

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: Wednesday, March 7, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:01 P.M.

II. ROLL CALL

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

Members Absent: Mark Carboni, Associate Member

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: February 7, 2018

To be handled later in the meeting.

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

A. RDA – Winship, LLC

Mr. Pichette stated the applicant has requested a continuance to March 21, 2018.

MOTION: Ms. Slavin moved to continue the public hearing for Winship, LLC to March 21, 2018. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

B. NOI – Steven Caradimos, c/o N. Douglas Schneider & Associates, Inc. – SE76-2468

MOTION: Ms. Slavin moved to table the public hearing for Steven Caradimos. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

C. NOI – Rose Ann Dalbec, c/o McKinnon & Keese Eng. – SE76-2471

Present before the ConCom: Sandy Keese, McKinnon & Keese Eng.

Mr. Pichette described the project. The property is located at 2 Carmichael Way. The project involves the construction of a patio in the buffer zone to BVW. A 15x23 ft. patio is proposed to be constructed 30 ft. from the edge of the Wetland. Work has already commenced at the site in terms of excavation for the patio to create a level work area. The patio is to be a brick paver patio. Haybales are proposed between the work & the resource area. A DEP file number has been received. He recommended the issuance of an OOC w/ standard conditions & the added condition that the patio material be pervious paver type material & the disturbed area in the 30 ft. no activity zone that will not be used be restored.

Ms. Keese stated the homeowner has requested using the same type of pavers that are in her front yard that was approved by the ConCom many years ago. Mr. Pichette stated since this particular project is closer to the wetland, he is recommending the pervious type pavers. Brief discussion ensued.

MOTION: Ms. Slavin moved to close the public hearing for Rose Ann Dalbec. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an OOC for Rose Ann Dalbec w/ standard conditions & the added condition that pervious pavers be used for the patio, the disturbed area be restored, & no chemicals be used to treat weeds in the area. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

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

A. Discussion: DEP Severe Weather Emergency Declaration

Mr. Pichette discussed the declaration briefly.

IV. PUBLIC HEARINGS

A. RDA – Giuseppina Reid, c/o Newmen Services

The public hearing notice was read into the record.

No-one was present to represent the application.

MOTION: Ms. Slavin moved to table the public hearing for Giuseppina Reid. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

B. RDA – Bruce R. Warren, c/o Anthony Builders & Remodeling, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Anthony Narducci, Representative

Mr. Pichette described the project. The property is located at 27 Algelo Ave. in Hamilton Beach. The project involves the construction of a sunroom w/in a coastal flood zone. A 14x16 ft. sunroom is proposed to be constructed on an existing deck of the same dimensions w/in coastal flood zone VE, el. 18. The sunroom will have a poured concrete foundation. There are no grade changes proposed & the work is not in the buffer zone to any other resource areas. He recommended the issuance of a Negative Determination #2.

Mr. Narducci spoke briefly re: the sunroom construction.

MOTION: Ms. Slavin moved to close the public hearing for Bruce R. Warren. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #2 for Bruce R. Warren. Mr. Smith seconded.

VOTE: (6-0-1)
Ms. Heard abstained

NOTE: The meeting went back to item A. RDA – Giuseppina Reid, c/o Newmen Services.

MOTION: Ms. Slavin moved to take the RDA – Giuseppina Reid off the table. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

Present before the ConCom: Tina Newmen, Contractor

Mr. Pichette described the property. The property is located at 100 Glen Charlie Rd. The project involves replacing existing stairs & cement block borders w/in the buffer zone to Agawam Mill Pond. An existing set of cement stairs will be replaced in the same footprint that exists which is approx. 5x20 ft. There is also an existing 5x5 patio to be replaced & 8 inch high concrete block edging will be replaced. This project will primarily be done by hand. The existing stairs go right down to the pond. Haybales will be used. He recommended a Negative Determination #3 w/ the added condition that haybales be installed around the work area.

MOTION: Ms. Slavin moved to close the public hearing for Giuseppina Reid. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant a Negative Determination #3 for Giuseppina Reid w/ the added conditions that haybales be installed around the work area prior to commencement of work & all old materials be removed off site. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

C. NOI – Garry Buckminster/Wareham Dept. of Natural Resources, c/o The Nature Conservancy – SE76-2469

The public hearing notice was read into the record.

No-one was present to represent the application.

MOTION: Ms. Slavin moved to table the public hearing for Garry Buckminster/Wareham Dept. of Natural Resources, c/o The Nature Conservancy. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

D. NOI – Linda & Tom Hannon, c/o Lockwood Architects

The public hearing notice was read into the record.

