

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: May 5, 2021, via Zoom

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30 P.M.

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Elissa Heard
Ron Besse
Carol Malonson
Kwame Bartie
Michael Mercier
Denise Schulz, Associate Member
David Pichette, Agent

Member Absent:

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – Donna Palmer, c/o Environmental Consulting & Restoration, LLC

Present before the ConCom: Cameron Larson, Environmental Consulting & Restoration, LLC

Mr. Pichette described the project. A site inspection was made at 1 Riplah Road in the RLDS camp grounds in Onset. The project involves the construction of a deck in the buffer zone to a salt marsh and within a coastal flood zone. A 10x32' deck is proposed between the house and the paved driveway ~32' from the edge of the salt marsh. The site is also within Flood Zone AE El 14. The deck would be supported on sono tube footings. The site is relatively flat and there are no grade changes proposed. Recommend the issuance of a Negative Determination #2 for the project.

Denise questioned deck locations to be worked on. Sandy discussed vegetation under the proposed deck and stabilization, and recommended gravel or crushed stone under the deck to stabilize the soils. Mr. Larson stated that a stabilizing seed mix was proposed, but crushed stone or gravel would be acceptable.

MOTION: Mrs. Heard moved to close the public hearing for Donna Palmer. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mrs. Heard moved to grant a Negative Determination #2 with the added condition that gravel or crushed stone be placed under the deck to stabilize the soils. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

B. RDA – Connor Fleming

Present before the ConCom: Connor Fleming

Mr. Pichette described the project. A site inspection was made at 50 Great Neck Road. The project involves the removal of several trees and the control of invasive plant species in the buffer zone to BVW. There are several large cedar trees right up against an existing barn at the property that the owner wishes to remove as they are starting to affect the building. This is right up near the edge of the wetland. The stumps would be left in place. Also proposed is to remove bittersweet and historically dumped trash in the area marked in yellow on the plan which is also in close proximity to the wetland. Bittersweet will be removed from the trees by hand and disposed of. Refuse will also be removed by hand from the site. Recommend the issuance of Negative Determination #3 for the proposed activities.

Mrs. Heard questioned how invasives would be disposed of. Mr. Fleming stated removed invasives would be burned.

MOTION: Mrs. Heard moved to close the public hearing for Connor Fleming. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mrs. Heard moved to grant a Negative Determination #3. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

C. NOI – Leah Abbott, c/o J.C. Engineering, Inc.

Present before the ConCom: Brad Bertohlo, J.C. Engineering, Inc.

Mr. Pichette described the project. A site inspection was made at 63 Oak St. The project involves the reconstruction of a retaining wall and patio, and improvements to the parking area in the buffer zone to a Coastal Bank. An existing stone retaining wall is to be removed and a new keystone block wall constructed in the same general location. The wall is at the location of the Coastal Bank line. The existing driveway area would also be raised in elevation and proposed to be paved in an effort to make access to the site easier. The existing driveway is gravel. A stone trench is proposed at the end of the driveway to handle runoff from the paved surface. How will runoff be prevented from flowing off either side of the driveway? Is the stone trench adequate to handle runoff from the proposed paved area? Can the driveway remain as a gravel driveway? A DEP File # for the project has been received. Recommend consideration of the driveway remaining gravel. Recommend a continuance for plan revisions.

Brad Bertohlo describes proposal to pave the parking area because of difficulty accessing the existing sloped gravel driveway. Drainage trench will be provided for runoff.

Discussion ensues regarding runoff and how that will be controlled, and the potential for leaving it as a gravel or pervious driveway. Mrs. Heard, Mr. Besse, and Mrs. Schulz asked if the driveway can be pervious material or pervious pavers. Owner, Leah Abbott, states that a paved driveway is needed to make access more safe.

MOTION: Mr. Besse moved to close the public hearing for Leah Abbott. Mrs. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mrs. Malonson moved to grant an Order of Conditions for Leah Abbott w/ standard conditions. Mr. Bartie seconded.

VOTE: Unanimous (5-1-0)

D. Randall Riva, c/o G.A.F. Engineering, Inc.

Present before the ConCom: Bob Rogers of G.A.F. Engineering, Inc.

