

Conservation Commission Minutes  
February 15, 2023 – 6:30 p.m.

WAREHAM TOWN CLERK  
2023 APR 6 PM3:10

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

All hearings of the Wareham Conservation Commission are held simultaneously under the authorities of the Massachusetts Wetlands Protection Act and the Town of Wareham Wetlands Protection Bylaw Divisions VI. Although a single decision of the commission is issued, it represents a separate decision under each authority.

**PRELIMINARY BUSINESS**

**Present:** Chairwoman, Sandy Slavin, Mr. Bartie, Mr. Mercier, Ms. Malonson, and Nicole Locurto. Ms. Slavin introduced Ms. Autumn Wood as a new member.

**Absent:** Ms. Schulz

Joshua Faherty, Conservation Administrator was also present.

**PUBLIC HEARINGS: 6:30 PM**

**Request for Determination of Applicability (RDA)**

1. **Brett Bussiere, 32 Fairfield Drive, Wareham, MA** – Construct a breezeway, garage, and 20 x 20 addition to an existing house

Mr. Bartie read the advertisement for the record.

Engineer, Brad Bertolo was present for the applicant. Mr. Bertolo reviewed the project. He said two additions are proposed, a breezeway and a 20x20 addition for a bedroom. He said the property is adjacent to the wetlands on the back lot, only a portion within the 100' buffer zone, and a portion of the project is buffered to the 100' buffer zone. All other site work land system to coastal flowage. No major grading changes.

Mr. Faherty had no further comments.

Mr. Bartie made a motion to close the hearing which was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

Ms. Malonson made a motion to accept the project with a Negative 3 which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

2. **Wareham Lake Shores Improvement Association, 33 Wareham LakeShore Drive, Wareham, MA** – Replace existing timber steps and fill steps with crushed stone.

Mr. Bartie read the advertisement for the record.

Matt Shannon was present for the applicant who wanted to replace the rotten timber and fill in some of the low points in the path to the beach.

Mr. Faherty asked about the pathway. He said there were stakes on the path that were extended out and he wanted to confirm it was just shown to stake out the path only, not extend it.

Mr. Shannon confirmed it was just staked to show the path.

No questions from Board Members.

Ms. Slavin asked if there was a lot of erosion on the path. She reviewed what he wanted to do on the path and he confirmed.

Ms. Slavin then asked for public comment to which there was none.

Ms. Malonson made a motion to close the public hearing which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

Ms. Malonson made a motion to approve the project as a negative 3 which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0).

### **Notice of Intent (NOI)**

- 1. Paul A.M. & Mary Hunt / Mias, 303 and 305 Plymouth Avenue, Wareham, MA –** construct a single-family dwelling, and detached garage, relocate an existing shed, and raze and dispose of an existing cottage.

Mr. Bartie read the advertisement for the record.

William Madden, GAF Engineering was present for the applicant. Mr. Madden reviewed the project as a Notice of Intent for constructing a Single-Family Dwelling (SFD), detached garage, and relocating a shed. He said there will be a change in the grade to better facilitate the site. They will be adding walkways, roof infiltration for runoff from the house and garage; a small shed that will be relocated at the southerly end of the site. He said they will remove the cottage as well. He said they will be adding a septic tie-in for the house. He said the leaching field services the house to the North, this house, and the cottage. He said when they discontinue the use of the cottage, they will remove the manhole, pump, and the discharge line that goes to the leaching field; and the leaching field will be both common to the house of the North and the existing house as discussed. He said the Board of Health is reviewing the plan for Title V and has not received a formal letter as of yet. There is a DEP filing and their concern is there is not bank drawn on the plans. He said they don't expect any issue with the bank.

Ms. Locurto asked about the current septic system and where it is located on the plans. She wanted explanation of what the two boxes represent on the plans and wanted to make sure she understood it.

Mr. Bartie asked about the grading level near the utility line. Mr. Madden stated there was quite a bit of grading that was going to take place across the lot. Mr. Madden said there was erosion control placed on the lot along with silt fencing proposed.

Mr. Faherty asked about the no-activity zone and the big maple trees, on the property; whether they were going to stay. Mr. Madden said they should remain. Mr. Faherty asked about the erosion control system. He said there is one staked at the 30' no zone and then the square around the cottage.

Mr. Faherty asked if the removal of the cottage would happen after they started construction.

Mr. Madden said they wanted to isolate that area and erosion control would be there as well. Mr. Faherty recommended a straight line there and then box in the erosion control when they raze the cottage.

Mr. Faherty referenced a few floating docks that need to be taken out and a gangway that was buried into the vegetation. He said there was a wooden dock right off the cottage that would need to be taken out until it is licensed.

Ms. Slavin asked how the machinery was going to go down there to raze the cottage. She asked if they would be going down the side of the new house. She asked if they have thought about how they are going to go down there to remove the cottage.