Present before the ConCom: Bill Lockwood, Lockwood Architects
Linda Hannon
Tom Hannon

Mr. Pichette described the project. The property is located at 62 West Blvd. The project involves the tear down of an existing dwelling & the reconstruction of a new dwelling in the buffer zone to a coastal bank & w/in a coastal flood zone. An existing 19x38' dwelling is to be removed & a new 22x36 ft. dwelling constructed approx. 55 ft. from the top of a coastal bank, which exists on the other side of West Blvd. from the project site & w/in a coastal flood zone AE, el. 14. Also proposed is a new driveway & an 18x20 ft. patio on the back of the new dwelling. He asked how materials & soils will be contained on the site. He asked if the driveway will be paved. He stated a DEP file number has been received. He recommended the issuance of an OOC w/ the standard conditions & the added conditions to provide erosion control during the construction period.

Mr. Lockwood stated the site is very small. All materials will be trucked off site & new material be brought back to site as needed. There will be a haybale barrier & readjusted as traffic goes back & forth. The driveway will be constructed w/ pervious pavers.

Mr. Pichette noted a letter was received from an abutter w/ concerns that were not all Conservation related. The letter asked re: erosion control & the project's effect on groundwater. Mr. Lockwood stated there will be a garage level at grade, a bank cut into, & the geology is mostly beach sand that drains easily. They are above the tidal elevations.

Ms. Slavin stated she received an email late today from an abutter expressing concern re: the same issues as the letter Mr. Pichette received. The email asked where equipment will be parked. Mr. Lockwood stated there is parking around the village & they will have to adhere to

the parking rules in the neighborhood. He doesn't see any impact to the water table w/ this project.

Discussion ensued re: retaining walls.

MOTION: Ms. Slavin moved to close the public hearing for Linda & Tom Hannon. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Linda & Tom Hannon w/ standard conditions & the added condition of erosion control along West Blvd. & removed & replaced when necessary for access to the property. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

E. NOI – Barry C. Cosgrove, Trustee, c/o N.Douglas Schneider & Associates, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Doug Schneider, N. Douglas Schneider & Associates, Inc.

Mr. Pichette described the project. The property is located at 49 Blackmore Pond Circle. The project involves upgrading a septic system in the buffer zone to Blackmore Pond. An existing system is to be replaced w/ a new Title V nitrogen reducing septic system. The new leach field will be 80 ft. from the edge of the pond. This is the furthest location on the lot from the pond. The existing leach pit is to be filled in & abandoned. There is minor grading around the septic tank. Erosion control is proposed between the work & the resource area. He recommended that haybales & silt fence be used. A DEP file number has been received. He recommended the issuance of an OOC w/ the standard conditions w/ haybales & silt fence.

Present before the ConCom: Dennis Trembley, 48 Blackmore Pond Circle

Mr. Trembley stated the leaching field could be moved another 10 ft. towards the Murphy property. This would give 90 ft. from the pond. Mr. Schneider feels the system is in a reasonable spot for the property. There is 80 ft. from the pond. It would be a nitrogen reducing system. Mr. Trembley stated his lot is very close to his property. His well isn't shown on the plan even though there is Town water. He feels it is too close to his property. His well still exists. He stated there is also a fence Mr. Cosgrove has on his property. He asked how equipment will get in there. Mr. Schneider stated the fence would come down.

Mr. Schneider stated this project has gone before the Board of Health already. Mr. Pichette suggested Mr. Trembley speak to the BOH about his concerns. Lengthy discussion ensued.

MOTION: Ms. Slavin moved to continue the public hearing for Barry C. Cosgrove to March 21, 2018 pending response from the BOH & the reconsideration of the redesign of the septic.

NOTE: Ms. Slavin withdrew her motion.

Discussion continued. Mr. Schneider stated he can reconfigure the plans & also show Mr. Trembley's un-used well. He is hesitant to re-design the system & it is an acceptable system.

MOTION: Ms. Slavin moved to continue the public hearing for Barry C. Cosgrove to March 21, 2019. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

F. NOI – Steve Ramsay/Dona Estates LLC, c/o John Spink/Spink Design – SE76-2472

The public hearing notice was read into the record.

