

## **WAREHAM CONSERVATION COMMISSION**

**WEDNESDAY, March 16, 2022 via zoom**  
**Called to Order 6:30 PM**

**Present:**

Chairwoman – Sandy Slavin  
Agent – David Pichette  
Members – Elissa Heard  
Kwame Bartie  
Ron Besse  
Carol Malonson  
Michael Mercier

**Absent:** Denise Schulz

Review and Approval of Meeting Minutes Moved to the end of the meeting

### **PUBLIC HEARINGS**

**NOI: R.C. Motto, Inc. DEP – SE76-2729**  
**c/o J.C. Engineering, Inc.**  
**21 Old Glen Charlie Road, Wareham, MA**

Project Description: To Construct a duplex, associated utilities, and a deck

Reps: Russ Motto

Brad Bertolo, JC Engineering

Mr. Pichette described the project and then noted dumping, unpermitted fill, and debris in 50' Zones needs to be restored and revegetated. Debris in 100' also needs to be moved.

Recommendation to continue to see revised plan.

Mr. Bertolo stated that ZBA application is pending in reference to a firetruck turn around and revising plan to address violations.

Elissa Heard questioned the site plans including 2 duplexes and wanted to know why commission was only referencing 1 duplex. Clarification was made that only 1 of the duplexes was within 100' to wetlands and therefore that one is under Commission Purview.

Kwame' Bartie wanted to know where the fill came from and to emphasize that it needed to be removed. Fill was from another site.

Ron Besse reiterated that fines needed due to unpermitted activity and violations, will be addressed at next meeting.

Sandy Slavin stated that the 50' zone and 100' wetland violation of fill, tree stumps and tires extended into the gully and that the duplexes was within 70' of gully which is where the wetlands are located.

Brad Bertolo stated that the encroachment of 50' applied not the 30' due to the number of units being proposed.

Motion, Second to continue to 4/6/2022 Passed 6-0-0

Chair Sandy Slavin then announced that there were 3 hearings that were to be continued due to requests by the applicants: Main Street CNS Home Solutions, Fearing Hill and Rte. 25

**NOI: Robert J. I& Jeanine Perry** **DEP – SE76-2730**  
**c/o Schneider, Davignon & Leone, Inc**  
**4 Wareham Lake Shore Drive, Wareham, MA**

**Project Description:** Construction of and addition, Patios and new septic system

**Representatives:** Dave Davignon, Schneider, Davignon, & Leone, Inc.

This NOI is in response to an enforcement order for unpermitted patios in buffer zone to inland band and wetland. It is also to include an addition and garage 60' from inland bank. The new patio extends beyond the original patio and is now in the 30' no activity zone as is the additional patio and steps below.

**Recommendation:** Approval of addition and garage but not of the patios in the 30' no activity zone and for the removal of lower patio entirely and the upper to shrink back to the original patio size.

Sandy Slavin and Ron Besse: Clarified that the upper patio is larger than original footprint and the lower patio and steps are new

David Davignon also pointed out that the septic is to be upgraded and moved to the front of the house. He also stated that the lower patio is to be removed but asked that the timbers be left to stabilize the embankment. The Upper patio is 9' beyond the original patio. He also asked to keep the retaining wall that was constructed near the upper patio. Restoration of all the disturbed areas is to take place.

Kwame' Bartie visited the site and noted that the retaining wall is very sturdy

Ron Besse would like to see the hardscape from the lower area removed and timber to stay and in the upper patio to be brought back to original footprint and wall removed.

Mike Mercier noted that the septic was moved but is still in 100' buffer zone. Mr. Pichette explained that due to the property line it is placed as far back as it possibly can go and that there is no other option.

Sandy Slavin revisited the stair removal and vegetation planting in the lower area, but agreed that the stabilizing timbers should stay. Lower patio and hard stairs to be removed.

Moved, seconded to continue for revised plan 4/6/2022 6-0-0

**NOI: Robert Rego** **DEP – SE76-2732**  
**c/o River Hawk Environmental, LLC**  
**326 Glen Charlie Road, Wareham, MA**

**Representative:** Robert Rego Homeowner and Engineer

Mr. Pichette addressed the issue of water being pumped out of the pond to irrigate the homeowners property - regulations prevented und a by-law that does not allow for alteration of waterfront and that the placement o a pump does alter the resource area.

He stated that the commission has not received the National Heritage comments to date and would recommend a continuation of this project.

Discussion to amend NOI to include the placement of the pump and removal of water for irrigation. Noted that the project would have to be readvertised due to the water being taken from pond.

Alissa Heard wanted clarification of the dock size – 4' x 10' and if it was removed when applicable. She also was concerned with use of pond for watering the lawn and suggested a well for that specific use. Water does not belong to the applicant.

Ron Besse asked if DMF comments were received? Mr. Pichette stated that they were not needed for this project.

Sandy Slavin questioned the wooded structure next to the dock and the applicant stated that it was used to hold kayaks and would be removed if dock was approved. The dock is a temporary removable dock which was put in place about a week ago. The dock is in 3 sections which are removable and will be removed by boat.

There are pressure treated steps on concrete footings.

Elissa Heard: suggested that the owner should use a separate well for lawn watering and not be using the pond water.