Mr. Pichette described the project. A site inspection was made at 10 Capt. Collis Dr. The project involves the construction of decks in the buffer zone to a coastal bank/coastal beach and within a coastal flood zone. A 14x20' deck is proposed ~18' from the top of the coastal bank which is a seawall. A proposed set of stairs from the deck would be 10' from the top of the wall. This is within the 30' No Activity Zone. Also, it is proposed to expand an existing deck, as shown, which is also within the 30' No Activity Zone. These decks would involve the installation of 13 sono tubes. Also proposed is a stairway on the side of the house to a 2nd floor balcony. This is outside the 30' No Activity Zone. There is concrete between the existing grass area and the seawall. I am told that this project would require Zoning Board of Appeals(ZBA) approval. Has an application been submitted to the ZBA? A DEP File # has been received. Recommend a continuance for ZBA application and a plan revision showing work being removed from the 30' No Activity Zone.

Mr. Rogers explains that the project will be submitted to the ZBA for review. He also state that the applicant has agreed to remove a portion of the existing concrete deck as mitigation for allowing some of the new deck to be within the 30' No Activity Zone. The currently existing deck will be slightly expanded and would have a sunroom over it.

Commission questions the nature of the new decks and the fact that one of the decks will have a roof proposed over it and therefore would be impervious area.

Mr. Rogers explains that the applicant is willing to compensate for any expansion of decks by the removal of the existing concrete.

The requirement to file with the ZBA is further discussed, and the need for a revised plan to be submitted prior to any decision being made on this project.

Mr. Pichette explains that alternatives that result in less encroachment into the 30" No Activity Zone should be required as opposed to only considering the submitted proposal.

MOTION: Mrs. Heard moved to continue the public hearing to the meeting of May 19, 2022 for plan revisions. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Edward & Susan Cabral, c/o Alpha Survey Group, LLC – SE76-2674

Present before the ConCom: Jim Peterson, Alpha Survey Group, LLC, Dwayne Vlaco, Vlaco Marine, & Edward & Susan Cabral

A site inspection was made at 4 point Road. The project involves the reconstruction of a seawall along a coastal bank and the construction of a garage in the buffer zone to the coastal bank and within a coastal flood zone. The site is also within the estimated habitat of rare and endangered species. It is proposed to install vinyl sheet piles in front of the existing seawall for a length of ~170'. It is proposed to remove the existing rip rap and footing in front of the wall so that the vinyl sheet piles can be driven into the ground. How will the removal of these features be accomplished? There is also a section of the wall that cuts back into the site that is to be removed and that area is to be filled to become part of the yard. Deadmen will be drilled through the wall back into the land to anchor the new wall in place. There is existing concrete between the house and the seawall that will also be removed and replaced. Salt marsh exists right up to the existing wall. How will salt marsh alteration be avoided? Also proposed is a 28x40' garage which would be 32' from the edge of the seawall, and in flood zone VE El 18/AE el 15. There is an existing garage there that will be removed to accommodate the new larger garage. A driveway expansion is also proposed in front of the new garage. Comments have been received from the MA NHESP stating no concerns with the project. The MA DMF has commented on the project stating concerns for salt marsh alteration. They are recommending a salt marsh monitoring plan and mitigation for any observed losses. A DEP File # has been received. Recommend a continuance for the salt marsh monitoring plan and for proposed mitigation.

Mr. Peterson explains that the Commission had questioned the methodology of how the base stones and rip rap would be removed at the toe of the existing wall prior to the installation of the new wall. Dwayne Vlaco of Vlaco Marine who will be doing the work is present to explain the methodology.

Mr. Vlaco explains that an excavator will lower a bucket from the land side of the project and that stones and concrete will be removed by hand and loaded into the bucket for removal.

Mr. Pichette states that MA DMF had recommended that a salt marsh monitoring plan be submitted for the project and that this has not yet been submitted. Commission members concur that they want to have the salt marsh monitoring plan prior to the issuance of an Order of Conditions for the project.

MOTION: Mr. Besse moved to continue the public hearing for Edward & Susan Cabral to May 19, 2021. Mrs. Heard seconded.