Present before the ConCom: John Spink/Spink Design
Steve Ramsay

Mr. Pichette described the project. The property is located at 120 Pinehurst Dr. The project involves repairs to an existing seawall along a coastal bank, coastal beach & w/in a coastal flood zone. Work was already done at this site which involved pouring a concrete support along the base of the wall for its 120 ft. length. This was a violation as this was done w/ no permits. The applicant is submitting this NOI to permit what was put in place plus additional work that is proposed. The poured concrete was poured at beach level & so does not protect the base of the wall from undermining. The applicant is proposing to install sheet piling along the base of the wall. The proposed sheet piles are thin vinyl only proposed 1-2 ft. below grade. These materials may not be strong enough to withstand wave action. Also, one ft. below grade does not seem like a viable long-term repair. The existing poured concrete that was placed w/out permits would not have been approved as it was installed had it been applied for. He would recommend the Commission consider requiring that this material be removed & a new plan suitable for the location & conditions of the area be designed for the long-term protection of the wall. A DEP file # has been received. He recommended a continuance of the hearing.

Mr. Spinks came in after the placement of the concrete footing. He gave a brief history of the existing wall & coastal flow. There is an undercutting of the rock on the bottom of wall. The wall was starting to deteriorate at the bottom. He discussed what was done to remedy this situation. He stated the owner had a Chapter 91 license & it stated repairs could be made. An engineer designed the footing. The problem is the movement of water & sand undercuts the bottom of the wall. He discussed the proposal to remedy the situation which involves using sheet piling.

Mr. Spinks clarified what the sheet piling & soil fabric will do. He discussed the concept of the design which will have no void space underneath. Discussion ensued.

Ms. Slavin asked who the engineer is who designed the wall. Mr. Ramsay stated he put the wall in because he is a mason. She stated whomever engineered the wall should know the Wetland Bylaws & should know not to pour concrete on the sand. Mr. Ramsay stated he had a Chapter 91 license that said he could repair the wall, but he had only 12 months to do it. He distributed pictures the poor condition of the wall. Brief discussion ensued.

Discussion ensued re: disturbance of grass & the outflow pipe.

Discussion ensued re: a patio being removed & seeded & the thickness of the materials (mills).

MOTION: Ms. Slavin moved to close the public hearing for Steve Ramsay/Dona Estates, LLC. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

Brief discussion ensued re: issuing a fine.

Mr. Pichette asked Mr. Ramsay if the Pinehurst Beach Association was informed of this project & if they were o.k. with it. Mr. Ramsay stated they are. Mr. Pichette asked if there is something in writing to that effect. Mr. Ramsay stated he can get something in writing. Mr. Pichette stated the Association had concerns about the project. Mr. Spinks stated he had spoken to the Association.

The ConCom members concurred to exercise their right to make a decision w/in 21 days to await a letter from the Pinehurst Beach Association.

V. CONTINUED PUBLIC HEARINGS

A.RDA – Winship, LLC (DONE)

B.NOI – Steven Caradimos, c/o N. Douglas Schneider & Associates, Inc. – SE76-2468

MOTION: Ms. Slavin moved to remove the public hearing for Steven Caradimos from the table. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

Present before the ConCom: Dave Divignon, N. Douglas Schneider & Associates, Inc.

Mr. Divignon distributed plans to the ConCom members. He noted the plan depicts plans for the sea wall & the master plan for the site.

Mr. Divignon proceeded to discuss in detail the plans for the site & the process to be used for the seawall construction.

Discussion ensued re: the coastal bank location. Mr. Pichette asked Mr. Divignon to look at the issue of filling in on a coastal bank & depicting more clearly where the coastal bank line is.

MOTION: Ms. Slavin moved to continue the public hearing for Steven Caradimos to March 21, 2018. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

NOTE: MOTION: Ms. Slavin moved to take the public hearing for the Dept. of Natural Resources off the table & continue the hearing until March 21, 2018. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

D. NOI – Rose Ann Dalbec, c/o McKinnon & Keese Eng. – SE76-2471 (DONE)

NOTE: The meeting went back to item III. Preliminary Business – A. Approve meeting minutes: February 7, 2018.

MOTION: Ms. Slavin moved to approve the meeting minutes of February 7, 2018. Mr. Leggett seconded.

VOTE: Unanimous (7-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

- A. Peter Franklin – 75 & 77 Greengate Lane**
- B. Alan Hesse – 11 Broadmarsh Avenue**

The Certificates of Compliance will be handled at a later meeting.

IX. ANY OTHER BUSINESS/DISCUSSION

- A. Discussion: DEP Severe Weather Emergency Declaration (DONE)**
- B. Discussion: Reappointments**
- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**
- E. Discussion: Appointments**

X. ADJOURNMENT

MOTION: Ms. Slavin moved to adjourn the meeting at 9:06 P.M. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____