

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 20, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 7:02 P.M.

II. ROLL CALL

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

Members Absent: Mark Carboni
Elizabeth Lydon
Elissa Heard

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: October 21, 2015

NOTE: The meeting minutes for October 21, 2015 had already been approved.

IV. PUBLIC HEARINGS

A. RDA – Steve Belcher

Present before the Commission: Steve Belcher

The public hearing notice was read into the record.

Mr. Pichette explained the applicant is proposing to reinforce the foundation of an existing dwelling by raising the foundation and adding a screened porch. Mr. Pichette recommends the approval of the project.

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

VOTE: (4-0-0)

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

VOTE: (4-0-0)

B. RDA – Kevin Madden

Present before the Commission: Kevin Madden

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 57 Shady Lane. The project involves the construction of a shed within a coastal flood zone. A 14x24' shed with a concrete pad foundation is proposed in flood zone AE, elevation 15. He briefly discussed an issue with an existing boardwalk reconstruction that was done with no permits.

MOTION: Ms. Slavin moved to close the public hearing for Kevin Madden. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Kevin Madden. Mr. Smith seconded.

VOTE: (4-0-0)

C. NOI – TRT Wareham, LLC/KeyPoint Partners, LLC, c/o Onsite Engineering, Inc. – SE76-2383

Present before the Commission: Mr. Lewis, Onsite Engineering, Inc.

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 2991 Cranberry Highway (The Stop & Shop Plaza). The project involves the installation of stormwater structures in the buffer zone to bordering vegetated wetlands. Stormwater improvements are proposed at the west end of the top and shop shopping plaza to try to alleviate flooding that occurs in front of that end of the plaza during heavy rain events. It is proposed to install a new stormwater line and discharge to handle runoff from the problem area. New catch basins would be installed leading to the side and rear of the plaza to a new proposed discharge point. A water quality treatment structure would be installed as part of the new line in the location shown on the plan. Most of the work would be within the existing paved parking lot area.

Mr. Pichette recommended having the discharge point moved back from the edge of the wetland to be outside the 50' no activity zone or to tie into the existing outfall pipe instead. Hay bales would be installed between the work and the edge of the resource area. A DEP file # has been received. He recommend a continuance of the hearing for a revised plan.

MOTION: Ms. Slavin moved to continue the public hearing for TRT Wareham, LLC/KeyPoint Partners, LLC to May 4, 2016. Mr. Smith seconded.

VOTE: (4-0-0)

D. NOI – Ricciato Hilde Life Estate, c/o Westgate Land Survey – SE76-2380

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 12 Algelo Avenue in the Hamilton Beach area. The project involves the repair of an existing seawall. An existing concrete block seawall 50 in length is to be repaired by the removal of deteriorated sections of the wall and replacing with new block. It is also proposed to install a concrete buttress behind a section of the wall to strengthen the wall. An initial power washing of the wall is proposed to remove loose concrete and stucco. Mr. Pichette recommended against this as this may blow this material all over the beach. It is also proposed to install 5 2" weep hole drains through the wall. Mr. Pichette questioned how this will be accomplished. All work is to be done by hand. A DEP file # has been received.

Mr. Pichette recommended the issuance of an Order of Conditions with the standard conditions and the added condition of no power washing and no machinery on the beach area.

MOTION: Ms. Slavin moved to continue the public hearing for Ricciato Hilde Life Estate to May 4, 2016. Mr. Smith seconded.

VOTE: (4-0-0)

E. NOI – Colonial Gas Company d/b/a National Grid, c/o Coastal Engineering Co., Inc. – SE76-2382

Present before the Commission: Brad Malo, Coastal Engineering, Co.

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at Sunset Island Rd. in Onset. The project involves the installation of gas main in the buffer zone to a salt marsh and within a coastal flood zone. 1250' of 2" gas main is to be installed within the causeway going to Sunset Island and within the roads on Sunset Island. Trench work will be required for the installation of the gas main. Trench depth would be 30". Ground water may be encountered. How will dewatering be addressed? The new line will go under the existing culvert pipe that runs under the causeway to the island. Erosion control barrier will be installed along the edge of the road where the trench work is to take place. The application also includes the tie into the existing homes. Trenches would be backfilled on a daily basis. A DEP file # has been received. Mr. Pichette recommended the issuance of the Order of Conditions with standard conditions & added conditions for dewatering.

