

Conservation Commission Minutes

February 1, 2023

WAREHAM TOWN CLERK
2023 APR 6 PM3:10

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

PRELIMINARY BUSINESS:

Chair, Sandy Slavin opened the meeting at 6:30p.m.

Present: Chairperson, Ms. Sandra Slavin, Denise Schulz, Kwame Bartie, Michael Mercier, Carol Malonson and Nichole Locurto

Absent: Ms. Parr

Conservation Administrator, Joshua Faherty was also in attendance.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. **Timothy Sicard, 241 Blackmore Pond Road, Wareham, MA** – To construct a free-standing garage and lean-to.

Mr. Bartie read the advertisement in for the record.

Michael Cloutier was present. He said he didn't notify the abutters, nor was he aware they needed to be notified.

He explained the project of a free-standing garage of 24x30 for storage and a hobby shop for woodworking.

Mr. Bartie said he visited the site and stated it was not staked out.

Mr. Mercier asked about the building of a well on the property, as it is on the plans.

Mr. Cloutier said that the well is on the other side of the house and not part of this project.

Ms. Slavin said she also visited the site, and it was not staked out, and she did inform the woman at the door it needed to be. She would recommend a drywell for the run-off of the roof. She recommended a continuance so that the abutters can be notified and the property be staked out.

Mr. Faherty said he would get in touch with Mr. Sicard and recommended a continuance to the next meeting.

Ms. Schulz made a motion to continue 241 Blackmore Pond Road to February 15, 2023 and was seconded by Mr. Mercier. The motion passed unanimously.

2. **John Houser, 12 Widow Cove Lane, Wareham, MA** – To construct a 14' x 20'

Pavilion.

Mr. Bartie read the advertisement in for the record.

Mr. Abely was present for the applicant and described the project as a 14x20 pavilion on the property.

Mr. Faherty stated a dry well was needed and put on the plans. He also shared concerns about the shed on the property as it should be included on the plans as it is on pervious material.

Mr. Abaly stated it would be built on sono-tubes.

Mr. Bartie stated the project needs to be staked out as well.

There was no public comment.

Mr. Abely stated he didn't have the green cards and Mr. Faherty stated that needed to be done prior to the next meeting as well as the stake out, the dry well, and shed on put on the plans.

Ms. Schulz made a motion to continue 12 Widow Cove Lane to February 15, 2023 which was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

3. Glenn & Joanne Viera, 12 Squirrel Island Road, Wareham, MA – To construct a 24' x 28' two-car garage with a loft.

Mr. Bartie read the advertisement in for the record.

Mr. Abely was present and stated they wanted to build a 24x28 two-car garage that will be free-standing on a slab. He said there was no green cards.

Mr. Faherty recommended a sil fence to be reconstructed there and a dry well for runoff from the roof. He would recommend a continuance for the notifying of abutters.

Ms. Malonson also recommended the drywell for roof run-off.

The homeowner, Mr. Viera was present. He said the house is only six months old and the plastic fence was put there for just the line and they will remove it. He said the garage will be on a foundation, as opposed to sonic tubes. He said the driveway exists currently.

Ms. Schulz made a motion to continue to February 15th for abutter notification, to also put the existing driveway and dry well on the plans. The motion was seconded by Mr. Bartie and passed unanimously. (6-0-0)

4. Stephen C Hurlburt, 131 Atwood Way, Wareham, MA – To fill an old drainage ditch along a cranberry bog.

Mr. Bartie read the advertisement for the record.

Frank Westgate, the land surveyor was present along with the homeowner, Stephen Hurlburt.

Mr. Faherty stated the website had been updated and perhaps threw the applicants off for not doing the abutter notifications.

There were no abutter notifications done for this project as well.

Mr. Westgate stated there's an old ditch that serves no purpose, it is 30' away from the cranberry bog and he wants to fill it in.

Mr. Faherty stated it was a drainage ditch filling it in would give him better access to the property. He said it hadn't been used in several years. He said the smaller trench is used for water to the bog and that will not be filled.

Mr. Westgate said that at this time the smaller trench would not be filled, but may be filled in the future, and they need to come back. He said there is a portion of trench two, identified on the plans that needs to be filled in as well.

Ms. Slavin said there is no documentation on trench number two.

Mr. Faherty said the plans he has only has trench number one highlighted for filling.

Mr. Hurlburt said it was just to soften the area and he needed a portion of trench two that he wanted to be filled in.

Mr. Faherty stated he would like the commission to review trench number two as part of the project.

Ms. Schulz stated they can amend this application to add trench number two.

Ms. Slavin said they would need to show on trench two where they want to fill in. She suggested they need to stake out the area. Ms. Slavin said the trench is high-water and flowing into trench two

Mr. Westgate asked if they could rule on the current trench in front of them.

Ms. Locurto reminded the applicant there was no abutter notification, so they couldn't rule on this plan anyway.

Mr. Hulburt asked if he could add the trees to the amended application.

Mr. Faherty stated the trees are out of scope and he would need to refile for the trees.

There were no questions from the commission members. Ms. Slavin acknowledged there is no water flowing into the trench, she said the water from the ground water is going into trench two.

Ms. Schulz made a motion to continue to 131 Atwood Road to February 15, 2023, for abutter notification, revised RDA, updated plans, and staking out of the property. The Motion was seconded by Ms. Locurto. The motion passed unanimously. (6-0-0)

Notice of Intent (NOI)

CONTINUED PUBLIC HEARINGS: 6:45 PM

Request for Determination of Applicability (RDA)

- 1. James R. Andrade, 30 Salt Marsh Lane, Wareham, MA** – To construct a garage adjacent to an existing dwelling.