Mr. Madden said he thinks they would be able to crawl down the northernly-side line and get to it. He said there could be enough room to squeak by the lot side and they would need to make arrangements with the other property owner to access that temporarily.

Ms. Slavin asked about the water run-off of the long, extended gravel driveway and she stated it looked very steep driveway and she expected to see a lot of water there.

Mr. Madden said there they have added a few infiltration trenches. He said there is one near the southern property line and one to the north side of the house. He said he shares the same concern for the infiltration to prevent the water into the garage.

Ms. Slavin stated it was a pretty steep drop.

Mr. Madden stated he would add the change of the turf to the as-built.

Mr. Lockwood was present to speak in favor of the project.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0)

Ms. Malonson made a motion to approve the plans as presented with the standard order of conditions and that all docks that are buried in the vegetation or in/around the pond be removed. The dock needs to be licensed as well. The motion was seconded by Ms. Locurto and passed unanimously. (5-0-0).

Ms. Slavin asked Mr. Madden to have them remove the structures sooner rather than later.

**2. Al Harrington, 3236 Cranberry Highway, Wareham, MA – Remove and replace a dock and clear brush to create a path.**

Mr. Madden was present on behalf of the applicant. Mr. Al Harrington was also present.

Mr. Madden stated there were minor modifications added to the plan that would add clarifications. He said water depths were added. Mr. Madden passed out updated plans.

Mr. Madden reviewed the project to create a sea dock. He said the sea dock currently is floating and has finger piers. He said they are going to reduce the width, 3x16 ten fingers off that floating dock. He explained the zone around the rear, 'rear of configuration'; chapter 91 plans to ask for a reconfiguring of the existing features around the boundary not to exceed the area that it existed. He said an order of conditions is needed procedurally to approve any work in area. He explained proposing to replace the sea dock, six feet wide, with the same length. The primary reason was so the restaurant could use the dock. He said there is a portion of the dock that is a floating dock. He explained the water depths, 10', and then get shallower near the finger piers near the shoreline.

Mr. Faherty asked where they were on the dock. Mr. Madden explained they were net minus 100 sq feet, proposing 1320 feet; and 1425 exists on the dock.

Mr. Faherty asked about removing the vegetation on the new plans. Mr. Madden explained they were cutting down the shrubbery near the stairs.

Mr. Faherty said he saw no issue as long as Chapter 91 approves.

Mr. Mercier asked about the tractor and other equipment down there and asked if the construction had started.

Mr. Madden stated the docks are probably built and they are anxious to get started. He said the equipment might be down there to remove boats and docks from the parking lot. Mr. Madden said the construction for this project has not started yet.

Ms. Locurto asked about the existing jet ski float. Mr. Madden confirmed that would be removed.

Ms. Slavin asked about the rail in/out of the water; she asked what type of railing to the access of beach. Mr. Madden stated there was a walkway to access of the beach. He said they will use their existing access.

Ms. Slavin asked for public comment, but there was none.

Ms. Malonson motioned to close the public hearing and was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

Ms. Malonson made a motion to approve the project with standard conditions and was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0)

**3. Joseph Hajnasr, 1 Johnson Street, Wareham, MA – construct a single-family dwelling with an in-ground pool, patio, driveway, and associated utilities**

Mr. Bartie read the advertisement for the record.

Engineer, Brad Bertolo was present for the applicant. He reviewed the project, currently on a vacant lot. He said the lot was once approved for a smaller home and pool. He said the property is in a flood zone, AE14, and adjacent to the Agawam River, associated salt marsh, and the coastal bank. He said the site also has a couple of areas that are national heritage areas and will

eliminate work in that area. He explained where the erosion control barrier would be (dark bold line on the plan). He said the patio is about 90', and the hay bales 77'. He said there would be minimal grade changes that are proposed. He said town sewer.

Mr. Faherty had no questions.

Mr. Mercier asked about the proposed pool area and asked if it was too close to the coastal bank. Mr. Bertolo stated it was within the 100' buffer to the coastal bank, he said 30' was the bylaw and they were over that.

Ms. Slavin asked if the patio was going to be solid or pavers. Mr. Bertolo stated it was a paver patio. She asked where the driveway would be going. Ms. Slavin stated she would ask for drywells to be added to the property. Ms. Slavin asked how they were going to fill and empty the pool.

Mr. Bertolo said it would be done off-site by truck.

Ms. Slavin asked for public comment and there was none.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0).

Ms. Malonson made a motion to approve the project with the standard conditions as well as to add drywells to the project and that the water for the pool, pump in and out be done with an off-site truck, not Town water, no discharge into the resource area. The motion was seconded by Mr. Bartie and approved unanimously. (5-0-0)

**4. Pinehurst Beach Association, Beach Road off of Pinehurst Drive, Wareham, MA –**  
Repair an existing stone jetty at the intersection of Beach Road and Broadmarsh River.

