

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

**Date of Meeting: May 7, 2014**

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

The meeting was called to order at 7:01 P.M.

### **II. ROLL CALL**

Members Present: John Connolly, Chairman  
Ken Baptiste, Vice Chairman  
Sandy Slavin, Clerk  
Joe Leggett  
Mark Carboni (Arrived at 7:14 P.M.)  
David Pichette, Agent

Member Absent: Donald Rogers  
Joe Mulkern, Associate Member

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes of April 16, 2014**

**MOTION:** Ms. Slavin moved to approve the meeting minutes of April 16, 2014. Mr. Baptiste seconded.

**VOTE: Unanimous (4-0-0)**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Edward J. Pacewicz, c/o G.A.F. Engineering, Inc.**

The public hearing notice was read into the record.

It was stated that this hearing will be continued.

**MOTION:** Mr. Baptiste moved to continue the public hearing for Edward J. Pacewicz to May 21, 2014. Mr. Carboni seconded.

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

#### **B. NOI – Michael Connors, c/o G.A.F. Engineering, Inc.**

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.  
Michael Connors

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 13 Salt Creek Road, off Lydia's Island Road. The project involves the construction of a pier, ramp, & float system into Shell Point Bay & repairs to an existing seawall. A 124' pier, ramp, & float system would be constructed. 18 12' green heart piles would be installed by a floating barge for the structure. The floats would be 10x30' in size. They are showing a depth of 2.5' of water in the vicinity of the float at low tide. He questioned how much water the float draws, what size boat & draft is being proposed, & if an eel grass study was done for the dock location, & if so, when was this performed. He stated an eel grass study should be done between July 1<sup>st</sup> & November 15<sup>th</sup>. He also asked where the floats would be stored in the off season & the removal methodology. He stated comments have been received from DMF on the project indicating the site is w/in mapped shellfish habitat for American oyster, bay scallop, quahog, & soft shelled clam. DMF also states that the area is a shellfish relay area. DMF further states that habitat loss w/ piling installation may require mitigation at the State or Federal levels of permitting. Comments have not been received from the Harbormaster. He asked what the nature of the seawall repairs are. He noted a DEP file number has been assigned. He recommended a continuance of the hearing at this time for additional information.

Brief discussion ensued re: the project.

**MOTION: Mr. Carboni moved to continue the public hearing for Michael Connors to May 21, 2014. Mr. Baptiste seconded.**

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

**C. NOI – Mark Hays, c/o G.A.F. Engineering, Inc. – SE76-2299**

The public hearing notice was read into the record.

No-one was present for the public hearing. The Commission concurred to continue the public hearing.

**MOTION: Mr. Baptiste moved to continue the public hearing for Mark Hays to May 21, 2014. Ms. Slavin seconded.**

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

**D. NOI – Wareham Fire District, c/o Kleinfelder**

Present before the Commission: Michael Martin, Wareham Water Dept. Superintendent  
Mr. Monahan

**NOTE: Mr. Baptiste & Mr. Connolly abstained from the discussion of this project.**

The public hearing notice was read into the record.

Mr. Pichette described the project. A site inspection was made at Agawam Road in East Wareham. The project involves the installation of a water main & buried electric line to serve a new drinking water production well. This work will be done in the buffer zone to a bordering vegetated wetland & w/in a riverfront area of Maple Springs Brook. 4500 ft. of 8" water main is to be installed w/in existing gravel bog roads to connect the new production well to the existing water system mains. The installation of the new well was previously approved by the Commission under a separate OOC. There will be one culvert crossing involved. The main will be installed over the existing box culvert. In other areas, the work will be in the buffer zone to a bordering vegetated wetland. Trenches will be backfilled as the project progresses so that trenches are not open for extended periods of time. Haybales will be installed in areas adjacent to wetlands.

Also proposed, as part of the project, is a pump off test for the new well. This will require continuous pumping for 30 days at a rate of 700 gal./m. Water will be directed into a haybale containment area where the water would filter through & flow toward Glen Charlie Road. A DEP file number has not been received at this time. He recommended a continuance to await the receipt of a DEP file number.

