wall next door.

MOTION: Ms. Slavin moved to continue the public hearing for Richard K. Edge to May 7, 2014. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

E. James & Deborah Andrade, c/o Outback Engineering, Inc. – SE76-2297

The public hearing notice was read into the record.

Present before the Commission: Mr. Jouggust, Outback Engineering, Inc.

Mr. Pichette described the project. The property is located at 30 Salt Marsh Lane. The project involves the construction of additions, a deck, & stone steps in the buffer zone to a coastal bank & to Sunset Cove. A 10x15 ft. addition is proposed between the dwelling & the garage 13 ft. from the top of a coastal bank & a 10x21 ft. addition is proposed at another corner of the house 30 ft. from the top of a coastal bank. Also proposed is a 10x45 ft. deck w/ stone paver landing w/in 5 ft. of the top of the coastal bank. Some of the proposed features are w/in the 30 ft. no activity zone. He recommends the plan be revised to reduce the proposed structures in the 30 ft. no activity zone. A DEP file number has been received. He recommended a continuance for a revised plan.

Audience members had no questions or comments.

MOTION: Ms. Slavin moved to continue the public hearing for James & Deborah Andrade to May 7, 2014. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. ANRAD – Ninety Six Realty LLC, c/o G.A.F. Engineering, Inc. – SE76-2290

No-one was present to represent the application.

It was stated this hearing will be continued.

MOTION: Ms. Slavin moved to continue the public hearing for Ninety Six Realty LLC to May 7, 2014. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

B. NOI – Rose Cherubini/Cherubini Over Jordan Realty Trust, c/o Land & Sea Engineering, LLC – SE76-2295

No-one was present to represent the application.

It was stated this hearing will be continued.

MOTION: Mr. Baptiste moved to continue the public hearing for Rose Cherubini/Cherubini Over Jordan Realty Trust to May 7, 2014. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

C. NOI – Smithers Viscient, LLC, c/o N. Douglas Schneider & Associates, Inc. – SE76-2294

Present before the Commission:

MOTION: A motion was made & seconded to continue the public hearing for Smithers Viscient, LLC to May 7, 2014.

VOTE: Unanimous (4-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Brian Hupp – 249 Blackmore Pond Road

MOTION: Ms. Slavin moved to continue the Certificate of Compliance for Brian Hupp to May 7, 2014. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

B. George Berejik – Pine Tree Drive

MOTION: Ms. Slavin moved to grant a Certificate of Compliance for George Berejik. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

C. Milbery Family Nominee Trust

MOTION: Ms. Slavin moved to continue the Certificate of Compliance for Milbery Family Nominee Trust to May 7, 2014. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Conservation Commission Application – William J. Smith

Present before the Commission: William J. Smith

Mr. Smith discussed his experience.

MOTION: Ms. Slavin moved the Commission send a letter of recommendation to the Board of Selectmen re: William J. Smith. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

B. Discussion: Conservation Restriction/Stewardship

Discussion ensued re: the fact that there were no walk-through of the property(s) over the winter. The Commission will plan on reviewing the property(s) in the future.

C. Discussion: Swifts Beach

There is no new information.

D. Discussion: Bills

There were no bills.

NOTE: Reappointments were briefly discussed.

MOTION: Ms. Slavin moved to reappoint Joe Leggett & Ken Baptiste for another term on the Conservation Commission. Mr. Connolly seconded.

VOTE: (2-0-2)

Mr. Leggett & Mr. Baptiste abstained

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 7:58 P.M. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

Date signed: 5/7/14

Attest: [Signature]
John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 5/9/14