

WAREHAM CONSERVATION COMMISSION

WEDNESDAY, March 2, 2022

6:30 PM

Online

Present: Agent David Pichette

Chair: Sandy Slavin

Members: Denise Schulz
Carol Malonson
Kwame' Bartie
Mike Mercier
Ron Besse

Absent: Elissa Heard

Review and Approve Meeting Minutes moved to "Any Other Business/Discussion" section of meeting

PUBLIC HEARINGS

RDA – Vickie Piacentini (Representative/Home Owner) – 204 Glen Charlie Road

Mr. Pichette – Project is to construction a 12' x 30' Deck on Sona tubes footings, no grade change and within the Buffer Zone, 50' from the Pond. Recommends approval with Neg #3 Determinations

No additional input from Representative

No questions from board members

Move to close the Hearing, Second Vote 6-0-0

Move to approve with Neg. #3, Second Vote 6-0-0

RDA – 3 Kendrick Road, LLC, c/o G.A.F. Engineering, Inc., 3 Kendrick Road

Bill Madden G.A.F Engineering, Inc. -Representative

Mr. Pichette – Project is to construct a 6,000 square foot building addition, two leading docks, a storage freezer, and a new access drive to Thatcher Lane. Recommendation to approve with Neg #1 & 6 as this is strictly a process requirement for site plan review and is outside our jurisdiction of wetland resources

No Comment from Rep

Discussion followed as to the type of company and how it will be an asset to Wareham

Bill – Krumpet Baker out of New Bedford. This will be their new headquarters

Motion to Close, Second Vote 6-0-0

Motion to approve with Neg determination of #1 & 6, Second Vote 6-0-0

NOI – Kevin Connors, c/o G.A.F. Engineering, Inc. – 13 Salt Creek Lane – SE76-2694

Bill Madden G.A.F Engineering, Inc. - Representative

Mr. Pichette – Request a plan change to elevate a dwelling and construct a new foundation, deck with stairs within Buffer sone and in Costal flood zone. This is in response to a violation because the changes went beyond what was presented and approved previously. The approved plan was for a 2nd floor to be added to an existing dwelling. Due to the changes the dwelling the construction now needs to comply with requirements for VE17 and must be elevated. 12 pier supports will be utilized and the existing foundation will be removed. Additionally, they are looking to add a 6' x 30' deck to water side of dwelling. Recommendation is to accept with standard of conditions and added condition that all excavated materials be removed from the site in accordance with disposal laws. Homeowner was fined and fine has been paid.

Discussion as to when 2nd floor was added (6 months ago) Contractor found deterioration in main house walls, suggested addressing issue which led to a larger % of the house being altered and that led to being deemed a new construction and the need to meet new elevation requirements.

Motion to Close, Second Vote 6-0-0

Motion to approve with standard order of conditions and additional requirement to remove materials from the site.
Second Vote 6-0-0

CONTINUED PUBLIC HEARINGS

NOI – Town of Wareham, c/o G.A.F. Engineering, Inc. – Lot 1025 Hynes Field – SE76-2719 Request for continuance received. Move to continue to 3/16/2022, Second Vote 6-0-0

NOI – RESI LLC, c/o G.A.F. Engineering, Inc. – 48 Robinwood Road – SE76-2722

Bob Rogers G.A.F Engineering – Representative Plan change is to change the name of the road to Haven Court following a discussion last conservation meeting in reference to such and to make changes within the 50' No Activity Zone on the lots.

Mr. Pichette – Project is for construction subdivision roadway in costal flood zone. AE16 & VE18 and to include swales to handle runoff. Storm Water meets standards per town engineer. Recommends approval with standard conditions with added conditions that will be tied into the town sewer system, maintenance of storm water drainage per report from 12/2/2021 (drainage, maintenance, pollution, and erosion control)

Mr. Rogers – Storm water report of 12/2/2021 contains these additional conditions.

Marlene Aron (abutter)– 32 Robinwood Road Thank you for acknowledging that this is a commercial subdivision. Concern for trees and noise for the abutters.

Sandy pointed out that we are only addressing the roadway and that when each of the houses to be built comes up then the trees etc. will be addressed. Each home will be coming before conservation individually and then her concerns can be addressed.

