

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: October 3, 2018

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Joe Leggett
Elissa Heard
Robert Lassen
David Pichette, Agent

Members Absent: Mary Taggart
Ken Baptiste
Jim Smith
Mark Carboni, Associate Member

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: February 21, 2018

To be handled later in the meeting.

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

A. NOI – Greg Carey/Clean Energy Collective, c/o G.A.F. Engineering, Inc. – SE76-2489

The applicant has requested a continuance to December 5, 2018.

MOTION: Mr. Leggett moved to continue the public hearing for Greg Carey/Clean Energy Collective to December 5, 2018. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

B. NOI – Gary Osmond, c/o G.A.F. Engineering, Inc. – SE76-2501

The applicant has asked for a continuance to December 19, 2018.

MOTION: Mr. Leggett moved to continue the public hearing for Gary Osmond to December 19, 2018. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

C. NOI – SouthCoast Hospitals Group, Inc. – SE76-2497

The applicant was not present.

MOTION: Mr. Leggett moved to continue the public hearing for SouthCoast Hospitals Group, Inc. to October 17, 2018. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

D. NOI – Kenneth Keegan, c/o Bracken Engineering, Inc. – SE76-2499

Present before the ConCom: Brendon Mullaney, Bracken Engineering

Mr. Mullaney submitted details on the salt marsh to the ConCom.

Mr. Pichette described the project. The property is located at 35 East Blvd. The application is for a response to an Enforcement Issue that was given to address the unpermitted placement of trap rock on the eroding coastal bank. The project involves the removal of the trap rock & construction of a stone revetment along the coastal bank & w/in the flood zone. There were some additional features that were placed on the site plan to be included as part of the project, such as creating some parking areas. At the last meeting, the ConCom's consensus was these areas should be reduced & only be to what was approved on a previous OOC vs. expanding as proposed. The revised plan submitted to the ConCom, still does not reflect what the ConCom had requested. He cannot recommend approval based on what is in front of the ConCom at this time. There was also discussion re: restoration of altered salt marsh. Details on this have been submitted, but the ConCom has not had time to review. He recommended continuing the hearing to have the plan include the ConCom's requests or if the applicant does not wish to continue, he would recommend the approval of the stone revetment, but not the other requested features.

Ms. Heard spoke re: the catch basin proposed there & how they need to be cleaned. Mr. Pichette stated the catch basin can be conditioned to be cleaned at proper intervals. Brief discussion ensued re: proper intervals.

Mr. Mullaney reviewed the revisions to the plan, such as the landscaped area, parking areas, catch basin, & gravel trench.

NOTE: Mr. Keegan arrived at this time.

Mr. Mullaney noted the size of the walkway proposed & how many vehicles will be able to park.

Present before the ConCom: Bruce Hutchins, 37 East Blvd.

Mr. Hutchins is in favor of the project as it will enhance Mr. Keegan's property as well as the neighborhood. He is also in favor of having a drainage system of some type to keep the water

away from Broad Cove. He noted in the wintertime, when the snow melts, it creates more water & the water is directed towards Mr. Keegan's home.

Mr. Pichette re-summarized the issues w/ the revised plan to update Mr. Keegan.

Mr. Keegan deals w/ water & elevations as part of his profession. He doesn't feel there is any other way to handle the situation in front of the house & in between the house & road. He has looked at other options between the house & the road, but the elevations are too much. If the parking areas are lowered, this will create a cliff off the wall. He would like to propose the landscape area to level it off. Mr. Mullaney stated if the parking areas are done as approved, it will create a gully/swail in between that will direct water directly towards Mr. Keegan's home & ultimately into Broad Cove. He stated their new proposal would alleviate the water from reaching Mr. Keegan's home & Broad Cove.

Mr. Keegan expressed concern re: snow melt funneling in front of his house let alone, rainfall. Mr. Pichette stated the ConCom is on board with digging a trench around the foundation, but not at four ft. wide. He stated in general, not much volume of water is being generated there. He is not seeing the need for all these features. He noted Mr. Keegan purchased a property w/ limitations. Mr. Keegan stated he is trying to remedy the property & abide by the rules. He doesn't feel the trench as the ConCom wants it will work. Mr. Mullaney stated w/ the current conditions of the site, what he is proposing will alleviate all these issues & the landscape area is also being proposed. These houses have been there for almost 150 years. He understands the current rules & this is a long-standing site that is need of remedy.

Mr. Keegan questioned what is being done that is negative to the area. Ms. Slavin stated Mr. Keegan is disturbing the 30 ft. no activity zone. There is lawn there presently & the proposal is to put a 2 ft. length retaining wall, impervious pavers for two driveways, a landscape area, & gravel trench. She asked if the plan can be re-submitted to show the existing approved plan. Mr. Mullaney clarified what the ConCom is asking & the restrictions. Discussion ensued.