Mr. Bartie read the advertisement in for the record.

Dave Moore (from Pinehurst Beach Association), John Spink, Kathleen Manson (treasurer of Pinehurst Beach Association) were present.

Mr. Spink said it was titled and the two rivers come together. He said the sand keeps eroding the area along the stairs and jetty. He said they want to repair the jetty to stop that flow, to bring it back to the high tide so it doesn't continue to act as a waterfall.

Mr. Moore said there is some serious erosion taking place in the area.

Mr. Faherty shared his concerns and stated there is no DEP filing as of yet.

Mr. Moore said they haven't received it yet.

Mr. Faherty said that DEP might ask about the Chapter 91 waterways license. He said they may need permission from 110 Pinehurst Drive, something in writing from that neighbor allowing them to adjoin her wall. He said he would like an email of the abutters' list as well and would recommend a continuance.

There were no questions from board members. Ms. Slavin addressed a few big rocks in that area

and if they would stay. Ms. Slavin asked if when this is complete if they would be asking for beach nourishment.

Mr. Moore said they probably would, and they've spoken to DEP regarding the nourishment.

Attorney Elizabeth Lydon representing 110 Pinehurst Drive stated the homeowner has not spoken to the applicant. She stated the homeowner asked to speak to them this week and was denied. She stated if they are attaching to her seawall, they would need an access agreement to do the work, as well as an easement.

Mr. Faherty confirmed a green card was sent to the address on file for 110 Pinehurst.

Mr. Spink said he did spend quite a bit of time speaking to the homeowner of 110 Pinehurst.

Ms. Malonson made a motion to continue the hearing to March 1, 2023, and it was seconded by Ms. Locurto, and passed unanimously. (5-0-0).

### **CONTINUED PUBLIC HEARINGS: 6:45 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.**

Tim Sicard, builder for the property was present along with the homeowner.

Mr. Sicard stated they were going to build a standing garage and a lean-to. The roof water would be collected in drywells; 50' setback from the street. He said there are a few trees to be taken down in the rear.

Mr. Faherty reviewed the project as it was continued for the abutters' list. He recommends a negative three with one condition that the trees be reviewed before they are taken down.

No further comment.

Ms. Malonson made a motion to close the public hearing and it was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0)

Ms. Malonson made a motion to accept the project with the Negative 3 and a condition that Mr. Faherty able to review any trees before removal. Mr. Bartie seconded the motion, and it was approved unanimously. (5-0-0).

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

The contractor, Joe Ably was present. He said last they were present they had to get the area staked and the shed that wasn't listed on the property. He said the property owner said they had hired a contractor for the shed.

Mr. Faherty said he was concerned the shed was not on the plans and would like to see the shed on the plans.

Mr. Faherty stated he would recommend a Negative 2 approval.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0)

Ms. Locurto made a motion to approve the project with a Negative 2 which was seconded by Mr. Bartie. The motion passed unanimously.

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

Contractor, Joe Ably was present for the applicant with the green cards. He said they were proposing a two-car garage. He said there were previous concerns. He said he had staked the project and said they would put in hay bales, but not sure how far they wanted them to go. He said they are putting in a well for run-off.

Mr. Faherty said they could go with the corner of the house for hay bales. He recommended a Negative 3 with the condition of hay bale line be reconstructed as well as an updated plan of where the drywells would be.

No questions from the board members. No public comment.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0)

Ms. Malonson made a motion to approve the project as a Negative 3 and an added condition to add the drywells to the plan and a newly updated plan be sent to Mr. Faherty as well as that the hay bale line as discussed be reconstructed. Ms. Locurto seconded the motion and it passed unanimously. (5-0-0).

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

Frank Westgate and Stephen Hurlburt were present. Mr. Hurlburt handed in the notifications he sent. He also reviewed the second trench that was staked out.

Mr. Westgate reviewed the project to fill along the cranberry bog to bring it up to grade.

Mr. Faherty reviewed the project that was continued from the previous meeting. He said he would leave it up to the commission for the second trench fill-in.

Mr. Bartie said he had no issue with the trenches being filled in. There were no further questions.

Ms. Slavin asked about trench number 2, flow in and flow out; she asked how they will fill in that trench as there is another pipe there.

Mr. Hurlburt said that is staying there and he would be filling in behind the pipe and around it. He said the flow coming in would be going out as it is. He said they are filling as it's a tough spot to turn around.

Mr. Westgate said they would be using gravel and sand in the filling.

Ms. Malonson asked about the fill-in and if there was soil going to be on top and if it would be grass.

Mr. Westgate said it would be 12" compacted gravel on top. Mr. Hurlburt said they would not be paving.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0).

Ms. Malonson made a motion to approve both trenches with a negative 3 with the added condition to include trench two which was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0).

