

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: March 17, 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, Clerk
 Elissa Heard
 Mary Taggart
 Carol Malonson
 Ron Besse
 Kwame Bartie
 Michael Mercier
 David Pichette, Agent

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – David Silva – 55 Fearing Hill Road

The public hearing notice was read into the record.

Present before the ConCom: David Silva

Mr. Pichette described the project. The property is located at 55 Fearing Hill Rd. The project involves the construction of a shed in the buffer zone to BVW. He recommended approval of a Negative Determination #3.

MOTION: Ms. Heard moved to close the public hearing for David Silva. Mr. Besse seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Heard moved to grant a Negative #3 Determination for David Silva. Ms. Malonson seconded.

VOTE: Unanimous (7-0-0)

B. RDA – Paul Somers – 25 Oak Street

The public hearing notice was read into the record.

Present before the ConCom: Paul Somers

Mr. Pichette described the project. The property is located at 25 Oak St. The project involves the construction of an addition in the buffer zone to a coastal bank. Erosion control will be used. He recommended approval of a Negative Determination #3.

Ms. Slavin stated she shares a common lot line w/ Mr. Somers.

MOTION: Mr. Besse moved to close the public hearing for Paul Somers. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Heard moved to grant a Negative #3 Determination for Paul Somers. Mr. Besse seconded.

VOTE: Unanimous (7-0-0)

C. NOI – 290 Glen Charlie Road, LLC, c/o G.A.F. Engineering, Inc. – 290 Glen Charlie Road – SE76-2667

The public hearing notice was read into the record.

Present before the ConCom: Bill Madden, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 290 Glen Charlie Rd. The project deals w/ a violation re: unpermitted placement of fill in the pond by a previous owner. Fill will be removed from the pond w/in the estimated habitat for endangered species. A DEP file number has been assigned, but no comments from Natural Heritage as of yet.

Mr. Madden discussed the project (removal of fill) & a trap rock basin installation.

MOTION: Ms. Heard moved to continue the public hearing for 290 Glen Charlie Road, LLC to April 7, 2021. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

D. NOI – John Chuckran, c/o Michael J. Koska & Assoc. – 28 Fisherman Cove Road – SE76-2666

The public hearing notice was read into the record.

Present before the ConCom: Ed Holmes
Brad _____

Mr. Pichette described the project. The property is located at 28 Fisherman Cove Rd. The project involves repairs to a sea wall along a coastal bank, coastal beach & w/in coastal flood zone. 48 yds. Of sand will be needed. Work to be done in upland area. A DEP file number was assigned w/ comments re: other pertinent permits from other agencies. No comments received from MA DMF. He recommended a continuance for comments from MA DMF.

Brad _____ briefly noted aspects of the project. Discussion ensued re: project details, including possibly having machinery on the beach & tides.

MOTION: Mr. Besse moved to continue the public hearing for John Chuckran to April 7, 2021. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

E. NOI – TJP Realty Trust, LLC, c/o Cape & Islands Engineering, Inc. – Shell Lane

The public hearing notice was read into the record.

Present before the ConCom: Matt Costa

Mr. Pichette described the project. The property is located at Shell Lane. The project involves improving a roadway in buffer zone to a salt marsh & coastal flood zone VE, elevation 18. Shell Lane will be regraded & widened & remain gravel. Area has been staked out & revisions made to plan. Erosion control will be used. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added conditions that the road material be a natural gravel & not reprocessed asphalt, road remain as a pervious surface & not paved & road width increase be made on the upland side.

Discussion ensued re: slope of roadway, maintaining grade & plowing issues w/ gravel.

Present before the ConCom: Robert Dermity, 8 Shell Lane

Mr. Dermity in favor of fixing the roadway. He noted utilities under the roadway. He doesn't feel disturbed area needs to be seeded & loamed. Mr. Costa stated around the swails, it will be some sort of native mix. He would like to see the limit of work line when installed.

Present before the ConCom: Mrs. Dermity

Mrs. Dermity asked re: tree cutting. Brief discussion ensued.

Present before the ConCom: Mark Connolly

Mr. Connolly asked if houses need to be behind the 100 ft. buffer zone. Mr. Pichette discussed that they don't have to be behind the line.

MOTION: Mr. Besse moved to close the public hearing for TJP Realty Trust, LLC. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for TJP Realty Trust, LLC w/ standard conditions & the added conditions that the roadways surface material must be natural gravel, roadway not to be paved, roadway must remain pervious, all plowing to be done in such a way that gravel is not moved toward the wetland, the grade must be maintained & drainage swails need to be maintained to serve their purpose. Ms. Malonson seconded.

VOTE: Unanimous (7-0-0)

F. NOI – Vicki Piacentini – 204 Glen Charlie Road

The public hearing notice was read into the record.

Present before the ConCom: Vicki Piacentini
Richard Piacentini

Mr. Pichette described the project. The property is located at 204 Glen Charlie Rd. The project involves the construction of a dock in Glen Charlie Pond & in habitat for rare & endangered species. Dock will be seasonal. He recommended a straight dock w/out the "T" on the end. Storage in winter should be outside the 30 ft. no activity zone. No DEP file number has been assigned as of yet & no comments have been received as of yet from Natural Heritage. He recommended a continuance.