Brief discussion ensued.

**MOTION: Mr. Carboni moved to continue the public hearing for Wareham Fire District to May 21, 2014. Mr. Leggett seconded.**

**VOTE: (3-0-2)  
Mr. Baptiste & Mr. Connolly abstained**

**V. CONTINUED PUBLIC HEARINGS**

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

**MOTION: Ms. Slavin moved to continue the public hearing for Ninety Six Realty LLC to May 21, 2014. Mr. Baptiste seconded.**

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

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

**MOTION: Ms. Slavin moved to continue the public hearing for Rose Cherubini/Cherubini Over Jordan Realty Trust to May 21, 2014. Mr. Baptiste seconded.**

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

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

Present before the Commission: N. Douglas Schneider, N. Douglas Schneider & Associates, Inc.  
Attorney Wittaker

Mr. Pichette described the project. A site inspection was made at 790 Main Street (or 13 Station Street). The project involves the construction of two additions to an existing commercial building w/ associated parking lot expansions & stormwater drainage structures in the buffer zone to bordering vegetated wetlands. The two proposed additions, 7,000 sq. ft. & 20,000 sq. ft. are both outside the buffer zone to the wetland. The proposed stormwater detention basins & outfalls, as well as portions of the proposed parking lots are w/in the buffer right up to the edge of the 50' no activity zone. The project is broken into two phases on the plan, but the Commission is reviewing the entire project under this NOI. The stormwater drainage systems are being reviewed by Charlie Rowley at this time, but that review has not yet been completed.

Mr. Pichette stated he has reviewed the wetland flags shown & feels that a few would need to be adjusted. He will be meeting w/ the wetland consultant to review the wetland flags. A DEP numbers has been received. He recommended a continuance for the stormwater review report & to evaluate the wetland flags.

Brief discussion ensued.

**MOTION: Ms. Slavin moved to continue the public hearing for Smithers Viscient, LLC to May 21, 2014. Mr. Baptiste seconded.**

**VOTE: Unanimous (4-0-0)**

**D. NOI – Richard K. Edge, c/o G.A.F. Engineering, Inc. – SE76-2298**

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

Mr. Pichette described the project. A site inspection was made 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 tie when repairs to the wall were started before the Commission reviewed or approved the project. It is proposed to drive vinyl sheet piles in front of the existing stone wall & 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 file number has been received. He recommends the granting of an OOC w/ standard conditions & the added condition that no machinery be placed on the beach.

Discussion ensued re: issuing of a fine. The Commission members concurred to issue a \$300.00 fine.

**MOTION:** A motion was made & seconded to issue a \$300.00 fine for Richard K. Edge.

**VOTE:** Unanimous (4-0-0)

**MOTION:** Mr. Baptiste moved to close the public hearing for Richard K. Edge. Ms. Slavin seconded.

**VOTE:** Unanimous (4-0-0)

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

Present before the Commission: James Andrade  
Representative of Outback Engineering, Inc.

Mr. Pichette described the project. A site inspection was made 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 the coastal bank & a 10x21 ft. addition is proposed at another corner of the house 30 ft. from the top of the coastal bank. Also proposes is a 10x45 ft. deck w/ stone paver landing w/in 5 ft. of the top of the coastal bank. Silt fence is proposed between the work & the resource areas. Some of these 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 assigned. He recommends a continuance for a revised plan.

Discussion ensued.

**MOTION:** Mr. Baptiste moved to close the public hearing for James & Deborah Andrade. Ms. Slavin seconded.

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

**MOTION:** Mr. Baptiste moved to grant an Order of Conditions based on the revised plan submitted. Mr. Carboni seconded.

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

**VI. EXTENSION REQUESTS**

## **VII. ENFORCEMENT ORDERS**

### **A. CVS Plaza – 411 Main Street**

Mr. Pichette discussed the conditions behind the CVS Plaza at 411 Main Street. He proposed sending the owner an Enforcement Order. Brief discussion ensued.

