

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: April 17, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

Members Absent: Jim Smith
Mark Carboni, Associate

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

A. NOI – Karen Oates, c/o Foresight Engineering, Inc. – SE76-2533

Mr. Pichette stated the engineer indicated he may be running late. He asked it be tabled until he arrives.

MOTION: Mr. Baptiste moved to table the public hearing for Karen Oates. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

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

The applicant has requested a continuance.

MOTION: Ms. Taggart moved to continue the public hearing for Gary Osmund to May 1, 2019. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Ken Nelligan – SE76-2516

Ms. Slavin stated the applicant has requested a continuance to May 15, 2019.

MOTION: Ms. Taggart moved to continue the public hearing for Ken Nelligan to May 15, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497

MOTION: Mr. Baptiste moved to continue the public hearing for Southcoast Hospitals Group, Inc. to May 1, 2019. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting continued w/ item VIII. Certificates of Compliance.

A. Phyllis Upham – 32 Pine Tree Drive

Present before the ConCom: Bill Condon, Attorney

Mr. Pichette stated the property is located at 32 Pine Tree Drive. The project involved the construction of a pier, ramp & float system. The pier is complete. One condition required that float stops on the float. This initially hadn't been done, but it has now been done. When he reviewed the float, the float stops did not hold the float 24 inches off the bottom as required. He has discussed this w/ the owner & it will be corrected. It is the ConCom's discretion how to proceed.

Attorney Condon stated \$15,000 has been set aside until this matter is corrected. He asked the ConCom issue the COC & it be held in escrow until it has been confirmed that this matter has been corrected. It is an easy fix & will be done tomorrow morning. Brief discussion ensued how to proceed.

MOTION: Mr. Baptiste moved to grant a COC for Phyllis Upham – 32 Pine Tree Drive pending an inspection & sign off for release by Agent Pichette. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

NOTE: Ms. Slavin distributed pictures to the ConCom. She stated that Mr. Pichette, Mr. Menard, Municipal Maintenance Director, & Mr. Buckland, Town Planner met to speak about a section of the Onset Bluffs for possible maintenance activities. The pictures depict vandalism dealing w/ cutting of trees, branches, etc. in front of the Peter Gay Bench. There were other instances of cutting around the bluffs as well. This is Town property. Police have been notified.

Ms. Slavin noted that the Town will be coming before the ConCom w/ an RDA for maintenance activities.

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. NOI – Town of Wareham, 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 Point Independence Rd. in Onset. The project involves stormwater structure repairs & the replacement of an underground fuel valve box in the buffer zone to a coastal bank & w/in a coastal flood zone. The project proposes to abandon an existing drainage outfall pipe & replace it w/a new one that will outfall through the existing bulkhead in a new location. An existing catch basin will be removed & replaced w/ a new deep sump catch basin 40 ft. from the existing bulkhead. It appears that little has been proposed to improve stormwater quality from the structure other than to propose a deep sump catch basin. Other improvement should be explored to improve water quality from this system. He asked if dewatering will be needed for the project. If so, a dewatering area needs to be identified. Also proposed is to replace an existing underground fuel valve box. He asked if the Fire Dept. has been involved w/ the review of this project. A DEP file number has been received. He recommended a continuance of the hearing to explore other improvements to stormwater in this area.

Mr. Rogers spoke re: dewatering. Dewatering will be up by the lawn area. The Town w/ G.A.F. Engineering & Mr. Buckland, Town Planner, are in the process of complying w/ a 2016 EPA NIPTS permit to develop a stormwater management program which is due at the end of June this year. A result will be a prioritization of outfalls which are mapped & tested. Improvements will be made as needed. There has been extensive discussion on this project. This project will be an improvement of existing conditions. The Town Administrator & the Municipal Maintenance Director have been asked for what is feasible in this location, if it is w/in this budget, & no additional appropriations.

Mr. Rogers stated another location up stream was looked at as an alternative. If money was no object, it could be done at an alternative site. There are hundreds of outfalls in the Town that need to be looked at.

Lengthy discussion ensued. Mr. Pichette wants to make sure other options are looked at & reviewed. Mr. Rogers stated this project was prioritized due to issues it was creating at the yacht club's gate house. Mr. Baptiste expressed concern re: mention of private property & he doesn't want the Town paying for something on private property. Ms. Taggart supports looking at alternatives, especially for the grass area. Discussion continued.

