

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 19, 2017

I. CALL MEETING TO ORDER

The meeting was called to order at 7:15 P.M.

II. ROLL CALL

Members Present: Ken Baptiste, Chairman
Sandy Slavin
Joe Leggett
Mary Taggart
Jim Smith
Robert Lassen, Associate Member
Dave Pichette, Agent

Members Absent: Elizabeth Lydon
Elissa Heard
Mark Carboni, Associate Member
Donald Rogers, Associate Member

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: August 3, 2016, January 18, 2017, & February 15, 2017

Ms. Slavin stated she would like to hold off on the minutes until they have been submitted electronically so she may review them.

IV. PUBLIC HEARINGS

A. RDA – Steve Tempini

Present before the Commission: Steve and Kate Tempini

A site inspection was made at 160 Pinehurst Drive. The project involves the extension of a deck in the buffer zone to a Coastal Bank and within a Flood Zone. An 8x23' deck extension is proposed 40' from the edge of the beach/salt marsh. The deck would require four sono tube footings to be installed. All work will be done by hand and there are no grade changes proposed. The site of the deck is currently lawn area. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

Ms. Slavin asked if any work has been started. Mr. Tempini says it has not.

MOTION: Mr. Leggett moved to close the public hearing for Steve Tempini. Ms. Slavin seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant a Negative #2 Determination for Steve Tempini. Ms. Slavin seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Laurence R. Ricardo, c/o JC Engineering, Inc.

Present before the Commission: Brad Bertollo, JC Engineering, Inc.

A site inspection was made at 3 Galavotti Avenue. The project involves the construction of a new foundation under an existing dwelling within the coastal flood zone. The existing dwelling is to be raised so that a new foundation can be installed under the existing footprint which is 23'x24'. The dwelling is to be raised 3' in height. The project is not in the buffer zone to any other resource areas. There are no other grade changes proposed. Mr. Pichette recommended the issuance of a Negative Determination #2 for the project.

MOTION: Ms. Slavin moved to close the public hearing for Laurence R. Ricardo. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Laurence R. Ricardo. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Kenneth & Susan Nelligan, c/o JC Engineering, Inc.

Present before the Commission: Brad Bertollo, JC Engineering, Inc.

A site inspection was made at 156 Cromesett Road. The project involves the construction of a slab foundation under an existing elevated dwelling within the buffer zone to a wetland, within the riverfront area of Cedar Island Creek and within a coastal flood zone. A new concrete slab will be poured under the existing 28'x52' dwelling within coastal flood Zone VE, el 18. Four to eight inches of material shall be removed under the dwelling which is mostly crushed stone and then the new slab would be poured. Any extra material shall be removed from the site. It is then proposed to enclose the columns supporting the dwelling with breakaway panels to create a garage area under the dwelling. It is also proposed to pour the slab under the existing deck area. Mr. Pichette recommended not pouring the slab under the existing deck to reduce impervious area. He questioned how the breakaway panels will be attached to the columns and will the proposed mud room require any additional foundation work. It is also proposed to remove the existing stairway on the front of the dwelling and to install a concrete patio as shown on the plan in the same general area. A DEP file # has been received. Mr. Pichette recommended reducing

the slab area by not allowing the slab to extend under the existing rear deck. Otherwise, he recommended the issuance of the Order of Conditions with standard conditions.

Mr. Bertollo stated the concrete slab is there for drainage.

Mr. Lasson recommended possibly building a second deck in lieu of the concrete slab.

Mr. Leggett asked if the breakaway panels could be cabled to the column so they don't float away in a storm event.

MOTION: Ms. Slavin moved to continue the public hearing for Kenneth & Susan Nelligan to May 3, 2017. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

D. Amended OOC – Cape & Island Tire, c/o G.A.F. Engineering, Inc. – SE76-2396

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

A site inspection was made at 3057 Cranberry Highway. This application is to request a plan change to the approved project plan. The originally approved project involves the reconstruction of a commercial building with associated stormwater drainage and parking in the buffer zone to bordering vegetated wetland, within the riverfront of the Little Herring River/Gibbs Brook. The previous commercial building that was occupied by Cape and Island Tires had collapsed due to snow loading. The proposal is to reconstruct a new building in the same general location. The original project proposed certain structures to be installed to handle stormwater runoff from the site. Upon review by MA Highway, there were additional stormwater BMP's that were requested. The proposed plan change proposes to add additional stormwater treatment structures to include a stormceptor unit and an additional leaching chamber infiltration system to further improve stormwater treatment at the site. The new structures are located primarily in the ne corner of the site. Mr. Pichette recommended the approval of the proposed plan change.

