

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 16, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Ken Baptiste
Elissa Heard
Mary Taggart
Jim Smith
Robert Lassen
David Pichette, Agent

Members Absent: Mark Carboni, Associate
Joe Leggett

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: September 5, 2018

MOTION: Mr. Baptiste moved to approve the meeting minutes of September 5, 2018. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

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

A. ANRAD – Kate Benton, c/o G.A.F. Engineering, Inc. – SE76-2523

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

Mr. Pichette described the project. The property is located at 85 Towhee Road. This application is for the approval of wetland resource area boundaries. The request is to approve the delineations of the coastal bank & the edge of salt marsh on this lot. The wetland boundaries are accurate. The initial plan did not have the delineation boundary points numbered so he requested that to be shown on the plan. A revised plan has been submitted. A DEP file # has been received. He recommended the issuance of the ORAD approving the boundaries of the coastal bank & salt marsh as shown on the revised plan.

MOTION: Mr. Baptiste moved to close the public hearing for Kate Benton. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Baptiste moved to grant an ORAD for Kate Benton. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

B. NOI – Mercedes Brum, c/o McKinnon & Keese Eng. – SE76-2517

The applicant has requested a continuance to February 6, 2019.

MOTION: Mr. Baptiste moved to continue the public hearing for Mercedes Brum to February 6, 2019. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

NOTE: The meeting proceeded w/ item VII. Enforcement Orders.

A. Kenneth Keegan – 35 East Boulevard

Present before the ConCom: Kenneth Keegan

Mr. Keegan distributed plans to the ConCom members.

Mr. Pichette described the project. The property is located at 35 East Blvd. There was an OOC for a seawall reconstruction after an initial violation. Recently, additional foundation work was found being done w/out permits & approval from the ConCom.

Mr. Keegan spoke re: approved plan he submitted. When he purchased the property, the previous owner had a plan to replace failed pilings under the house which was approved. Some of the pilings were replaced, but not all. He found the supports have failed. He assumed since the permit issued to the former owner had not expired & was approved, he could continue, but now he understands the permit is not transferrable to a new owner. Nothing has been done out of the scope of the plan.

Mr. Pichette stated a building permit was required for this work. Mr. Keegan stated he was ignorant to that at the time. Mr. Pichette asked why the previous owner stopped putting the new pilings in. Mr. Keegan stated he was told that the Building Commissioner at the time forced the previous owner to. The previous owner did not want to continue doing it.

Mr. Pichette stated Mr. Keegan needs to go to the Building Dept. to see if what is being done is alright to do. Brief discussion ensued re: how many pilings have been replaced.

Ms. Slavin stated this matter will be placed on the next ConCom agenda.

IV. PUBLIC HEARINGS

A. RDA – Robert & Maryellen Stone

The public hearing notice was read into the record.

Present before the ConCom: Robert Stone

Mr. Pichette described the project. The property is located at 12 Canedy Street in the Rose Point area. The project involves the demolition of an existing dwelling & the reconstruction of a new dwelling along a coastal bank, w/in the riverfront area of the Weweantic River & w/in a coastal flood zone. The existing dwelling is very near the top of the coastal bank. The proposed house footprint would be significantly larger & would result in a new project w/in the 30 ft. no activity zone to the coastal bank. The 30 ft. no activity zone is not identified on the plan. He recommend that the new structure should be pushed back to be outside the 30ft. no activity zone, unless the applicant wishes to use the existing footprint. Either project would require filing an NOI w/ a revised stamped site plan accurately depicting the wetland resource areas & the 30 ft. no activity zone. He recommended the issuance of a Positive Determination #3 & #5 for the project.

Mr. Stone discussed the history of the property & seeking guidance re: what they want to do & restrictions doing so. Lengthy discussion ensued re: multiple coastal banks & 30 ft. no activity zone.

Present before the ConCom: Michael Silva, MJS Architecture

Mr. Silva stated the 30 ft. is about where the neighbor's house is on the plan. Mr. Silva discussed the house proposal. Lengthy discussion ensued on how Mr. Stone can proceed w/ the project & limitations.

MOTION: A motion was made & seconded to continue the public hearing for Robert Stone to February 6, 2019.