MOTION: Mr. Lassen moved to close the public hearing for Town of Wareham. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Lassen moved to grant an OOC w/ standard conditions & the added conditions re: dewatering for Town of Wareham. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Pharmacannis Massachusetts, LLC, c/o G.A.F. Engineering, Inc. – SE76-

The public hearing notice was read into the record.

The applicant has requested a continuance to May 1, 2019.

*****The ConCom didn't take a vote to continue the public hearing.*****

A woman in the audience asked procedural questions.

C. NOI – Terry & John D'Albis, c/o Lockwood Architects

The public hearing notice was read into the record.

Present before the ConCom: Bill Lockwood, Lockwood Architects

Mr. Pichette described the project. The property is located at 19 Nobska Way. The project involves the reconstruction of a foundation slab & enclosing an existing house that is on stilts w/ break away panels to be placed w/in the existing piers. The work is w/in the existing footprint. He stated these things are typically left open if there is a storm & breakaways are used. These breakaways can be strapped down. The concern is w/ what will be stored in this area & being exposed during a flood event. This project is permitted relative to enclosing it. A DEP file number has not been assigned, so he recommended continuing the hearing.

Mr. Lockwood stated the area will be used as a garage. Cables will be used to tie the panels to the foundation as well as flood vents in the panels.

Ms. Heard asked if there is a preservation area next to this property. Mr. Lockwood believes it is. Ms. Heard expressed concern re: damage to the preservation area from this property if there is a storm. Mr. Pichette stated the OOC can be conditioned to address this concern. Mr. Lockwood stated there is a shed that houses their "stuff". It was also stated that the area in question will be used to place the applicant's cars.

MOTION: Mr. Lassen moved to continue the public hearing to May 1, 2019 for Terry & John D'Albis. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Rocky Road Realty Trust, Lot 4, c/o Outback Engineering, Inc. – SE76-2539

The public hearing notice was read into the record.

Present before the ConCom: Jim Pavloc, Outback Engineering, Inc.

Mr. Pichette described the project. The property is located at Lot 4 on Minot Ave. The project involves the construction of a duplex in the buffer zone to BVW & w/in a coastal flood zone. A 28x72 ft. duplex is proposed 45 ft. from the edge of the BVW & w/in coastal flood zone AE, e. 14. The limit of work for the duplex project is 30 ft. from the edge of the wetland. Haybales & silt fence will be installed along the limit of work line for erosion control. It is proposed to fill the site & construct a retaining wall around the construction area to contain the fill. The grade will be raised 5-6 ft. & the retaining wall will be 6 ft. in height. He asked what the amount of fill that will be needed for the project. He asked if there will be fencing along the top of the wall. The duplex will be serviced by Town sewer & water. A DEP file number has been issued. He recommended that the fill be reduced & therefore the plan be revised. He recommended the 30 ft. no activity zone be identified w/ some permanent demarcation & the retaining wall be the ongoing limit of work at the site so that no future alterations are allowed beyond the retaining wall, where that is also the 30 ft. no activity zone line. He recommended a continuance of the hearing.

Mr. Pavloc described in detail the layout of the lot. Discussion ensued re: fill to be used. Mr. Pavloc stated they are trying to minimize the amount of fill to be used by putting in a retaining wall. Mr. Pichette feels there is a lot of fill to be used for this area when speaking about changing the grade from 5-6 ft. & putting in a 6 ft. wall that may produce a safety hazard for someone. Mr. Pavloc stated there will be fencing around that.

Mr. Pichette stated the house needs to be a specific height according to the building code. The fill does not have to be that high, but the applicant is choosing to have it high. Again, the amount of fill being proposed is significant & should be reduced.

Ms. Taggart asked what provisions have been made for the runoff from the driveways onto Minot Ave. Mr. Pavloc stated no special provisions have been made for that, but a rain garden or infiltration area could be done. Mr. Pavloc spoke re: an alternative layout which includes a garage which would reduce the impervious surface. Another option would be roof drainage.

Mr. Lassen expressed concern re: runoff issues. Discussion ensued re: runoff & ways to mitigate the runoff.

Mr. Pavloc asked for the discussion to continue at the next meeting so he can come up w/ a revised plan. He proposed having a slab foundation so there would be no basement, adding roof drains for runoff & providing drainage infiltration for the driveway. The slab needs to be above the flood elevation.