Mr. Madden stated MA Highway has also requested that a gate be installed at the site.

MOTION: Mr. Leggett moved to close the public hearing for Cape & Island Tire. Ms. Slavin seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to grant an Amended OOC for Cape & Island Tire. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. Amended OOC – John Spinale, c/o JC Engineering, Inc. – SE76-2384

Present before the Commission: Brad Bertollo, JC Engineering, Inc.
John Spinale

The project site is at 9 Oak Hill Road. The applicant is requesting an Amended Order of Conditions due to plan changes. The proposed plan change is to demolish the existing 20'x30' dwelling altogether and construct an entirely new 24'x42' two story dwelling in the same general area, not extending any further toward the coastal bank. The previously proposed deck has been removed from the plan. Plantings are proposed on the property line that were not on the previously proposed plan. Mr. Pichette stated he would like to see the proposed house moved further back from the coastal bank since it is a new structure. Mr. Bertollo stated they would like to use the current sewer pump and the proposed house is not encroaching any more on the coastal bank than the existing house.

Present before the Commission: Sean McCaffrey

Mr. McCaffrey believes there was a previous condition that the wall could not extend any further out than the existing wall and he feels the wall appears to extend further out. Mr. Pichette stated the wall is not being built further out than the existing wall.

Mr. McCaffrey asked if the flood elevation is noted on the plan. Mr. Bertollo stated it is.

Mr. McCaffrey handed out, to the Board, a letter he wrote as well as some pictures he has taken of the site. He stated at the last hearing, he had suggested that an Enforcement Order should be taken against the applicant due to the open trenches on the property, the Order of Conditions not yet being recorded, and no sign has been posted on the property. He stated the trenches have been filled and the hay bales were installed after the trenches were filled. He believes the trenches required a permit to have been dug initially. Mr. Pichette noted the Order of Conditions was recorded at the Registry on April 7, 2017.

Mr. McCaffrey stated in Wareham, new construction or substantial construction must be above the flood plain area and the applicant is proposing a basement. Mr. Bertollo stated it is a lower enclosure and explained a basement must be below grade on all four sides and that the lower enclosure does not go below the flood plain.

Mr. McCaffrey asks if there is a house plan. He believes run off should be a concern due to the pitch of the roof and other things of that nature. Mr. Bertollo stated the building design is submitted at the time of the building application, but there is no more impervious area than the current structure. Mr. Pichette stated the pitch of the roof is not pertinent to the Commission's review.

Mr. McCaffrey asked Ms. Slavin if she would have considered the tree size holes to be trenches. Ms. Slavin stated she is not sure she would call them holes or trenches and she does not have the expertise to make that differential.

Mr. McCaffrey stated the DEP sign has not been posted on the property and even though they're technical violations, they should be adhered to. Mr. Pichette stated it is up to the Commission's

discretion to decide repercussions to violations. Mr. McCaffrey asked if the trenches had been seen previously and why he was the only one taking pictures and bringing it up at the hearing.

Mr. Pichette stated if perc tests had to be done, those do not require an Order of Conditions. In this case, the applicant had dug trenches to inspect the foundation and was not considered detrimental work.

Present before the Commission: Dave Talty – 5 Oak Hill Road

Mr. Talty believes at the last hearing, the hay bales were to be installed before the holes were filled. He stated the request to clear vegetation had been denied and he is unsure why a hole could be dug even to plant vegetation due to the disturbance.

Mr. McCaffrey asked how he could go about getting a copy of the previous recording. Mr. Pichette explains the process goes through the Town Clerk and the Conservation Department.

Mr. Talty brought up the elevation and noted 44 CFR recommends that the A flood zone also complies with the V zone; so the improved buildings must be elevated on pilings, posts, piers or columns so that the bottom of the lowest horizontal structure members of the lowest floor is at or above the BFE. The BFE is 14. He believes he heard it said that the lower floor was at 9. Mr. Bertollo stated the lowest floor is four feet above BFE. Mr. Talty asked if it is not the Commission's recommendation that the project also conform to zone B. Mr. Pichette stated whatever the Building Inspector requires the building to be at for the flood zone is what the applicant will have to adhere to.