VOTE: Unanimous (6-0-0)

B. RDA – Jane & Lee Robinson, c/o Lockwood Architects

Present before the ConCom: Bill Lockwood, Lockwood Architects

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 2 Grove Street in Onset. The project involves the construction of an addition, patio & a shed w/in the buffer zone to a coastal bank & w/in a coastal flood zone. A 10x11 addition & a 10x12 shed are proposed w/in the buffer zone to a coastal bank, which is a seawall across North Water St. from the subject

property & w/in coastal flood zone AE, elevation 14. The addition would have a poured concrete foundation. Also proposed is a new 4x4 wood stoop w/ a 10x13 stone patio adjacent to the proposed addition. The site is relatively flat & there are no grade changes proposed. He recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Heard moved to close the public hearing for Jane & Lee Robinson. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Lassen moved to grant a Negative Determination #2 for Jane & Lee Robinson. Mr. Smith seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

A. ANRAD – Kate Benton, c/o G.A.F. Engineering, Inc. – SE76-2523 (DONE)

B. NOI – Mercedes Brum, c/o McKinnon & Keese Eng. – SE76-2517 (DONE)

NOTE: The meeting proceeded w/ item IX. Any Other Business/Discussion and/or Vote.

B.Discussion: Mike Robotham, The Valle Group – Onset Bathhouse

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

Mr. Grady distributed plans to the ConCom members.

Mr. Pichette stated the builder from the Valle Group has requested a discussion re: plan changes. Some of the changes were changes he feels would require an Amended OOC & some other changes are considered minor. One change is the re-location of a water line from what was approved. Another minor change is placing a propane tank in the building during the construction phase.

Mr. Grady stated the immediate request is for the propane tank to provide heat during construction. He feels a majority of the changes are incorporated in the original plan, such as the water service which he discussed. He spoke re: proposal for stockpiling of materials at a specific location & temporary construction access site.

Mr. Pichette stated this is different work in the buffer zone to the coastal bank than what was approved originally. He believes an official Amended OOC to make the revised plan formal. He recommended approval of the temporary propane tank, but for the rest of the changes, he recommended an Amended OOC. Discussion ensued.

Ms. Slavin asked re: water source for plantings. Mr. Grady will look into this.

Mr. Baptiste expressed concern re: size of equipment to be used & deliveries. Mr. Grady stated there may have to be temporary traffic details used from South Blvd. He will inquire about this.

The ConCom members concurred to having a formal Amended OOC for changes other than the propane tank.

VI. EXTENSION REQUESTS

A. Carl Schulz – 15 Roby Street

Mr. Pichette stated this was an OOC to construct an addition to an existing home. The owner has had issues w/ getting the building architecture, thus resulting in a delay. The applicant is requesting a one year extension. Mr. Pichette recommended the issuance of a one-year extension.

MOTION: Mr. Baptiste moved to grant a one-year extension for Carl Schulz – 15 Roby Street. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

B. Hill Financial Co. – 80-82 Minot Avenue – Lot 1 – SE76-2366

C. Hill Financial Co. – 90-92 Minot Avenue – Lot 2 – SE76-2368

Mr. Pichette stated these are for projects on Minot Ave. These OOC's will run out soon & the requests are for extensions. The only issue he has is that work was started w/out checking w/ him about the erosion control which he feels is not in place yet. He wants to make sure these things are straight before an extension is granted. Brief discussion ensued re: issuing a fine.

MOTION: Mr. Baptiste moved to grant a one-year extension for Hill Financial Co. – 80-82 Minot Avenue – Lot 1 & 90-92 Minot Avenue – Lot 2 & to issue a fine of \$300.00 per lot. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

VII. ENFORCEMENT ORDERS

A. Kenneth Keegan – 35 East Boulevard (DONE)

B. Kristen Tobia – Simmons – Jordan Road

C. Sharon McDuffy – 58 Fearing Hill Road

D. David Broderick – 14 Widows Cove Lane

Mr. Pichette stated there is nothing new with these Enforcement Orders.

Ms. Slavin stated she would like Mr. Pichette to go back at least three years of Enforcement Orders to see if any have not complied. The ConCom members concurred.

Ms. Slavin stated she went to Swifts Beach & looked at the footbridge illegally put up. Mr. Pichette stated he thinks this is Town property. Ms. Slavin showed pictures of the footbridge to members. She asked Mr. Pichette to address this w/ Municipal Maintenance & have them take it down.

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

- A. Discussion: Enos/Winship, LLC – Burgess Point
- B. Discussion: Mike Robotham, The Valle Group – Onset Bathhouse (DONE)
- C. Discussion: Reappointments
- D. Discussion: Conservation Restriction/Stewardship
- E. Discussion: Bills

X. ADJOURNMENT

MOTION: Mr. Baptiste moved to adjourn the meeting at 8:15 P.M. Mr. Lassen seconded.

VOTE: Unanimous (6-0-0)

Date signed: 5/15/19

Attest: 
Sandy Slavin, Chair
WAREHAM FINANCE COMMITTEE

Date copy sent to Town Clerk: 5/16/19