Move to close hearing, second Vote 6-0-0

Move to approve with standard order of conditions plus the conditions cited in the 12/2/2021 storm water report and the assurance that this will be tied into the town sewer system. Second Vote 6-0-0

NOI – Paul & Andrea Romanus, c/o G.A.F. Engineering, Inc. – 82 Pinehurst Drive – SE76-2725 Taken off Agenda was put on in error as it was handled last meeting.

NOI – Horatio & Cynthia Melo 2013 Trust, c/o G.A.F. Engineering, Inc. – 13 Shell Lane – SE76-?

Bill Madden G.A.F. Engineering – Representative

Mr. Pichette – This project is for a extension to existing pier, boat lift inland under the ocean with shellfish and in a coastal flood zone and in habitat of rare and endangered species. 75 Foot pier extension making it 191' from mean high mark. 10 new 12" pilings (floating barge installation) Boat lift pilings and float location. Natural Heritage – No Comment. Massachusetts Division of Marine and Fisheries – would result in permanent impact the habitat and shellfish fisheries access. Recommendation that this not be approved based on comments for Mass Division of Marine and Fisheries relative to shellfish habitat and cumulative impact to recreational activity in the area.

Bill Madden – send more information late today and acknowledges that commission would not have had time to review. He also took exception to the report from Mass DMF and how it relates to the bylaws. He stated that floats at this point do not provide enough clearance and those changes will actually add to the shellfish habitat area. Sited several projects that were allowed under the local by-law. Explained float operating procedure and related shellfish impact. Spoke to zero tolerance to shellfish impact. Rights of waterfront property owners. Doesn't see this as cumulative impact to this area and spoke to Chapter 91.

Kwame' – Floats will remain 2 and new ones will be on float stops discussion

Mike – what is 15' – distance between pilings

Denise – spoke to conservations need to be consistent and pointed to the number of docks that have come before us for this small area of shoreline and were denied. This area is an active recreational area and used by the surrounding neighborhood and is open to both commercial and recreational shell fishing. The commission needs to keep an eye on the health and well-being of our community and environment as a whole. The recreational value of this area is important. There are 4 docks and a 5th grandfathered in at this area. The conservation to likely have significant or cumulative effect resource value and there is a long list which includes aesthetics, aquaculture and recreational values, deemed important to the community. Based on this and that this pier enters into an area that we do not want any more activity, additionally if there is an issue with the float not having enough clearance at present then maybe the float has to be removed permanently.

Carol – has any verification been done to the extent that there is in fact rare and endangered species. Mr. Pichette stated that it is mapped as such and needs to be reviewed by Natural Heritage. They did not have any negative comments on this project.

Sandy – Looking for input from Harbormaster Garry Buckminster and questioned as to why we do not have any comments. She would like his input. Questioned floats being on the bottom and can float stops be added. Mr. Pichette stated that the dock is licensed as is but being that this has been issue as an NOI could issue an order of conditions requiring float stops. Wants to take time to review reports that came in today and looking for input.

Mr. Madden – understands need for consistency. Can we get floats stops to fix problem and wants to see how we can advance projects. Look at individual benefits of each project.

Denise – There is a need to look at projects individually but we as a commission must look at this area cumulatively and we cannot allow one project to do something that we just denied another to do.

Sandy – Could one float be removed? Mr. Madden we could look into that. Denise – can we keep dock short and make changes to the float.

Ron – wants to take time to read what we received today

NOI – Point Independence Yacht Club, Inc., c/o G.A.F. Engineering, Inc. – 120 Onset Avenue – SE76- 2727

Bob Rogers G.A.F. Engineering – Representative

Sandy – NHESP and DMF reports have been received

Mr. Pichette – Improvements to bulkhead, parking lot and dredging and replacing pilings in land containing shellfish and within habitat of rare and endangered species. Sheet pile bulkhead in front of existing bulkhead, 144” from parking lot replace 28 pilings, dredge less than 100 yards, and placed in dewatering area in upper field. DMF recommends time restrict of 1/15 to 5/31 no in water work. National Heritage no negative comments. Recommendation of approval with DMF conditions and requiring removal of dredge material in accordance to laws.