Mr. Faherty stated there was no one present, they are off-site. He said he has been talking to him via email and forwarded the Commission's questions and he will discuss his answers. Mr. Faherty reviewed the applicant's answers to the commission.

Mr. Faherty recommended a positive order for RDA so he can file a NOI.

Ms. Schulz stated that if they included the gazebo that is an after-the fact filing; which may require two separate filings.

Discussion on the garage, gazebo and semi-circle at the end of the driveway for the turnaround as it was not on the plan.

Ms. Schulz made a motion for a positive 4 for the garage and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

Ms. Slavin explained this denies this RDA and allows him to file for a NOI.

Notice of Intent (NOI)

- 1. Luz Maria Corkery, 10, 14, and 16 River Terrace, Wareham, MA** – To repair the foundation of the boat house and repair/improve the erosion control structures across three properties.

Cole, Coastal engineer was present and stated they would be requesting a continuance. He said they can't identify the owners between their property and the beach association. He said the property has been staked and he is looking for input from the Commission on the wall location.

Mr. Faherty stated he has nothing to add. He said they did pull the wall back, and the property was staked. He said they have received the letter from NHESP.

Ms. Schulz asked about the letter from DFM regarding the footprint.

Commission members gave feedback on using the same footprint and stonewall that needed to be removed.

Ms. Schulz made a motion to continue to February 15, 2023, and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0)

- 2. Scott Green, 17 Murphy Street, Wareham, MA** – To construct a single-family dwelling, retaining walls, and utilities. Continued to 2/15

3. **Ryan Vlaco, 72B Burgess Point Road, Wareham, MA** – To construct a permanent pier, float, and staircase. Continued to 2/15

Ms. Malonson made a motion to continue 72B Burgess Point Road to February 15, 2023 per the applicant's request and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

4. **Dos Amigos Realty, LLC, 12 Larch Street, Wareham, MA** – To construct a single-family dwelling, including a new driveway, deck, and associated grading and utilities.

Brad Bertolo was present for the applicant.

Mr. Bertolo reviewed the project as the construction of a 26x42 SFD that would be on piers. He said they have since received the DEP number. He said the property is within a buffer of salt marsh and well as coastal frontage. He said there would be minimal grade changes.

Ms. Schulz asked if the garage would have breakaway walls. Mr. Bertolo stated it would not, but there is one section that would be open to getting to the upper levels.

Ms. Malonson asked what the proposed driveway would be made of. Mr. Bertolo stated most likely paved, he said it is two spaces wide and one car length.

Mr. Faherty stated he had no comments. He said they do have an erosion control line.

Resident and abutter, Jennifer Loveall of 5 Hemlock Street was present and stated concerns about parking in the area and the existing pooling of water.

Mr. Faherty said he thinks the area would be mitigated with the drywells at the new property. He doesn't think the ponding will occur afterward.

Ms. Schulz made a motion to approve NOI with standard conditions to which was seconded by Ms. Locurto. The motion passed unanimously. (6-0-0)

ENFORCEMENT ORDERS

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE

1. **Rose Anne Dalbec, 2 Carmichael Way, Wareham, MA** – SE76-2437

Mr. Faherty said he mis-advertised the order number; however, he said there was no work done on this Certificate of Compliance and he is requesting that the Commission approve it. (Order # is 2471)

Ms. Schulz made a motion to approve COC for SE76-2471 with the condition that the work was never started. The motion was seconded by Mr. Bartie and approved unanimously. (6-0-0).

2. Jill Ann Wright, 55 Edgewater Drive, Wareham, MA – SE76-2704

Mr. Faherty recommended the COC be approved as the work was completed per the layout.

Ms. Schulz made a motion to approve 55 Edgewater Drive, SE 76-27,04 which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

3. Eve Holmes, 241 Glen Charlie Road, Wareham. MA – SE76-943

Mr. Faherty stated there was no work done at the property. Discussion on what address was advertised, some members thought it was Blackmore Pond Road. Mr. Faherty confirmed 241 Glen Charlie Road was advertised.

Ms. Malonson made the motion to approve the COC for SE76-943 which was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. Review and accept minutes – January 18th, 2023.

Ms. Slavin stated she had read the minutes as presented and felt they were complete and accurate. There were no further questions/concerns from Commission members.

Ms. Schulz made a motion to accept the minutes of January 18, 2023, as presented and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

2. Bills, Appointments, Interviews, and Reappointments –

3. Letter of Support to the Wareham Land Trust for purchasing 12.1 Acres of land along the Red Brook Conservation Land.

Ms. Slavin reviewed that the Wareham Land Trust is seeking monies through CPC to purchase these acres of land and has asked to be on the agenda to discuss.

From Wareham Land Trust, Nancy McHale, Treasurer and President, Kathy Pappalardo were present.

Ms. McHale reviewed the land in question, stating it was surrounded by Conservation land on three sides. She said it is approximately 12 acres with natural heritage and priority habitat. She said they are seeking a letter of support from the Conservation Commission. She said they were also looking to honor and memorialize the man who had bought the land years ago.

Commission members thought it was a great idea to save it. Ms. Slavin asked if they would be adding more trails to the property. Ms. McHale confirmed they are in discussion with others to have a continuous trail route.

Ms. Malonson made a motion to have a letter written of support to the Wareham Land Trust for purchasing 12.1 (or so) Acres of land along the Red Brook Conservation Land. The motion was seconded by Ms. Locurto and passed unanimously. (6-0-0).

4. Beach Nourishment

Mr. Faherty stated they can discuss at the next meeting as he didn't get to write up what he wanted to discuss.

Ms. Locurto made a motion to adjourn at 7:57 p.m. which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

Date Signed: 4/4/2023

Attest: SSS/cw

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 4/6/2023

WAREHAM TOWN CLERK
2023 APR 6 PM 3:10