MOTION: Ms. Slavin moved to close the public hearing for Colonial Gas Company d/b/a National Grid. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions & the added conditions that dewatering take place as needed, work on the causeway to be done at low tide, and silt bags be put in place for filtering sediment during dewatering for Colonial Gas Company d/b/a National Grid. Mr. Smith seconded.

VOTE: (4-0-0)

F. Dos Amigos, LLC, c/o JC Engineering, Inc. – SE76-2379

Present before the Commission: Brad Betello, JC Engineering

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 1130 Main Street. The project involves grading and the construction of a driveway in the buffer zone to bordering vegetated wetlands. A 26x52' dwelling is proposed w/ attached 24x28' garage. The dwelling is outside the buffer zone to the wetland which is on the other side of Main Street. The grading work, driveway, and water main connection are within the buffer zone. Grades will be changed by filling 3-4 ft. at the highest points of the site. Mr. Pichette questioned how much fill material will be needed for the site. A propane tank is also proposed on the south side of the dwelling. A DEP file # has been received.

Mr. Pichette recommended the issuance of an Order of Conditions w/ standard conditions along with the added conditions that clean fill be used and the front of the property is stabilized so sediments do not run off into the street or across into the wetland.

MOTION: Ms. Slavin moved to continue the public hearing for Dos Amigos, LLC to May 4, 2016. Mr. Smith seconded.

VOTE: (4-0-0)

G. NOI – John & Patricia Spinale, c/o JC Engineering, Inc.

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

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made 9 Oak Hill Road. The project involves the construction of a second floor addition, deck, and retaining wall reconstruction in the buffer zone to a coastal bank and within a coastal flood zone. A 20x33' second floor addition is proposed to the existing dwelling. Work is proposed to the foundation to install new footings in the locations

shown on the plan to support the second floor. Also proposed is a new deck that would be 9x28 along the waterside of the house. Mr. Pichette stated he would not be in favor of this part of the project as it is a new feature within the 30' no activity zone. It is also proposed to reconstruct an existing block retaining wall with a new block retaining wall in the area shown on the plan between the house and the hay bale line. It is also proposed to remove an existing walkway and patio and to regrade and seed the area. It is also proposed to construct a new retaining wall to expand the parking area up by the street. He questioned how the footings will be installed. There are several trees proposed to be removed as well. If the trees are dead then there is no concern with their removal. He asked if the dead trees will be replaced. A DEP file #has been received. Mr. Pichette recommended the issuance of an Order of Conditions with standard conditions & not including the deck on the water side of the house.

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

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions & the added condition that there no structures to be built or no deck to be built on the water side of the house. Mr. Smith seconded.

VOTE: (4-0-0)

H. NOI – BrownBuilt Builders, c/o Webby Engineering, Inc. – SE76-2381

The public hearing notice was read into the record.

Mr. Pichette stated a site inspection was made at 8 Pond View Terrace. The project involves the construction of a single family dwelling with associated grading and landscaping in the buffer zone to bordering vegetated wetlands (BVW). Construction of the dwelling, tree clearing and landscaping is proposed in the buffer zone to BVW along Tremont Pond. This work will be 40' from the edge of the wetland. The proposed driveway and septic system would be outside the buffer zone to the BVW. Hay bales and silt fence would be placed along the limit of work line. Some minor grade changes are proposed around the back of the dwelling as shown on the plan. A DEP file # has been received. Mr. Pichette recommended the issuance of an Order of Conditions with standard conditions.

MOTION: Ms. Slavin moved to close the public hearing for BrownBuilt Builders. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions for BrownBuilt Builders. Mr. Smith seconded.

VOTE: (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Onset Mobile Home Park

Present before the Commission: No one was present to represent the application

MOTION: Ms. Slavin moved to continue the public hearing for Onset Mobile Home Park to May 4, 2016. Mr. Leggett seconded.