Audience: Jill Lockart stated that historically the bogs next to the pond uses the pond water to flood the bogs. Wanted to have clarification as to who owns the water?

Fines needed for not permitted dock and steps.

Move to continue to 4/6/2022, second

6-0-0

**NOI: c/o Outback Engineering, Inc.**

**165 East Grove Street**

**Middleborough, MA**

Project to expand a gravel parking area located at 459 Main Street, Wareham, MA

Request was received from applicant to continue to 4/6/2022 No DEP # as yet

Moved, seconded

6-0-0;

**NOI: Paul Somers**

**DEP: SE76-?**

**c/o F.W. Westgate & Associates**

**189R Main Street, Wareham, MA**

Representatives: Paul Somers

Frank Westgate, F.W. Westgate & Assoc.

Project to construct an addition.

Mr. Pichette stated that the addition is beyond the size which the commission approved. It is within the 100' Buffer Zone and outside the 30' no activity zone. Recommendation to continue due to the fact that a DEP a# has not been assigned yet.

Sandy Slavin stated that this came in as a violation and noted that a \$300 fine to the homeowner has been paid. She also pointed out that some of the haybales have been disturbed and would like them fixed and restored.

Move, Second to continue to 4/6/2022

6-0-0

## **CONTINUED HEARINGS**

**NOI: Town of Wareham**

**DEP: SE76-2719**

**c/o GAF Engineering, Inc.  
Lot 1025 Hynes Field**

Representative: William Madden, GAF Engineering, Inc.

Change of plans were submitted late today and the commission will need time to review.

Mr. Madden stated that a change was made to the back of the parking lot. The pea stone trench was changed to an Infiltrating Rain Garden due to the high water table. The 6' x 100' system is larger than required and will tie into the existing storm drain with back stop flow valve so the brackish water does not get into the garden.

Recharge water concern in islands will be addressed. Enhanced erosion control included. Low impact development technique employed.

Elissa Heard liked the rain garden and inquired about Maintenance. Mr. Madden stated that is boils down the turrets being kept clear, trash pick up, weeding and annual upkeep by the Wareham Maintenance Dept.

Sandy Slavin noted that the commercial business that cuts through this lot to park trucks on their property needs to be notified that they will be unable to cut through once construction starts and the haybales are in place.

Move, Second to continue 4/6/2022

6-0-0

**NOI: Horatio & Cynthia Melo  
2013 Trust  
c/o GAF Engineering, Inc.  
13 Shell Lane**

**DEP: SE76-?**

Representative: William Madden, GAF Engineering Inc.

Mr. Pichette stated that a revised plan has been submitted. The pier extension has been eliminated and the boat lift will be added to the existing float and new float stops will be added to the float. The proposal has been reduced and recommends that the commission accept this new proposal.

William Madden stated that the float size has been reduced and improved. He reiterated that they would prefer the original plan but felt that this was a good compromise.

Move to close the hearing, second

6-0-0

Move to accept the plan with the standard order of conditions based on the revised plan of 3/14/2022

6-0-0

**NOI: David Andrade  
c/o Field Engineering Co.  
69 Great Neck Road**

**DEP: SE76-2705**

Representative: Ken Motta – Field Engineering Co.

David Pichette presented the revised plan. Residential subdivision with a small portion in the buffer zone to salt marsh and costal bank which is across the street. He stated that the Wareham Town Consulting Engineer has signed off on the storm water design. Recommends that we accept with the standard order of conditions plus the storm water to be contained in accordance with operation and maintenance plan. Also, no snow is to be stored in retention basis. The drywells the commission wanted were requested to the Planning Board and implemented.

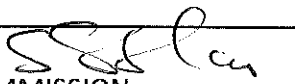
**Minutes for approval:**

1/15/2020 Sandy Slavin, Elissa Heard, Carol Malonson, Kwame' Bartie watched Video 4-0-2  
10/7/2020 No Meeting  
10/4/2021 Training for forms and permits Sandy Slavin, Elissa Heard, Carol Malonson, Ron Besse 4-0-2  
10/21/2020 Sandy Slavin, Elissa Heard, Carol Malonson, Ron Besse 4-0-2  
10/28/2020 Sandy Slavin, Elissa Heard, Carol Malonson, Ron Besse, Kwame Bartie 5-0-1  
7/21/2021 Sandy Slavin, Elissa Heard, Carol Malonson, Kwame' Bartie, Mike Mercier, Ron Besse watched 6-0-0  
2/16/2022 Sandy Slavin, Elissa Heard, Carol Malonson, Kwame' Bartie, Mike Mercier, Ron Besse 6-0-0

**Outstanding Minutes discussed and assigned**

Ron Besse will provide to committee with a copy of the Solar By Law being presented by the Solar By Law Committee. He hopes that we will review and as a committee state our support. Stated that an email received today from the EPA in reference to LSD Hydra Suggested that committee members be careful that comments remain neutral when discussing or commenting on continuances.

**Move to close meeting, second 8:35 pm 6-0-0**

Date Approved: 4/12/22  
Sandy Slavin, Chair  6-0-0  
WAREHAM CONSERVATION COMMISSION  
Date copy sent to Town Clerk: 4/12/22