

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: August 20, 2014

I. CALL MEETING TO ORDER

The meeting was called to order at 7:04 P.M.

II. ROLL CALL

Members Present: John Connolly, Chairman
Sandy Slavin, Vice Chairman
Ken Baptiste, Clerk
Donald Rogers
Jim Smith, Associate Member
Michael Baptiste, Jr., Associate Member
David Pichette, Agent

Member Absent: Mark Carboni
Joe Leggett

III. PRELIMINARY BUSINESS

A. Approve meeting minutes of August 6, 2014.

**MOTION: Ms. Slavin moved to approve the meeting minutes of August 6, 2014.
Mr. K. Baptiste seconded.**

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

A. RDA – Mark Perry

Present before the Commission: Mark Perry

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 306 Onset Avenue. The project involves the demolition of two shed buildings & the clean-up of debris at this property w/in the buffer zone to bordering vegetated wetlands & w/in a coastal flood zone. Two older large shed structures are to be demolished & removed from the site. These structures are w/in 30' of the wetland which is just off the site. It is also proposed to remove debris that has accumulated or had been dumped at the site years ago. This will likely require an excavator or backhoe to accomplish the work. The site is relatively flat. Erosion control should be installed around the perimeter of the work.

Brief discussion ensued.

MOTION: Ms. Slavin moved to continue the public hearing for Mark Perry to September 3, 2014. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

B. RDA – Steven C. Doire

Present before the Commission: Jay Zola, Builder
Steven Doire

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 250 Barker Road. The project involves the removal of an existing deck & the reconstruction of a new deck in the buffer zone to Glen Charlie Pond. An existing 12x20 deck is to be removed & a new deck is proposed along the back of the house which will be 4' wide connecting to a 16x22' deck on the side of the dwelling. The deck would be supported on sono tube footings. The new deck would be further away from the pond than the current deck, but still 2-25 ft. from the pond. The initial description of the project was to reconstruct the deck, but also noted in the RDA is to replace a retaining wall & an existing patio. There was a question as to what the work involves. He was told that it is also proposed to demo the existing dwelling & construct a new dwelling on the same foundation. He questioned what equipment will be needed for the house demo. He also noted that there should be erosion control required for the site.

Discussion ensued re: the project & the demo of the house. The consensus of the Commission members is that the proposed work being explained exceeds the work described in the RDA application & what was originally described to the Agent. Mr. K. Baptiste believes an NOI should be filed.

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

VOTE: Unanimous (4-0-0)

MOTION: Mr. K. Baptiste moved to grant a Positive Determination # 3 for Steven Doire. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

C. RDA – Town of Wareham/Municipal Maintenance, c/o G.A.F. Engineering, Inc.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.
David Menard, Director of Municipal Maintenance
Dept.

Mr. Pichette described the project. The property is located at 12th Street in Onset. The project involves the reconstruction of 12th Street in Onset w/in a coastal flood zone. 12th Street is proposed to be reconstructed for its length from Camp Street to Union Avenue. Included in the project are reconstruction of catch basins, installation of manholes, & repaving. The work is not in the buffer zone to any other resource area. He had asked about what stormwater improvements were proposed. He stated the response was that because of the high groundwater & space limitations, there is not much being proposed. He also had asked re: installing treatment units w/in the catch basins. Depending on the engineer's response, he will recommend the issuance of a Negative Determination #2 for the project.

Discussion ensued re: the project. The engineer discussed the issue of installing treatment units w/in the catch basins.

MOTION: Ms. Slavin moved to close the public hearing for Town of Wareham/Municipal Maintenance. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #2 for the Town of Wareham/Municipal Maintenance. Mr. K. Baptiste seconded.

