

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: May 4, 2016**

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:10 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Sandy Slavin  
Joe Leggett  
Jim Smith  
Mark Carboni  
Elizabeth Lydon  
Mary Taggart, Associate Member  
Elissa Heard, Associate Member  
Dave Pichette, Agent

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: August 19, 2015**

**MOTION: Ms. Slavin moved to approve the meeting minutes of August 19, 2016. Mr. Leggett seconded.**

**VOTE: (5-0-1)**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Wareham Public Schools/Michael MacMillan, c/o Knight, Bagge & Anderson, Inc.**

Present before the Commission: Michael MacMillan, Wareham Public Schools

The public hearing notice was read into the record.

Mr. Pichette described the project. The project involves the construction of three tennis courts in a buffer zone to a coastal bank at 4 Viking Drive. The work will require removal of the existing grass, grading, installation of a base material and surfacing area for the tennis courts. There will be approximately 120 feet by 155 feet used. The work will be approximately 75 feet from the coastal bank. Mr. Pichette recommended the approval of the project with a Negative #3 Determination.

**MOTION: Ms. Slavin moved to close the public hearing for Wareham Public Schools/Michael MacMillan. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #3 Determination for Wareham Public Schools/Michael MacMillan. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**B. RDA – Joshua & Jessica Casey**

Present before the Commission: Joshua Casey

The public hearing notice was read into the record.

Mr. Pichette described the project. The project involves improvement to a driveway in a buffer zone to wetlands at 402 County Road. This is an after-the-fact filing. The driveway was previously graveled. The driveway is approximately 75 feet from the wetland.

**MOTION: Ms. Slavin moved to close the public hearing for Joshua & Jessica Casey. Mr. Smith seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #3 Determination for Joshua & Jessica Casey. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**C. RDA – Robert Henderson**

Present before the Commission: Robert Henderson

The public hearing notice was read into the record.

Mr. Pichette described the project. He noted this is an after-the-fact filing to replace a retaining wall and deck in the buffer zone to White Island Pond at 5 Point Pleasant Circle. An existing retaining wall was replaced with a keystone block wall in the same general location. The wall is approximately 25 feet to the edge of the pond. The deck was also replaced in the same general location. The deck may require additional footings. Any grade changes done were minimal.

Mr. Pichette recommended approval of this project with the additional sauna tube footings as required by the Building Inspector with a Negative #3 Determination.

**MOTION: Ms. Slavin moved to close the public hearing for Robert Henderson. Ms. Heard seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to approve the after the fact filing and grant a Negative #3 Determination for Robert Henderson. Ms. Heard seconded.**

**VOTE: (6-0-0)**

**D. Amended OOC – Amanda Wright & Eric Berriault, c/o JC Engineering, Inc. – SE76-2374**

Present before the Commission: Brad Holmes, JC Engineering

The public hearing notice was read into the record.

Mr. Pichette described the project. The project involves making a change in the plans to construct a single family house in the buffer zone to wetlands at 64 Squirrel Island Road. There is a different footprint and grading. The general location and general work remain the same.

Mr. Pichette recommended approving the changes.

**MOTION: Ms. Slavin moved to close the public hearing for Amanda Wright & Eric Berriault. Mr. Smith seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to approve the Amended OOC & to accept the revised plan dated March 23, 2016 and to include the new owner's name for Amanda Wright & Eric Berriault. Mr. Smith seconded.**

**VOTE: (6-0-0)**

**E. NOI – J. Donegan Company/Jay Donegan, c/o Bohler Engineering – SE76-2385**

Present before the Commission:

The public hearing notice was read into the record.

Mr. Pichette described the project. The project involves construction for commercial and retail use approximately 50 feet from the wetland at 2419 and 2427 Cranberry Highway and Seth F. Tobey Road. The project is currently under review by the Town Review Engineer, Charlie Rowley, but the review is not yet complete. There is a stormwater detention basin proposed at the west end of the site. There are under pavement structures proposed for stormwater as well.

There are approximately 318 parking spaces proposed for the site. A DEP File # has been received.

Mr. Pichette recommended continuing the public hearing until they receive the review from the Town Engineer.

**MOTION: Ms. Slavin moved to continue the public hearing for J. Donegan Company to May 18, 2016. Mr. Smith seconded.**

**VOTE: (6-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – Onset Mobile Home Park**

The applicant has requested a continuance to June 1, 2016.

**MOTION: Ms. Slavin moved to continue the public hearing for Onset Mobile Home Park to June 1, 2016. Mr. Leggett seconded.**

**VOTE: (6-0-0)**

**B. NOI – Derek Change**

The applicant has requested a continuance to June 15, 2016.

**MOTION: Ms. Slavin moved to continue the public hearing for Derek Chang to June 15, 2016. Mr. Smith seconded.**

**VOTE: (6-0-0)**

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

Present before the Commission: Ray\_\_\_\_\_, Onsite Engineering  
Representative for KeyPoint Partners

Mr. Pichette explained the applicant is looking to install stormwater structures in a buffer zone to wetlands at 2991 Cranberry Highway. Stormwater improvements are proposed to alleviate flooding and runoff. New catch basins will be installed. A water quality treatment structure is proposed as part of the new line. Mr. Pichette questioned what level of rain event would cause the system to surcharge back.