MOTION: Mr. Leggett moved to continue the public hearing for Ken Keegan to October 17, 2018. Mr. Lassen seconded.

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

A. RDA – James Bonnar

The public hearing notice was read into the record.

Present before the ConCom: James Bonnar
Deanne Bonnar

Mr. Bonnar submitted the green abutter cards.

Mr. Pichette described the project. The property is located at 98A Edgewater Dr. The project involves proposing an addition w/in the buffer zone to a coastal bank. An OOC was previously issued for the site that approved an addition to an existing dwelling. One of the conditions of that OOC was that no further expansion of the structure towards the coastal bank would be allowed in the future & that was to be a continuing condition. The currently proposed addition is towards the coastal bank, so therefore, he recommended that the ConCom issue a positive determination for the request, requiring an NOI to be filed based on the previous condition.

Mr. Bonnar discussed the proposed project. Mrs. Bonnar discussed the history of purchasing the property & what transpired.

Mr. Leggett & Mr. Lassen concurred w/ Mr. Pichette.

MOTION: Mr. Leggett moved to close the public hearing for James Bonnar. Mr. Lassen seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Leggett moved to grant a Positive Determination for James Bonnar. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

B. RDA – John Ward, c/o Travers Landscape Construction

The public hearing notice was read into the record.

Present before the ConCom: Michael Frazier, Travers Landscape Construction Representative

Mr. Pichette described the project. The property is located at 32 North Blvd. in Onset. This is an after the fact filing for the construction of decks & w/in the buffer zone to a coastal beach & w/in a coastal flood zone. A 4x15' deck & an 8x11' deck have been constructed at the site. The closest 50' to the coastal beach & w/in coastal flood zone AE el. 14. The coastal beach is on the other side of the road from the subject lot. In the rear of the lot, a low concrete retaining wall was installed & backfilled w/ gravel fill material. He asked how much material was brought in. He asked if the driveway will be asphalted. He recommended pervious material. He stated the project may need to go before the ZBA. He recommended the issuance of a Negative Determination #2 for the work w/ a pervious driveway.

Mr. Frazier discussed the project, including materials that were brought in.

Ms. Slavin discussed erosion at the site.

MOTION: Mr. Leggett moved to close the public hearing for John Ward. Mr. Lassen seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Leggett moved to grant a Negative Determination #2 for John Ward w/ the added condition that the driveway be a pervious material. Mr. Lassen seconded.

VOTE: Unanimous (4-0-0)

C. NOI – Cape Cod’s Maple Park Campground, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at the Maple Park Campgrounds off Glen Charlie Road. The project involves the installation of water main pipe in the buffer zone to BVW & w/in the riverfront area of the Agawam River. The site is also w/in the estimated habitat of rare & endangered species. 800 ft. of water main pipe will be installed from where the road crosses the Agawam River to the campground headquarter area. A 5x8 concrete vault w/ valves & meter pit will be installed in the road area as shown. The water main is proposed w/in the existing dirt entrance road. This will involve trench work for the pipe installation. The work limit will be 6-7 ft. from the edge of the pond at its closest point. Silt fence is proposed along the edge of the road for the length of the pipe installation. Two new fire hydrants will be installed in the locations shown. Comments have not been received from NHESP. No DEP file number has been received. He recommended a continuance at this time.

MOTION: Mr. Leggett moved to continue the public hearing for Cape Cod’s Maple Park Campground to October 17, 2019. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

D. NOI – Vincent Perrone, c/o G.A.F. Engineering, Inc. – SE76-2508

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 27 Wildwood Avenue in the Swifts Beach area. The project involves the construction of an addition in the buffer zone to BVW & also w/in a coastal flood zone. An existing enclosed 8x16’ porch is to be removed & a 12x23’ addition is proposed in the same general area. The addition will be 50 ft. from the edge of the BVW. The location of the addition is w/in the existing yard area. No grade changes are proposed. Erosion control is proposed between the work & the resource area. He recommended both silt fence & haybales. There is also trash & debris in the adjacent woods. He recommended this be conditions to be cleaned up before the project commences. A DEP file number has been received. He recommended the issuance of an OOC w/ standard conditions & the added conditions for haybales, silt fence & trash cleanup.

