

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

**Date of Meeting: April 2, 2014**

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

The meeting was called to order at 7:11 P.M.

### **II. ROLL CALL**

Members Present: John Connolly, Chairman  
Ken Baptiste, Vice Chairman  
Sandy Slavin, Clerk  
Donald Rogers (Departed at 8:18 P.M.)  
Joe Leggett  
Joe Mulkern, Associate Member (Arrived at 7:16 P.M.)  
David Pichette, Agent

Member Absent: Mark Carboni

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: March 19, 2014**

**MOTION:** Ms. Slavin moved to approve the meeting minutes of March 19, 2014.  
**Mr. Rogers seconded.**

**VOTE: (4-0-1)**  
**Mr. Rogers abstained**

### **IV. PUBLIC HEARINGS**

#### **A. NOI – Rose Cherubini/Cherubini Over Jordan Realty Trust, c/o Land & Sea Engineering, LLC – SE76-2295**

Present before the Commission: Mr. Burgess, Land & Sea Engineering, LLC

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 19 & 21 Over Jordan Road. The project involves modifications & repairs to an existing seawall which is along a coastal bank. 532 ft. of seawall is proposed to be modified by pouring a concrete extension onto the top of the existing stone seawall to raise the elevation of the top of the wall by 2-3 ft. Helical screw anchors would be drilled through the wall back into the land to prevent the wall from falling forward. Fill would be placed behind the wall in certain areas that had been eroded. There is no information on fill volumes or proposed grade

changes shown on the plan. The project had already been started, so this is an after the fact filing to complete the work that already commenced. The entire 532 ft. of wall has been formed for the concrete extension. The thinking is that adding the extension will reduce the amount of times the wall is overtopped by coastal storm events & thereby reduce erosion that has been occurring behind the wall in certain locations over the years. He had asked about the structural integrity of the existing stone wall which is an older wall as to whether it would support the weight of the additional concrete extension. A letter has been submitted by the engineer stating that the wall will support the weight, but there was no supporting information about the existing structure included w/ the letter describing the makeup of the wall in terms of a footing, etc. The stone work has already been all remortared, but there is no indication of filter fabric or other material behind the wall to prevent sediment from coming through or under the wall. If the extension were to be allowed, then water would be trapped behind the wall. How would this impact the wall or other coastal resource areas when water would want to retreat? He expressed concern for potential erosion from water escaping at the low points. The project as proposed would also create a higher vertical wall in a velocity flood zone which could potentially have negative impacts to surrounding resource areas. He this project come before the Commission initially, he believes other alternatives would have been discussed vs. what has been started. A DEP file number has been assigned. He recommended the continuance of this hearing to consider alternative designs or a reduction in the area for the wall extension to be added.

Discussion ensued.

**MOTION:** Ms. Slavin moved to continue the public hearing for Rose Cherubini/Cherubini Over Jordan Realty Trust to April 16, 2014. Mr. Leggett seconded.

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

**B. NOI – Smithers Viscient, LLC, c/o N. Douglas Schneider & Associates, Inc. – SE76-2294**

Present before the Commission: N. Douglas Schneider  
Mr. Souza  
Attorney Winokur  
Mr. Estes

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 790 Main St. or 13 Station St. The project involves the construction of two additions to an existing commercial building w/ associated parking lot expansions & stormwater drainage structures in the buffer zone to BVW. The two proposed additions, 7,000 sq. ft. & 20,000 sq. ft. are both outside the buffer zone to the wetland. The proposed stormwater detention basins & outfalls, as well as portions of the proposed parking lots are w/in the buffer right up to the

edge of the 50 ft. no activity zone. The project is broken into two phases on the plan, but the Commission is reviewing the entire project under this NOI. The stormwater drainage systems are being reviewed by Charlie Rowley at this time, but that review has not yet been completed. He stated he has reviewed the wetland flags shown & feels that a few would need to be adjusted. He will be meeting w/ the wetland consultant to review the wetland flags. A DEP file number has been assigned. He recommends a continuance of hearing to obtain the stormwater review report & to evaluate the wetland flags.

Discussion ensued.

**MOTION:** Mr. Leggett moved to continue the public hearing for Smithers Viscient, LLC to April 16, 2014. Mr. Baptiste seconded.

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

**C. NOI - William Lockwood, c/o Lockwood Architects**

Present before the Commission: William Lockwood, Lockwood Architects  
Mr. Butler

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 13 Sunset Avenue in Onset. The project involves the construction of a 6x28 porch addition, the reconstruction of a retaining wall, the construction of a new retaining wall, improvements to an existing seawall, the construction of a patio, & the resurfacing of the driveway, all w/in the buffer zone to a coastal bank. A DEP file number has been assigned. He recommends the issuance of an Order of Conditions w/ standard conditions.

Brief discussion ensued re: utilizing pavers for the driveway.

**MOTION:** Mr. Leggett moved to close the public hearing for William Lockwood. Mr. Slavin seconded.

**VOTE: Unanimous (4-0-0)**

**MOTION:** Ms. Slavin moved to grant an Order of Conditions for William Lockwood w/ standard conditions & the added condition that pavers be utilized for the driveway. Mr. Leggett seconded.

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

**V. CONTINUED PUBLIC HEARINGS**

**A. ANRAD – Ninety-Six Realty LLC, c/o G.A.F. Engineering, Inc. – SE76-2290**

**MOTION:** Ms. Slavin moved to continue the public hearing for Ninety-Six Realty LLC to April 16, 2014. Mr. Baptiste seconded.

**VOTE: Unanimous (4-0-0)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**A. Cook – 28 Sariah Lane**

Brief discussion ensued re: the Enforcement Order

The Commission concurred to have Mr. Pichette send another letter requesting Mr. Cook be present at the Commission's May 7<sup>th</sup> meeting.

**B. 210 Blackmore Pond Road**

Mr. Pichette stated he is awaiting an application for an NOI re: 201 Blackmore Pond Road.

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Brian Hupp – 249 Blackmore Pond Road**

Mr. Pichette explained that Mr. Hupp has been advised on what needs to be done before the Certificate of Compliance is issued.

**B. Ronald Buck**

**MOTION:** Ms. Slavin moved to grant a Certificate of Compliance for Ronald Buck. Mr. Leggett seconded.

**VOTE: Unanimous (4-0-0)**

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Land donation request – Lot 1005, Marks Cove Road**

Mr. Pichette discussed a land donation request. Brief discussion ensued.

**MOTION:** Mr. Baptiste moved to pass on the land donation on Marks Cove Road. Mr. Leggett seconded.

**VOTE: Unanimous (4-0-0)**

**B. Discussion: Conservation Commission application – William J. Smith**

Brief discussion ensued.

**C. Discussion: Conservation Restrictions/Stewardship**

Brief discussion ensued.

**D. Discussion: Violations – Cook – 28 Sariah Lane**

Brief discussion ensued.

**E. Discussion: Swifts Beach**

Brief discussion ensued.

**F. Bills**

Brief discussion ensued.

**X. ADJOURNMENT**

**MOTION:** Ms. Slavin moved to adjourn the meeting at 9:00 P.M. Mr. Baptiste seconded.

**VOTE: Unanimous (4-0-0)**

**Date signed:** 4-16-2014

**Attest:** 

**John Connolly, Chairman**

**WAREHAM CONSERVATION COMMISSION**

**Date copy sent to Town Clerk:** 4/17/14