The applicant has produced two new options for the site layout to attempt to remove the project from the 50 foot buffer zone. The applicant has spoken with Mr. Pichette re: moving the discharge pump of the drainage system out of the 50 foot no touch zone. The applicant was able

to remove the pipe from that area on the plan, the applicant realized in doing this that the invert would be two feet below the grades which would cause surcharging back into the pipes. One scenario on the site layout shows the system without any work in the 50 foot buffer zone with no grading, which extends discharge back into the pipes all the way to the system (which would interfere with the water separation). The second scenario shows the discharge right at the 50 foot buffer zone with some grading proposed, which creates much less discharge back into the pipes than the option of no work taking place in the 50 foot buffer zone.

**MOTION: Ms. Slavin moved to close the public hearing for TRT Wareham, LLC/KeyPoint Partners, LLC. Mr. Leggett seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to approve an OOC for the project as presented on the second plan with limited grading for TRT Wareham, LLC/KeyPoint Partners, LLC. Mr. Leggett seconded.**

**VOTE: (6-0-0)**

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

Present before the Commission: Frank Westgate – Land Surveyor

Mr. Pichette stated the applicant is requesting to repair an existing seawall at 12 Algelo Avenue. There is an existing concrete block seawall of 50' in length is to have deteriorated sections removed and replaced. The applicant also proposed to install a concrete buttress. The applicant is requesting power washing the wall to loosen stone and concrete to be replaced. The applicant is requesting to install five 2 inch weep hole drains into the wall. Once the wall is completed the applicant is proposing a poured concrete cap on top of the wall and re-pouring the existing stairs. There is a DEP # on file.

Mr. Pichette stated he prefers the hearing be continued since abutters' were only notified two days before the hearing. He also recommended the wall be hand washed in lieu of power washing to prevent sediment from washing into the marsh. Ms. Slavin recommended the work be done at low tide.

**MOTION: Ms. Slavin moved to continue the public hearing for Ricciato Hilde Life Estate to May 18, 2016. Mr. Smith seconded.**

**VOTE: (6-0-0)**

**E. NOI – Dos Amigos, LLC, c/o JC Engineering, Inc. – SE76-2379**

Present before the Commission: Brad Holmes, JC Engineering

Mr. Pichette stated the applicant is proposing to grade and construct a driveway in bordering vegetated wetland at 1130 Main Street. A 26'x52' foot dwelling is proposed with an attached 24'x28' garage. The dwelling and garage are outside of the buffer zone. The water main connection is also within the buffer zone. The amount of fill and grading was changed drastically on the revised plan. The amount of fill required on the original plan was 400 yards of fill, the amount of fill on the revised plan is 800 yards. The revised plan does show a berm to prevent water from running onto adjacent lots, however the berm does not run the length of the lot. There is a DEP # on file.

Mr. Holmes stated the berm could be extended to the street. He stated there was an increase in fill to level out the slope to prevent pooling, as well as the elevation of the garage being raised from 61 to 62. Ms. Slavin requested slow nitrogen release organic soil for the grass.

**MOTION: Ms. Slavin moved to close the public hearing for Dos Amigos, LLC. Mr. Smith seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to approve an OOC for the project with two changes; the berm to extend the length of the property line and only slow releasing nitrogen fertilizer be used on the property for Dos Amigos. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**A. Keith B. Aarsheim – 1 Boathouse Drive**

Present before the Board: Stephen Carvahlo

It was stated that Mr. Aarsheim had cleared some land and removed stumps in a coastal flood zone without any review by the Commission. At this time, all work has been discontinued and Mr. Aarsheim is in the process of putting together an application for an after- the- fact filing.

Mr. Aarsheim has asked if he could install risers or fill in the deep excavation that does exist now to prevent anyone from falling in. The Commission approved the filling in of the existing excavation.

**MOTION: Ms. Slavin moved to ratify the Enforcement Order allowing Mr. Aarsheim to install risers and/or fill the holes. Mr. Smith seconded.**

**VOTE: (6-0-0)**

## **VIII. CERTIFICATES OF COMPLIANCE**

### **A. Maplewood Builders, LLC – SE76-1811**

The Commission concurred to hold the Certificate of Compliance for Maplewood Builders, LLC.

## **IX. ANY OTHER BUSINESS/DISCUSSION**

### **A. Discussion: Cheryl Lapann – 219 Glen Charlie Road**

Present before the Board: Cheryl Lapann

Mr. Pichette stated Ms. Lapann is present before the Board to discuss her application to install a swimming pool at 219 Glen Charlie Road. The applicant had cleared some of the property in the buffer zone and possibly in the wetlands as well, for the proposed pool. The applicant has ceased work and filed an RDA with the Conservation Commission.

### **B. Discussion: Keith Mann – Hathaway Road**

No discussion was held.

### **C. Discussion: Conservation Restriction/Stewardship**

No discussion was held.

### **D. Discussion: Bills**

No discussion was held.

### **E. Discussion: Appointments**

The Board discussed having Mr. Rogers as an Associate Member and have Ms. Heard as a full member.

## **X. ADJOURNMENT**

**MOTION:** Ms. Slavin moved to adjourn the meeting at 8:45 P.M. Mr. Smith seconded.

**VOTE: (6-0-0)**

Date signed: \_\_\_\_\_

Attest: \_\_\_\_\_

Ken Baptiste, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: \_\_\_\_\_