VOTE: (4-0-0)

B. NOI – James Kenney

Present before the Commission: James Kenney

Mr. Kenney stated he is aware that the initial project he had proposed (the construction of a garage with a second floor) is not able to be done. He is requesting approval for upkeep or improvement of the front steps, footings under the porch, and two retaining walls on the property.

MOTION: Ms. Slavin moved to close the public hearing for James Kenney. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standard conditions & the added condition that no additional building will be done on the property & the work will be limited to footings of the porch, front steps, and seawall for James Kenney with no proposed driveway and no proposed garage. Mr. Smith seconded.

VOTE: (4-0-0)

C. NOI – David & Susan Broderick, c/o G.A.F. Engineering, Inc. – SE76-2371

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

Mr. Madden explained the applicants are proposing to construct a pier, ramp, and float system with a proposed boat lift system in Onset Bay. The work is on a coastal bank, coastal beach, land under the ocean, within land containing shellfish, within a coastal flood zone, and within an estimated habitat of endangered species. The work proposed is a 180' pier ramp supported by 22 12" diameter pilings with an attached 18'x18' boat lift which would require an additional 6 pilings. At previous hearings, it was recommended that the pier be reduced in size or the boat lift be removed. Previously, a staircase and shed was proposed for the project, which have been

removed. Utilities are proposed at this site as well which would require trenching into the coastal bank. Comments were received from NHESP stating that a MESA review would need to be completed. The review has come back with no negative comments. A DEP # was received.

MOTION: Ms. Slavin moved to close the public hearing for David & Susan Broderick. Mr. Smith seconded.

VOTE: (4-0-0)

MOTION: Ms. Slavin moved to approve an Order of Conditions w/ standard conditions & the added conditions that the pilings be at 20', the trenching material be returned to the disturbed area, and that no more than two boats may be kept on the float for permanent storage for David & Susan Broderick. Mr. Leggett seconded.

VOTE: (3-1-0)

VI. EXTENSION REQUESTS

There were no extension requests at this time.

VII. ENFORCEMENT ORDERS

A. Daniel Freitas – 83 Sandwich Road

Present before the Commission: Daniel Freitas

Mr. Pichette explained that snow plow equipment is being stored on this site which is along the edge of a wetland. The current use has not been approved by a commission.

Mr. Freitas stated he is waiting for the matter to finish going through the Zoning Board of Appeals. The Commission concurred they can't make any decision until the project goes through the Zoning Board.

VIII. CERTIFICATES OF COMPLIANCE

A. Maplewood Builders, LLC – SE76-1811

The Board held the Certificate of Compliance for Maplewood Builders, LLC at this time.

IX. ANY OTHER BUSINESS/DISCUSSION

A. Discussion: Keith Mann – Hathaway Road

No discussion took place at this time.

B. Discussion: Wetland Bylaw Committee

No discussion took place at this time.

C. Discussion: Conservation Restriction/Stewardship

No discussion took place at this time.

D. Discussion: Bills

No discussion took place at this time.

E. Discussion: Wetland Bylaw

Mr. Pichette asked if the Commission wanted to take an official stance on the Town Meeting article that will be presented at Town Meeting.

MOTION: Ms. Slavin moved to support the proposed changes of the By-Law. Mr. Smith seconded.

VOTE: (4-0-0)

F. Discussion: Appointments

The Commission discussed re-appointments of Conservation Commission members and associate members and how the Commission needs to proceed with the appointments for Town Meeting.

MOTION: Mr. Leggett moved to make Sandy Slavin the representative for Conservation Commission at CPC. Mr. Smith seconded.

VOTE: (4-0-0)

X. ADJOURNMENT

MOTION: Mr. Leggett moved to adjourn the meeting at 9:20 P.M. Ms. Slavin seconded.

VOTE: (4-0-0)

Date signed: _____

Attest: _____

**Ken Baptiste, Chairman
WAREHAM CONSERVATION COMMISSION**

Date copy sent to Town Clerk: _____