MOTION: Ms. Taggart moved to continue the public hearing for Rocky Road Realty Trust, Lot 4 to May 1, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Rocky Road Realty Trust, Lot 5, c/o Outback Engineering, Inc. – SE76-2540

The public hearing notice was read into the record.

Present before the ConCom: Mr. Pavloc, Outback Engineering, Inc.

Mr. Pichette described the project. The property is located on Lot 5 on Minot Ave. The project involves the construction of a duplex in the buffer zone to BVW & w/in a coastal flood zone. A 40x64 ft. duplex is proposed w/ each unit having a 14x24 ft. garage 72 ft. from the edge of the BVW & w/in coastal flood zone AE, elevation 14. The limit of work for the duplex project is 30 ft. from the edge of the wetland. Haybales & silt fence will be installed along the limit of work line for erosion control. The duplex will be serviced by Town sewer & water. The proposed driveways are to be paved. If allowed, he recommended the driveways be pitched away from the wetland so as not to direct runoff to the wetland. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added conditions that no work, including the cutting of vegetation be allowed beyond the limit of work line & that this be a continuing condition. He recommended the driveways be pitched away from the wetland or that they be a pervious material.

Mr. Pavloc discussed the plans for Lot 5.

Brief discussion ensued re: the elevation of the driveway. Mr. Pavloc stated the driveway could be pitched away from the wetland.

MOTION: Ms. Heard moved to close the public hearing for Rocky Road Realty Trust, Lot 5. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Lassen moved to grant an OOC w/ standard conditions & the added condition re: the pitch of the driveway be away from the wetland & no cutting of vegetation beyond the limit of work line for Rocky Road Realty Trust, Lot 5. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Rocky Road Realty Trust, Lot 6, c/o Outback Engineering, Inc. – SE76-2541

The public hearing notice was read into the record.

Present before the ConCom: Mr. Pavloc, Outback Engineering, Inc.

Mr. Pichette described the project. The property is located at Lot 6 on Minot Ave. The project involves the construction of a duplex partially w/in a coastal flood zone. A 40x80 ft. duplex is proposed w/ each unit having a 24x24 garage w/in coastal flood zone AE, elevation 14. The duplex & garages will be outside the buffer zone to the wetland. Haybales & silt fence will be installed along the limit of work line for erosion control. The duplex will be serviced by Town sewer & water. The proposed driveways are to be paved. He recommended the driveways be pitched so as not to direct runoff towards the wetlands. A DEP file number has been issued. He

recommended the issuance of an OOC w/ standard conditions & the added condition that the driveways be pitched away from the wetland or that they be a pervious material.

Mr. Pavloc described the plans. Brief discussion ensued re: a potential rain garden. Ms. Slavin suggested sloping both driveways to the center & create a water retention area. Brief discussion ensued.

MOTION: Mr. Lassen moved to close the public hearing for Rocky Road Realty Trust, Lot 6. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Lassen moved to grant an OOC w/ standard conditions & the added conditions that there be an infiltration swail w/ driveways pitching toward said swail for Rocky Road Realty Trust, Lot 6. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Karen Oates, c/o Foresight Engineering, Inc. – SE76-2533

MOTION: Ms. Heard moved to un-table the public hearing for Karen Oates. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

Present before the ConCom: Darren McHale, Foresight Engineering, Inc.

Mr. McHale stated the Board of Health has approved the project.

Mr. Pichette described the project. The property is located at 25 Willard St. The project involves the upgrading of a septic system in the buffer zone to BVW. The new system is a nitrogen reducing system. The new leach field will only be approx. 55 ft. to edge of wetland & will be raised 2 ft. above the existing grade. The BOH has now approved the project & a DEP file number has been assigned. He recommended an OOC w/ standard conditions.

MOTION: Mr. Baptiste moved to close the public hearing for Karen Oates. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Baptiste moved to grant an OOC w/ standard conditions for Karen Oates. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

- B. NOI – Gary Osmund, c/o G.A.F. Engineering, Inc. – SE76-2501 (DONE)
- C. NOI – Kenneth Nelligan – SE76-2516 (DONE)
- D. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497 (DONE)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

- A. Phyllis Upham – 32 Pine Tree Drive (DONE)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

- A. Discussion: Reappointments
- B. Discussion: Conservation Restriction/Stewardship
- C. Discussion: Bills

X. ADJOURNMENT

MOTION: Mr. Lassen moved to adjourn the meeting at 8:35 P.M. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____