Present before the Commission: Ellen McCaffrey

Mrs. McCaffrey asked the Commission if they were to consider granting the application, if they will impose environmental monitoring.

Ms. Slavin asked what the proposed plantings will be. Mr. Bertollo stated he would have Mr. Pichette review the plantings.

MOTION: Ms. Slavin moved to close the public hearing for John Spinale. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to approve the Amended Order of Conditions with the standard stipulations for John Spinale and further, grant approval of the planting material by Mr. Pichette, Agent before the plant material is installed. Mr. Leggett seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Frank Adrean, Nanumett Shores Improvement Association, c/o G.A.F. Engineering, Inc. – SE76-2413

Present before the Commission: No one is present at this time.

The applicant has requested a continuance May 3, 2017.

MOTION: Ms. Slavin moved to continue the public hearing for Frank Adrean to May 3, 2017. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Ellis & Jennifer Bailey, c/o G.A.F. Engineering, Inc. – SE76-2430

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.
Ellis & Jennifer Bailey

A site inspection was made at 31 Crab Cove Terrace in the Parkwood area. The project involves the construction of a retaining wall within a coastal bank, within a coastal flood zone and in the buffer zone to a coastal beach and to salt marsh. Other proposed work in the buffer zone to the coastal bank includes the installation of a roof drywells, replacing an existing deck, retaining wall, steps, the relocation of an existing shed, site grading, and the construction of a new driveway. The property has a significantly steep coastal bank and the project proposes to construct a concrete block retaining wall within the bank to provide long term stability. The proposed seawall is to be made of concrete blocks. Mr. Pichette stated a revised plan has been submitted showing a proposed change, as requested, to the proposed seawall. He stated he would like to see the seawall pulled even further back than it was.

Mr. Madden stated the wall was jogged in, which involves 77s.f. of area in the rear and they are removing 490s.f. of fill. 170s.f. is within the association land. 15 feet of the wall has remained at the toe of the slope and the remainder of the wall was brought back.

MOTION: Ms. Slavin moved to close the public hearing for Ellis & Jennifer Bailey. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions as presented with the exception that the landing platform at the bottom of the steps be removed for Ellis & Jennifer Bailey. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Steven Ramsay – 120 Pinehurst Drive

Present before the Commission: Steven Ramsay

A violation has occurred at 120 Pinehurst Drive which involved the owner pouring a concrete footing to a seawall without approval from the Commission. A concrete base one-foot thick and 18” high was poured along the entire length of the seawall at this location. The concrete base appears to have been poured on grade of the existing beach. An Enforcement Order was issued requiring a Notice of Intent be filed to address the work.

Mr. Ramsay explained that after the Enforcement Order had been issued, he went to G.A.F. Engineering, Inc. to address filing a Notice of Intent. He stated he had just purchased the property and thought he had permission from the State via a Ch. 91 License to work on the seawall.

Mr. Pichette asked the status of the project with G.A.F. Mr. Ramsay stated he had just gotten in contact with G.A.F. about two weeks ago and hasn’t heard on the status of the Notice of Intent at this time.

Ms. Slavin asked if the applicant did the work himself. Mr. Ramsay stated he is a mason contractor and he put rods in the existing wall and 30’ ¾” rods on top of those and used a strong concrete mix to pour the base along the wall.

Mr. Pichette feels at this point, the project is on the right track and a Notice of Intent needs to be filed.

MOTION: Mr. Leggett moved to ratify the Enforcement Order for Steven Ramsay. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Leggett moved to continue discussion of the Enforcement Order for Steven Ramsay to May 3, 2017 for an after-the-fact filing Notice of Intent. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

B. Ralph Amadeo – 110 Sandwich Road

It was stated that this matter has been referred to Town Counsel and Town Counsel will write a letter to this entity.

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Nitrogen Conditions

Ms. Slavin would like added to the Nitrogen Conditions that no fertilizer be used within 30 feet of a water body. She also noted that she would like note of no grass clippings or any biodegradable material can be dumped within 30 feet of a water body at any time.

B. Discussion: Conservation Restriction/Stewardship

C. Discussion: Bills

D. Discussion: Appointments

Ms. Slavin stated the Commission must send, in writing to the Selectmen, that they would like to remain on the Conservation Commission and also someone must be designated as the representative to CPC from the Conservation Commission.

MOTION: Mr. Leggett moved that Ms. Slavin be the Commission's representative to the Community Preservation Committee. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

X. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____