VOTE: Unanimous (6-0-0)

B. NOI –Vickie Piacentini – SE76-2675

Present before the ConCom: Vickie Piacentini

Mr. Pichette described the project. A site inspection was made at 204 Glen Charlie Road. The project involves the construction of a dock in Glen Charlie Pond. The project is also within the estimated habitat of rare and endangered species. A 4x34' dock with a 10' wide tee at the end is proposed. This would be a seasonal dock proposed to be removed in the winter season. Recommend that the dock be a straight length without the tee. To minimize footprint the dock should be a straight 4x30-34' dock. Winter storage of the structure should be outside the 30' No Activity Zone to the edge of the pond. At the last meeting no comments had been received from MA NHESP and no DEP File # had been received. A DEP File # has now been received as well as comments from the MA NHESP who had no negative comments. The applicant has agreed to have the dock in the straight line configuration. I recommend the issuance of an Order of Conditions with the standard conditions and the added condition the dock be in a straight line configuration stored outside the 30' No Activity Zone in the off season.

MOTION: Mr. Besse moved to close the public hearing for Vickie Piacentini. Mrs. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Besse moved to grant an Order of Conditions for Vickie Piacentini w/standard conditions & the added conditions that the dock be in a straight line configuration and that the dock be stored outside the 30' No Activity Zone in the off season. Mrs. Heard seconded.

VOTE: Unanimous (6-0-0)

C. NOI – Samuel O. Mello, c/o Charon & Associates, Inc. – SE76-2654

Present before the ConCom: Rick Charon, Charon & Associates

Mr. Pichette described the project. A site inspection was made at 9 Farrell Court. The project originally involved upgrading a septic system and the construction of an addition in the buffer zone to Blackmore Pond. The proposed expansion of the house and installing a new septic

system was not allowed by the Board of Health. At this point, a 2nd floor addition to the existing structure is proposed within the same footprint with no changes to the septic system. A DEP File # has been received.

Since the project has changed from what was originally submitted the discussion came up as to whether or not the applicant wants to withdraw the Notice of Intent and just do the second floor addition in the same footprint. Mr. Charon stated he wanted to discuss the matter with the owner before withdrawing the application.

MOTION: Mr. Besse moved to continue the public hearing for Samuel O. Mello to May 19, 2021. Mrs. Heard seconded.

VOTE: Unanimous (6-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. John Vhynanek – 2 Bluejay Terrace

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

The project was to reconstruct a seawall at this address. The project has been completed, but there is a washout on one corner of the wall near the road layout. This should be corrected before a Certificate of Compliance is issued.

Mr. Grady stated that the work to correct the problem was minor and could be done in a short time.

MOTION: Mrs. Heard moved to grant the Certificate of Compliance for John Vhynanek. Mrs. Malonson seconded. Certificate not to be issued until Mr. Pichette verifies that the corrective work to fix the washout has been completed.

VOTE: Unanimous (6-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion & Vote: Proposed Wetland By-law Amendments

The Commission discussed the two proposed Wetland By-law Amendments. Both were discussed by Mr. Pichette to explain what each entailed.

Article 10. This amendment proposes a change to how the Wetland By-law would be applied to the WV-1 Zoning District so that the No Activity Zone set backs would not apply in this area if the article were approved at Town Meeting.

Article 11. This article proposes to make all exemptions under the MA Wetland Protection Act available to Town projects under the Wetland By-law. This is already the case, as the by-law language already provides for this.

Commission members commented on the proposed articles and the consensus is that the members are not in favor of the proposed changes. Chairman Slavin asks for formal votes as to whether or not the Commission supports the two proposed articles.

Vote to support Article 10 (0-6-0)

Vote to support Article 11 (1-5-0)

B. Discussion: Appointments/Reappointments

C. Discussion: Conservation Restriction/Stewardship

D. Discussion: Bills

X. ADJOURNMENT

MOTION: Mr. Besse moved to adjourn the meeting at 8:28 P.M. Mr. Mercier seconded.

VOTE: Unanimous (6-0-0)

Date signed: 4/20/22

Attest: SSSle

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 4/21/22