Sandy – clarification of no start until 6/1

Mr. Rogers – plan to start in fall after boating season

Denise – clarification that this was not project that affected abutters which was the case with another project by this club

Move to close hearing, second 6-0-0

Move to accept project with DMF time of year restrictions 1/15 – 5/31 no work, bulkhead remains per updated plan, dredged materials to be removed per applicable laws with standard order of conditions. Second Vote 6-0-0

NOI – Stephen King, c/o ECR, LLC – 27 Agawam Lake Shore Drive – SE76-2726 Request for continuance received.
Move to continue to 4/6/2022, Second Vote 6-0-0

NOI – David Andrade, c/o Field Engineering, Co. – 69 Great Neck Road – SE76-2705 Request for continuance received.
Move to continue to 3/16/2022, Second Vote 6-0-0

NOI – George & Kerry Barrett, c/o J.C. Engineering, Inc. – 4 Verne Avenue – SE76-2682 Request for continuance received.
Move to continue to 4/6/2022, Second Vote 6-0-0

NOI – Wareham, MA 3, LLC, c/o Atlantic Design Engineers, Inc. – 91 & 101 Fearing Hill Road – SE76- 2684 No one present at meeting. Mr. Pichette stated that they are waiting for Hydrological study to be completed. Move to continue to 3/16/2022, Second Vote 6-0-0

NOI – Wareham PV 1, LLC, c/o VHB – 0 Route 25 – SE76-2701
3/16/2022, Second Vote 6-0-0

Move to continue to

EXTENSION REQUESTS ENFORCEMENT ORDERS CERTIFICATES OF COMPLIANCE

None

ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

Discussion: Chapter 61A Change of Use – Sure-Cran Services, Inc. – Lots 1002B & 1008, Off Charge Pond Road

Mr. Pichette – Sure-Cran Change out of Chapter 61A Looking to Con Com for recommendation of 1st right of refusal. Due to small size and location he is recommending that commission recommends to Selectmen not to purchase the land. Cranberry owner is interested in small personal use solar 2 acres.

Move to recommend no purchase, second Vote 6-0-0 Mr. Pichette will write letter to selectmen indicating our no purchase recommendation

Discussion: Meeting Minutes

6/2/2021	Move to accept, second	Vote 6-0-0
7/7/2021	Move to accept, second	Vote 6-0-0
8/18/2021	Move to accept, second	Vote 6-0-0
9/15/2021	Move to accept, second	Vote 6-0-0
9/22/2021	Move to accept, second	Vote 6-0-0
1/19/2022	Move to accept, second	Vote 6-0-0

Discussion: Appointments/Reappointments Discussion: Bills

Nicole Locurto introduced at last meeting as candidate to Con Com as alternate member. She would serve in this capacity until there is an opening on commission. She introduced herself to the commission. Environmental Technology is an area of study and interest. Feels she would be an asset to commission and community based on her goals and interest in preserving town. She feels she is good at solving problems and handling adverse situations. Also what she learns on this commission will aid her in her real-estate work. Recommended by commission to selectmen. Move, Second Vote 6-0-0

Mr. Clemings notification to us that they will be pulling pilings at 28 Winship in reference to an Enforcement Order

Public Records Request from Nora Bicki for copy of enforcement order from 6/2/2021 28 Winship – Mr. Pichette will get them out tomorrow

Verification that all have received information from Mr. Bowan, town attorney, in reference to BE RE, LLC – Confidential and no discussion allowed on topic

Public Records Request from Scott Crisifolli for 2/16/2022 Dock Denial – Response due 3/8/2022 per his request. However, we will ask for 30 day extension as we have up to 3 meetings to provide meeting minutes. Sandy has agreed to have them ready early, without setting a precedence per Carole's concern. Sandy will have them ready for 3/16/2022 approval. She and Dave will work together to assemble paperwork and provide information as to where to find WCTV footage.

Enforcement order list discussed – assembled and tracked by Sandy

History of Projects denied – assembled and tracked by Sandy

Discussion of outstanding minutes from Ron and Kwame'

Office of AG – Open Meeting Law Complaint - 60 days to provide all minutes for 2020 and 2021 List of outstanding minutes to Mr. Sullivan and how we need to split up remaining minutes. Minutes were assigned.

Discussion: Solar By-law update – Ron stated that draft will be ready for Spring Meeting

Discussion: Continuances – held for next meeting

Move to close meeting at 8:30p.m., second Vote 6-0-0

Date Approved: 3/4/22

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 5/24/22

SSS

6-0-0