

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: February 3, 2021
(Via Zoom Remote)

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30 P.M.

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Mary Taggart
Ron Besse
Carol Malonson
Elissa Heard (Arrived at 6:32 P.M.)
Michael Mercier, Associate Member
Kwame Bartie, Associate Member
David Pichette, Agent

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – Parkwood Beach Association – 0 Parkwood Avenue

The public hearing notice was read into the record.

NOTE: Ms. Heard arrived at this time.

Present before the ConCom: James Lupino

Mr. Pichette described the project. The property is located at 0 Parkwood Avenue. The project involves the placement of sand for beach nourishment on the main beach & side beach. He recommended a sieve analysis for the sand showing compatibility of sand w/ what exists. He recommended the issuance of a Negative Determination #2 & the added condition that the sieve analysis be submitted.

MOTION: Ms. Heard moved to close the public hearing for Parkwood Beach Assoc. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant a Negative #2 Determination for Parkwood Beach Assoc. & the added condition that a sieve analysis be submitted. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Parkwood Beach Association – 0 Bayside Avenue

The public hearing notice was read into the record.

Present before the ConCom: James Lupino

Mr. Pichette described the project. The property is located at 0 Bayside Ave. The project involves beach nourishment at Little Beach. He recommended a sieve analysis be submitted & the issuance of a Negative Determination #2.

MOTION: Ms. Heard moved to close the public hearing for Parkwood Beach Assoc. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant a Negative #2 Determination for Parkwood Beach Assoc. w/ the added condition that a sieve analysis be submitted. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

C. RDA – Elizabeth Larner – 8 Knowles Avenue

The public hearing notice was read into the record.

Present before the ConCom: Will Connolly, Zenith Consulting Engineers

Mr. Pichette described the project. The property is located at 8 Knowles Ave. The project involves upgrading a septic system in a coastal flood zone. There will be minor grading & erosion control will be used. He recommended the issuance of a Negative Determination #2.

MOTION: Mr. Besse moved to close the public hearing for Elizabeth Larner. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant a Negative #2 Determination for Elizabeth Larner. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Peak Contractors, c/o JC Engineering, Inc. – 150 Cromesett Rd.

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 150 Cromesett Rd. The project involves the construction of a single family dwelling in the buffer zone to BVW & w/in coastal flood zone AE, elevation 16. Grade changes proposed. Erosion control to be used. Selective tree cutting proposed. A footpath is also proposed down through the marsh. A DEP file number has not been received. He recommended a continuance.

Brief discussion ensued re: tree cutting & cleaning of underbrush.

MOTION: Ms. Heard moved to continue the public hearing for Peak Contractors to February 17, 2021. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Jim Duffy, c/o Grady Consulting – 46 Winship Avenue – SE76-2662

The public hearing notice was read into the record.

Present before the ConCom: Rick Grady, Grady Consulting
Jim Duffy

Mr. Pichette described the project. The property is located at 46 Winship Ave. The project involves the construction of additions, patios & a stormwater rain garden in the buffer zone to a coastal bank. Site alterations have been started & the additions constructed w/out an OOC. He recommended permeable materials or stormwater drainage system for the patio. He recommended erosion control use. A DEP file number has been assigned.

Mr. Grady briefly discussed the additions, erosion control, rain garden, patio drainage & patio materials.

Discussion ensued re: additions constructed w/out approval & tree removal. Mr. Grady displayed pictures of the site. Mr. Pichette recommended the site/land be restored back, including any grade changes & re-seeding. He also recommended fines. Brief discussion ensued re: fines.

Mr. Duffy discussed his confusion w/ the building permit process. Discussion ensued re: restoration of the land & patio materials/or drainage system.

MOTION: Mr. Besse moved to continue the public hearing for Jim Duffy to February 17, 2021. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Town of Wareham, c/o Horsley Witten Group, Inc. – Besse Park – SE76-2658

Plans were displayed/reviewed.

Present before the ConCom: Michelle West, Horseley Witten Group, Inc.

Mr. Pichette described the project. The property is located at Besse Park. The project involves the installation of stormwater treatment structures in the buffer zone to a coastal bank & coastal flood zone.

Ms. West gave a presentation of the project background & details. A question & answer session followed.

MOTION: Mr. Besse moved to continue the public hearing for Town of Wareham to February 17, 2021. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Pennrose Properties, LLC, c/o Horsley Witten Group, Inc. – 41 Litteton Drive – SE76-2655

Present before the ConCom: Charlie Adams
Mr. Scarcetti
Brian Karcropper
Rich Clatter
Joe Henderson
Amy Ball

Mr. Pichette described the project. The property is located at 4 Littleton Dr. The project involves the construction of a multi-unit affordable housing project partially in the buffer zone to BVW. Parcel is a 16 acre lot w/ proposed 93 units. Revised plans have been submitted & work has been pulled back out of the 50 ft. setback. Comments were received from the review engineer, Green Seal Environmental. A DEP file number has been assigned.

Mr. Henderson stated comments from the review engineer can be addressed. Brief discussion ensued re: said comments, removal of debris/concrete pipes on the site, potential vernal pool/setbacks & tree removal.

Present before the ConCom: Frank Manham, Southeastern MA Pine Barrens Alliance

Mr. Manham expressed concern re: seed/tree mixtures being used that are non-native. Native species are critical.

Present before the ConCom: Anne Hayes

Ms. Hayes asked re: a 100 year storm. Mr. Adams discussed data being used.