#### **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.

Ms. Slavin stated they asked for a continuance.

Ms. Malonson made a motion to continue per the applicant's request to March 1, 2023 and was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0).

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

Attorney Jillian Morton was present for the applicant. Mr. Scott Green was present as well as Wetland Scientist, Michael Ball. This project came before them on April 22, 2022.

Attorney Morton reviewed the project. She said the prior conservation agent had a few concerns and the major concern was the coastal dune. She said they are going to discuss how it meets the bylaws and DEP regulations.

Michael Ball introduced himself as a Wetland Scientist and regulatory compliance consultant out of Sandwich, Ma. He says he does a lot of consulting for JC Engineering. He said he has reviewed the information for this project and has gone out to the site on two occasions. He said he submitted a letter of the assessment of existing conditions and compliance aspects of the project. He said he looks at projects on how they can meet regulatory compliance. He explained the low-profile coastal bank on the West side and the coastal dune, low profile on the South side of the project area. He said he does believe the proximity of the resource area does meet the six characteristics of the standards. He said the project does stay away 30' from the dune.

Mr. Faherty asked a few questions concerning the plans. He asked where the foundation would be and asked for it to be detailed on the plans. Mr. Bartie asked about the drywells on the property.

Ms. Morton stated that she would be going back to the Zoning Board to ask for a minor modification to gain 3' away from the resource area.



Ms. Malonson asked questions about the plantings and if they will be removing the invasive plantings at the site. Mr. Ball described which invasives and trees were present at the property.

Ms. Wood asked what material the driveway was going to be, and Attorney Morton said impervious.

Ms. Slavin asked a few questions regarding the Town Sewer (she is on the Commission of Sewer). She said she has a confirmation of a lateral, but there was a concern of cut and cap at the site. Ms. Slavin explained the no-touch zones, she said it's important for fencing to preserve the no-activity zone from the water side and the dune side.

From the public, Tony Petrussi stated he was in full support of the project.

Mr. Faherty said there was a good opportunity to remove all the invasives on the property. He suggested closing the hearing and allowing him to work with Mr. Ball on removing the invasives, and then come back with a new plan and proposed planting plan to be approved at the next meeting.

Attorney Morton asked for a continuance without closing the hearing.

Ms. Malonson made a motion to continue 17 Murphy Street to March 1, 2023, and was seconded by Ms. Locurto. The motion passed unanimously. (5-0-0).

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

Ms. Locurto made a motion to continue per the applicant's request which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

### **ENFORCEMENT ORDERS**

### **EXTENSION REQUESTS**

### **CERTIFICATES OF COMPLIANCE REQUESTS**

1. **Thomas J. Parenteau, 13 Over Jordan Road, Wareham, MA** – SE076-2594
2. **Thomas J. Parenteau, 13 Over Jordan Road, Wareham, MA** – SE076-2608

Mr. Faherty stated he went out to the site and things seem to be in order. He asked if the commission wanted to allow the erosion control to be removed prior to the Certificate of Compliance. He said these were for the construction of the house and a garage. Board members agreed that the erosion control be removed after the ending of the project.

Ms. Malonson made a motion to issue Certificates of Compliance for SE076-2594 and SE076-2608 and was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

### **AMENDED ORDER OF CONDITION REQUESTS**

1. **Marissa & Cameron Smith, 4 Sea Meadow Lane, Wareham, MA** – SE076-2644

Tasha ..., request an amended order of conditions; she said they are just reducing the scope to

just the garage with an unfinished attic and drywell installed.

Mr. Faherty stated the new garage is smaller than what was first proposed. He recommended an amended order of conditions on new plan.

Mr. Bartie made a motion to amend the order of conditions and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

#### **OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS**

**1. Review and accept minutes** – February 1<sup>st</sup>, 2023.

**2. Bills, Appointments, Interviews, and Reappointments** – Welcome Autumn Wood as an Associate Conservation Commission Member term to expire June 30, 2023.

**3. Discussion** – Parker Mill Dam

Ms. Slavin said they received a request for a letter in support of this project, however, no one has attended the Commission to discuss it. Ms. Slavin explained the three projects that are happening in that area. She said she wouldn't ask Mr. Faherty to write up a letter in support when none of the members know about the project. Ms. Slavin said she would like someone to come and discuss this to the Commission.

**4. Discussion** – Beach Nourishment

Mr. Faherty said he would push this discussion out to their next meeting as he is awaiting DEP's opinion. He said there should be some requirements to beach nourishment and beach profiles. Mr. Faherty stated he would like to see it as a full NOI, versus an RDA. He said he would further explain at a future meeting.

Mr. Mercier made a motion to adjourn which was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

Date Signed: 4/6/2023

Attest: SS Slavin

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

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

WAREHAM TOWN CLERK  
2023 APR 6 PM 3:10