VOTE: (3-1-0)
Mr. Rogers opposed

D. NOI – John Jay & Lisa Houser & John & Janet Sylvester, c/o G.A.F. Engineering, Inc.

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

Mr. Pichette described the project. The property is located at 3 & 5 Sias Point Road. The project is being filed under the Town's Bylaw only. A Superceding Order has already been issued by DEP for the project. This project was recently denied by the Commission under the WPA & the Town Bylaw. The applicant appealed the decision under the WPA, but never appealed under the Wetland Bylaw & the appeal period ran out. This is why the project is being reapplied for only under the Bylaw. The project involves the construction of a shared pier at this location w/in land containing shellfish, land under the ocean, coastal bank, coastal beach, & land subject to coastal storm flowage. A 206' pier, ramp, & float are proposed. The fixed pile supported aluminum pier would be 155' in length. Light penetrating decking is proposed. A floating barge would be used to install the pilings. Comments have been received from the Harbormaster which state he is in full opposition to the construction of a dock in this area as it is one of the most productive

shellfish habitats in Wareham. Used by commercial & recreational shellfishermen, the site is also the target site for Wareham's oyster restoration program. DMF also states the area is significant shellfish habitat & references the oyster restoration program as well. DMF also recommends an eel grass study be done.

Again, based on comments from the Harbormaster & the DMF, he would recommend the denial of the this project based on Section XVI (C) (9) of the Wareham Wetland Protective Bylaw which states that piers shall not be allowed to be constructed w/in significant shellfish habitat as determined by the MA DMF &/or the Wareham Shellfish Constable.

Discussion ensued.

MOTION: Mr. K. Baptiste moved to close the public hearing for John Jay & Lisa Houser & John & Janet Sylvester. Ms. Slavin seconded

VOTE: Unanimous (4-0-0)

MOTION: Mr. K. Baptiste moved to *deny* the application for John Jay & Lisa Houser & John & Janet Sylvester based on the Town's Wetland Bylaw. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

E. NOI – Lawrence Bertrand, c/o G.A.F. Engineering, Inc.

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

The applicant has requested a continuance to the next meeting.

MOTION: Ms. Slavin moved to continue the public hearing for Lawrence Bertrand to September 3, 2014. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

F. ANRAD – John Veiga & Tyrone Donovan, c/o G.A.F. Engineering, Inc. – SE76-2213

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

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at Lots 1 & 2 off of Cromesett Road. The application is for the approval of a wetland delineation on these lots. The wetlands line was reviewed & several changes were made to the line which are shown on

the plan. A DEP file number has been received. He recommends the approval of the adjusted wetland line as presented on the submitted plan.

MOTION: Ms. Slavin moved to close the public hearing for John Veiga & Tyrone Donovan. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to approve the Resource Delineation for John Veiga & Tyrone Donovan. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

G. ANRAD – Lawrence Hill/Hill Financial Co., c/o Goddard Consulting LLC

The applicant has requested a continuance to the next meeting.

MOTION: Mr. K. Baptiste moved to continue the public hearing for Lawrence Hill/Hill Financial Co. to September 3, 2014. Ms. Slavin 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

The applicant has asked for a continuance.

MOTION: Ms. Slavin moved to continue the public hearing for Ninety Six Realty LLC to September 3, 2014. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

B. NOI – Hall Keen Real Estate Management & Investment, c/o Site Design Engineering, LLC – SE76-2303

This application will be continued to the next meeting.

MOTION: Ms. Slavin moved to continue the public hearing for Hall Keen Real Estate Management & Investment to September 3, 2014. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Conservation Restriction/Stewardship

Ms. Slavin presented & discussed reports of site visits to various properties.

B. Discussion: Bills

There were no bills to be discussed.

C. Discussion: Town Meeting Schedule

Brief discussion ensued. Mr. Pichette notified the Commission that this information was provided to them at the last meeting.

D. Discussion: Wetland Bylaw

Mr. Pichette notified the Commission of a proposal by the Board of Selectmen to change the Wetland Bylaw. He discussed the proposed changes. Brief discussion ensued.

MOTION: Ms. Slavin moved that the Commission Chair request the permission of the Board of Selectmen for the Commission to speak to Town Counsel. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

E. Discussion: 13 Parkwood Drive – Linda Pinto/Bachant

Mr. Pichette reported on this project, including violations that exist.

MOTION: Ms. Slavin moved that the Commission Chair request this project be halted. Mr. Rogers seconded.

VOTE: Unanimous (4-0-0)

F. Agawam Mill Pond

Discussion ensued with neighborhood residents re: Agawam Mill Pond.

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 9:35 P.M. Mr. K. Baptiste seconded.

VOTE: Unanimous (4-0-0)

Date signed: 9/3/14

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 9/4/14