Brief discussion ensued re: aspects of the project & need for area to be staked.

MOTION: Mr. Besse moved to continue the public hearing for Vickie Piacentini to April 7, 2021. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

V. CONTINUED PUBLIC HEARINGS

A. NOI – Warren QOZB, LLC, c/o G.A.F. Engineering, Inc. – 59 Main Street – SE76-2664

The applicant has requested a continuance.

MOTION: Mr. Besse moved to continue the public hearing for Warren QOZB, LLC to April 7, 2021. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

B. NOI – Roger Keyes, c/o Alpha Survey Group, LLC – 7 Harborview Lane

Present before the ConCom: Jim Peterson, Alpha Survey Group, LLC

Mr. Pichette described the project. The property is located at 7 Harborview Lane. The project involves the construction of an addition, garage & new crushed stone driveway in buffer zone to a coastal bank. Excavation for the foundation has already been started. Erosion control will be used. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added condition that the disturbed cut through in the slope be restored to the previous grades.

Brief discussion ensued re: work started w/out permitting & fines.

MOTION: A motion was made & seconded to close the public hearing for Roger Keyes.

VOTE: Unanimous (7-0-0)

MOTION: Mr. Besse moved to grant an Order of Conditions for Roger Keyes w/ standard conditions & the added condition that the disturbed cut-through in the slope be restored to the previous grades & that a \$300 fine be issued to the homeowner & a \$300 fine be issued to the contractor. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

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

The applicant has requested a continuance.

MOTION: Mr. Besse moved to continue the public hearing for Samuel O. Mello to April 7, 2021. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

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

Present before the ConCom: Stacey Minehan, Beals & Thomas, Inc.
Zach Fargus, Borrego Solar Systems, Inc.

Mr. Pichette described the project. The property is located at 140 Tihonet Rd. The project involves the installation of a solar array in the buffer zone to BVW & an inland bank. Approx. 76 acres of land will be cleared. 2 million yds. Of sand will also be removed from the site. Plans have been revised incorporating recommendations of Town's engineer. He asked re: earth removal work. A DEP file has been assigned.

Ms. Minehan updated changes to the revised plan, which includes clearing 65.35 acres & 1.3 million cu yds. Of sand removal. Peer review has been completed. Only work w/in the 50 ft. buffer zone (which a waiver was requested) is in the southwest corner of the site which includes an access road that already exists.

Mr. Fargus noted timeframe for the removal of the sand & permits required. Discussion ensued re: earth removal & drainage issues associated w/ the earth removal. Ms. Minehan discussed the stormwater design/plans.

Present before the ConCom: Kathy Peppalardo, Wareham Land Trust

Ms. Peppalardo spoke re: value of forests & degradation of forests in Town.

Present before the ConCom: Nancy McHale

Ms. McHale asked if not removing all soil was ever considered. Mr. Fargus stated this site was already chosen for removal of sand/gravel for agricultural use by A.D. Makepeace.

Discussion continued re: earth removal/grading & permitting from various other agencies.

MOTION: Mr. Besse moved to continue the public hearing for Borrego Solar Systems, Inc. (140 Tihonet Rd.) to April 7, 2021 pending Planning Board & BOS votes. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

VI. EXTENSION REQUESTS

A. Ellis & Jennifer Bailey – 31 Crab Cove Terrace

The project involved re-construction of a retaining wall. Request is for a one-year extension.

MOTION: Ms. Heard moved to grant a one-year extension for Ellis & Jennifer Bailey. Mr. Besse seconded.

VOTE: Unanimous (7-0-0)

VII. ENFORCEMENT ORDERS

A. Dylan Arsenault – 1067 Main Street

Present before the ConCom: Dylan Arsenault

Mr. Pichette explained there was alteration (scraping) to land in the buffer zone to Tremont Pond & displayed pictures of what was done. The material will need to be removed, vegetation restored & an NOI filed.

The ConCom concurred that the brush & debris can be removed.

MOTION: Mr. Besse moved to ratify the Enforcement Order for Dylan Arsenault. Ms. Malonson seconded.

VOTE: Unanimous (7-0-0)

B. Kevin McFayden – 22 Churbuck Lane

Present before the ConCom: Kevin McFayden

Mr. Pichette explained fill was dumped & placed in the coastal flood zone w/ no approval. He noted permitting is required for placement of fill in a coastal flood zone.

Mr. McFayden explained a neighbor had asked if fill castings from a project being done could be placed temporarily on Mr. McFayden's property until the neighbor could bring it back on his property. The fill has been removed as of now. Mr. Pichette will revisit the site.

VIII. CERTIFICATES OF COMPLIANCE

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

- A. Discussion: Next meeting dates**
- B. Discussion: Appointments/Reappointments**
- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**

NOTE: Mr. Pichette noted the upcoming MACC conference.

X. ADJOURNMENT

MOTION: Ms. Malonson moved to adjourn the meeting. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

Date signed: 8/10/2021

H-D-1

Attest: 

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

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