MOTION: Mr. Leggett moved to close the public hearing for Vincent Perrone. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Leggett moved to grant an Order of Conditions for Vincent Perrone w/ standard conditions & the added conditions that silt fence & haybales be installed as well as the trash & debris be cleaned up before starting work. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

E. NOI – Savary Brothers, c/o JC Engineering, Inc.

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 8 Franklin St. The project involves upgrading a septic system in the buffer zone to a coastal bank & w/in a coastal flood zone. An existing cesspool is to be replaced w/ a new Title V nitrogen reducing system. The new leach field would be 73 ft. from the top of the coastal bank which exists across the street from the subject property. The site is also w/in coastal flood zone AE elevation 14. It is also proposed to change grades at the site as shown on the plan. This will involve filling the site 1-2.5 ft. He asked how much fill will be needed at the site. The driveway will be reconstructed in the same general area. He asked what the previous driveway surface was. Haybales are proposed between the work & the resource area. A DEP file # has been received. He recommended the issuance of an OOC w/ the standard conditions w/ the added condition for a pervious driveway & low nitrogen fertilizer.

Mr. Bertollo stated he would have to calculate the amount of fill needed, but at its highest point in the backyard, 2 ft. of fill would be needed. It is a raised system due to groundwater & that is why the grade needs to be brought up.

Mr. Pichette asked re: fill & if there will be any issues w/ runoff to the adjacent lots. Mr. Bertollo stated this site is the low point/trap in the area. It consistently floods. The road grade is elevated between the property & the beach across the street.

MOTION: Mr. Leggett moved to continue the public hearing for Savary Brothers to October 17, 2018. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

F. NOI – Steven Doire, c/o JC Engineering, Inc. – SE76-2507

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.
Steven Doire

Mr. Pichette described the project. The property is located at 250 Barker Road. This application is being filed as an after the fact filing for unpermitted work that has been conducted at the site. The ConCom previously approved a project at this location which involved the removal of an existing dwelling & deck & the reconstruction of a new dwelling & deck & the reconstruction of an existing patio & retaining walls in the buffer zone to Glen Charlie Pond. This work had been completed & a COC was issued for the project. Since then, additional work has been done at the site in the buffer zone & w/in the 30 ft. no activity zone along the edge of the pond which involves landscaping activities, the reconstruction of a retaining wall along the edge of the pond, the installation of granite steps, & the installation of an irrigation system. He recommended the Commission evaluate the project in terms of determining what they would have allowed had an application been submitted for the work initially. New features w/in the 30 ft. no activity zone that would not have been approved should be required to be removed & the site returned to its previous condition. This would include areas that were the sodding in that area, removing the landscape areas on the west side of the house & restoring that to natural vegetation & condition, restoring the block retaining wall under the deck to its previous configuration, removing the granite block & wood pile. Other features that would have been allowed, such as rebuilding the existing retaining wall along the edge of the pond, installing the irrigation system & landscaping work the buffer zone can be granted an after the fact approval. He asked what the source of water for the irrigation system is. A DEP file number has been received.

Mr. Doire apologized for doing work w/out permitting. He discussed damage to his property due to the extreme weather. He wants to make things right.

Mr. Bertollo submitted pictures of the site showing the backyard what was there prior.

Mr. Bertollo & Mr. Doire discussed problems at the site w/ runoff & remedies done/proposed.

Lengthy discussion ensued re: steps that need to be taken to be in compliance, what can stay, & what features need to be removed.

MOTION: Mr. Leggett moved to continue the public hearing for Steven Doire to October 17, 2018. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

- V. NOTE: The meeting went back to item III. Preliminary Business – B. Approve meeting minutes of February 21, 2018.**

MOTION: Mr. Leggett moved to approve the meeting minutes of February 21, 2018. Mr. Lassen seconded.

VOTE: Unanimous (4-0-0)

VI. CONTINUED PUBLIC HEARINGS

- A. NOI – Greg Carey/Clean Energy Collective, c/o G.A.F. Engineering, Inc. – SE76-2489 (DONE)**
B. NOI – Gary Osmond, c/o G.A.F. Engineering, Inc. – SE76-2501 (DONE)

- C. NOI – Southcoast Hospitals Group, Inc. – SE76-2497 (DONE)
- D. NOI – Kenneth Keegan, c/o Bracken Engineering, Inc. – SE76-2499 (DONE)

VII. **EXTENSION REQUESTS**

VIII. **ENFORCEMENT ORDERS**

IX. **CERTIFICATES OF COMPLIANCE**

A. **James Jackson – 7 Seventeenth Avenue**

Mr. Pichette stated this project was for the construction of a home. This project is completed according to the OOC. He recommended the issuance of a COC.

MOTION: Mr. Leggett moved to grant a COC for James Jackson – 7 Seventeenth Avenue. Ms. Heard seconded.

VOTE: Unanimous (4-0-0)

X. **ANY OTHER BUSINESS/DISCUSSION**

- A. **Discussion: Enos/Winship, LLC – Burgess Point**
- B. **Discussion: Draft Conditions**
- C. **Discussion: Reappointments**
- D. **Discussion: Conservation Restriction/Stewardship**
- E. **Discussion: Bills**

XI. **ADJOURNMENT**

MOTION: Mr. Leggett moved to adjourn the meeting. Mr. Lassen seconded.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____