**MOTION:** Ms. Slavin moved to ratify the sending of an Enforcement Order re: CVS Plaza – 411 Main Street as well as a notice to appear at the Commission's meeting to be held on May 21, 2014. Mr. Baptiste seconded.

**VOTE:** Unanimous (4-0-0)

## **VIII. CERTIFICATES OF COMPLIANCE**

### **A. Brian Hupp – 249 Blackmore Pond Road**

**MOTION:** Mr. Baptiste moved to continue a Certificate of Compliance for Brian Hupp to May 21, 2014. Ms. Slavin seconded.

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

### **B. Milbery Family Nominee Trust – 51 Cleveland Way**

**MOTION:** Mr. Baptiste moved to continue a Certificate of Compliance for Milbery Family Nominee Trust to May 21, 2014. Ms. Slavin seconded.

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

### **C. Robert Tourigny – Granston Way**

**MOTION:** Mr. Baptiste moved to grant a Certificate of Compliance for Robert Tourigny. Ms. Slavin seconded.

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

## **IX. ANY OTHER BUSINESS/DISCUSSION**

### **A. Discussion: MA DOT – Railroad Platform Project**

Discussion ensued re: the MA DOT railroad platform project.

## **B. Discussion: Indian Heights Beach Association**

Present before the Commission: Anne Ezepek  
Joe Mulkern

Ms. Ezepek and Mr. Mulkern explained the reasoning for the placement of the stones on the beach which included trying to prevent vehicles from driving on the beach, and trying to prevent stormwater runoff from washing out the beach. They described problems with existing catch basins in Wychunas Ave. and how they are not functioning properly. This problem is causing washouts on Wychunas and the beach area.

Mr. Pichette stated that the placement of a stone wall on the beach is not something that was permitted by the Commission, nor is it a project that could be permitted, as it would not meet performance standards in the wetland laws.

The Commissions consensus was to require the piled stones on the beach to be removed down to the base stones. The base stones which are embedded in the sand, and have been there for years, would be allowed to remain in place. The beach association reps agreed to this and stated they would begin the process of removing the stones.

Mr. Pichette recommends removal of the stone to the bottom layer.

## **C. Discussion: Wareham Land Trust – CR**

Discussion ensued re: holding the CR for the Wareham Land Trust.

It was the consensus of the Commission to hold the CR for the Wareham Land Trust.

## **D. Discussion: Associate Member**

Discussion ensued re: the application for an Associate member.

The Commission concurred to invite the applicant to a Commission meeting.

## **E. Discussion: Land Donations**

- Harborview Lane

**MOTION:** Ms. Slavin moved the Commission recommend declining the land donation on Harborview Lane. Mr. Baptiste seconded.

**VOTE:** Unanimous (4-0-0)

- Mario DeBono – Off Hathaway Road

**MOTION:** Ms. Slavin moved the Commission recommend to the BOS to pursue the land donation re: Mario DeBono off Hathaway Road.

**VOTE: Unanimous (4-0-0)**

- **Authorization to do appraisal**

Not handled.

**NOTE:** Brief discussion ensued re: re-appointments to the Commission.

**MOTION:** Ms. Slavin moved the Commission recommend the reappointments of Mr. Baptiste & Mr. Leggett as members of the Conservation Commission. Mr. Connolly seconded.

**VOTE: Unanimous (4-0-0)**

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

Not handled.

**G. Discussion: Swifts Beach**

It was stated that there is nothing new at this time.

**H. Discussion: Bills**

There were no bills.

**NOTE:** Mr. Pichette discussed an emergency permit/certificate for Point Independence Yacht Club re: a fuel spill clean-up needed.

**MOTION:** Ms. Slavin moved to grant an emergency permit/certificate for Point Independence Yacht Club for a fuel spill clean-up. Mr. Baptiste seconded.

**VOTE: Unanimous (4-0-0)**

**X. ADJOURNMENT**

**MOTION:** Ms. Slavin moved to adjourn the meeting at 8:58 P.M. Mr. Baptiste seconded.

**VOTE: Unanimous (4-0-0)**



Date signed: 6/4/14

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 6/5/14

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