MOTION: Ms. Heard moved to close the public hearing for Pennrose Properties, LLC. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an OOC for Pennrose Properties, LLC w/ standard conditions & the following added conditions: slope along 50 ft. no work zone must have erosion control barrier w/ vegetation & plantings as depicted plan, woodland seed mix to be used, maintain 50 ft. no work zone w/ designated material, such as stones/boulders, clean-up of debris around the pond by hand or small machinery & use of low nitrogen fertilizer. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Virginia Marshall, c/o G.A.F. Engineering, Inc. – 4 Ellis Avenue – SE76-2659

Present before the Concom: Virginia Marshall
Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 41 Ellis Ave. The project involves the construction of an addition & a deck in the buffer zone to a coastal bank. Erosion control will be used. A DEP file number has been assigned. The project area has been staked. He recommended the issuance of an OOC w/ standard conditions.

MOTION: Mr. Besse moved to close the public hearing for Virginia Marshall. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant an Order of Conditions for Virginia Marshall w/ standard conditions. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Samuel O. Mello – 9 Farrell Court – SE76-2654

No-one was present to represent the application.

MOTION: Ms. Heard moved to continue the public hearing for Samuel O. Mello to February 17, 2021. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Janiece Ellis, c/o Zenith Consulting Engineering, Inc. – 16 Dinah's Way – SE76-2657

Present before the ConCom: Will Connolly, Zenith Consulting Engineering, Inc.

Mr. Pichette described the project. The property is located at 16 Dinah's Way. The project involves upgrading a septic system in the buffer zone to BVW. A DEP file number has been assigned. The property has been staked out. He recommended the issuance of an OOC.

MOTION: Mr. Besse moved to close the public hearing for Janiece Ellis. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant an Order of Conditions for Janiece Ellis w/ standard conditions. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 140 Tihonet Road – SE76-2611

The applicant has requested a continuance.

Present before the ConCom: Joe Pompinarie

Mr. Pompinarie expressed concern re: scale of project & major runoff. The site is listed by the State as critical landscape & core habitat. He feels this project is major destruction to Wareham's ecological integrity. Ms. Slavin will forward Mr. Pompinarie's comments to the ConCom members & Borrego.

Mr. Pichette discussed the ConCom's jurisdiction/role/duties w/ projects such as this & noted MEPA review.

Present before the ConCom: Frank Mann, Southeastern MA Coastal Pine Barren Alliance

Mr. Mann expressed concerns on an eco-regional level. These areas need to be protected by all means. He expressed concerns re: impact to the aquifer. Town boards/commissions need to find ways to fight back against projects such as these.

Present before the ConCom: Meg Sheehan, Land & Water Coalition

Ms. Sheehan has submitted comments on behalf of the Coalition. She discussed the inaccuracies & lack of information in the Beals & Thomas reports/applications for the three Borrego projects & impacts of project globally.

Present before the ConCom: Annie Hayes

Ms. Hayes asked the ConCom if they will act upon the comments Ms. Sheehan just made. Ms. Slavin stated the comments will be submitted to the ConCom & to Beals & Thomas. Ms. Hayes has seen so much forest degradation in Town in past four years.

Present before the ConCom: Melissa Ferretti, Chair of Herring Pond Wampanoag Tribe

Ms. Ferretti read a statement into the record re: tribal land destruction over history & rights of indigenous people to be consulted on projects such as this.

Present before the ConCom: Kathy Peppalardo
Nancy McHale

Ms. Peppalardo discussed challenges getting people involved w/ this matter. Ms. McHale noted challenges in reviewing/understanding all the documentation submitted re: said project.

Discussion ensued re: MEPA review.

MOTION: Mr. Besse moved to continue the public hearing for Borrego Solar Systems, Inc. to February 17, 2021. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS
VII. ENFORCEMENT ORDERS

A. Anita Padula – 11 Barnes Street

Present before the ConCom: Anita Padula

Mr. Pichette described the violation that involved fill placed w/in the buffer zone to salt marsh & w/in a coastal flood zone w/ no approval. He recommended removal of fill in the no activity zone & if the owner wants the rest of the fill to remain, file an application.

Ms. Padula apologized & explained why fill was placed in the area. Brief discussion ensued re: how much fill was added, the higher grade, & options for the owner moving forward.

MOTION: Mr. Besse moved to ratify the Enforcement Order for Anita Padula. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

B. Frank Folchi – 15 Barnes Street

No-one was present to represent the matter.

Mr. Pichette described the violation that involved clearing in the buffer zone.

MOTION: Ms. Heard moved to ratify the Enforcement Order for Frank Folchi. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. Christopher Carlyle – 27 Agawam Lake Shore Drive

Mr. Pichette asked this be handled at the next meeting.

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion: Conservation of 61A Properties – A.D. Makepeace Co.

- 1. 27 Charge Pond Road**
- 2. 140 Tihonet Road**
- 3. 150 Tihonet Road**

Ms. Slavin explained what 61A properties are & the process.

Discussion ensued re: how to proceed. The ConCom concurred to send a letter to the BOS to not waive the right of first refusal for 27 Charge Pond Rd. & 140 & 150 Tihonet Rd.

B. Discussion: Next meeting dates

C. Discussion: Appointments/Reappointments

The ConCom members concurred to recommend to the BOS that Mr. Mercier & Mr. Bartie become full voting members of the ConCom.

D. Discussion: Conservation Restriction/Stewardship

E. Discussion: Bills

X. ADJOURNMENT

MOTION: Ms. Besse moved to adjourn the meeting at 9:22 PM. Ms. Malonson seconded.

VOTE: Unanimous

Date signed: 8/18/2021

Attest: SS Slavin

4-D-1

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Wareham Town Clerk: 8/19/21