

WAREHAM TOWN CLERK
2021-04-07-14:45

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

**Date of Meeting: April 7, 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
Micheal Mercier
Elissa Heard
Ron Besse
Carol Malonson
David Pichette, Conservation Administrator

Member Absent: Kuame Bartie

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – Town of Wareham – Paper Mill Road

The public hearing notice was read into the record.

Present before the ConCom: David Menard, Municipal Maintenance Director

Ms. Slavin noted that this is the Douglas Westgate Conservation property. Mr. Pichette described the project. The property is located at Paper Mill Road. The project involves the construction of a viewing observation deck on an existing concrete foundation in the buffer zone to BVW & w/in the riverfront area of the Weweantic River. He noted the supports needed for construction. All work will be done by hand. He recommended approval of the project w/ a Negative Determination #2.

MOTION: Ms. Taggart moved to close the public hearing for the Town of Wareham. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Heard moved to grant a Negative #2 Determination for the Town of Wareham. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

B. RDA – John & Donna O’Leary – 17 East Edgewater Drive

The public hearing notice was read into the record.

Present before the ConCom: Donna O’Leary

Mr. Pichette described the project. The property is located at 17 East Edgewater Drive. The project involves the construction of an extension to a deck in the buffer zone to a coastal bank. The extension will be on lawn area & sono tube footings will be used. All work will be done by hand. He recommended the issuance of a Negative Determination #3.

Ms. O’Leary discussed the construction project & noted the deck will have new decking.

MOTION: Ms. Heard moved to close the public hearing for John & Donna O’Leary. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Heard moved to grant a Negative #3 Determination for John & Donna O’Leary. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

C. RDA – Ed Kinsman – 65 Jefferson Shores Road

The public hearing notice was read into the record.

Present before the ConCom: Ed Kinsman

Mr. Pichette described the project. The property is located at 65 Jefferson Shores Road. The project involves the removal of an existing deck & the reconstruction of an 11x22 ft. deck in the buffer zone to a coastal bank.

Mr. Kinsman discussed the project details & property line questions.

MOTION: Ms. Heard moved to close the public hearing for Ed Kinsman. Ms. Malonson seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Heard moved to grant a Negative #3 Determination for Ed Kinsman. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

D. RDA – Kevin Grant, c/o G.A.F. Engineering, Inc. – 13 Pilgrim Avenue

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 13 Pilgrim Avenue. The project involves the construction of additions to an existing dwelling in a coastal flood zone AE, elevation 15. The project is not in the buffer zone to any other resource areas. No grade changes proposed. He recommended the issuance of a Negative Determination #2.

MOTION: Ms. Heard moved to close the public hearing for Kevin Grant. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Besse moved to grant a Negative #2 Determination for Kevin Grant. Ms. Malonson seconded.

VOTE: Unanimous (6-0-0)

V. CONTINUED PUBLIC HEARINGS

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

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

Mr. Pichette noted the revised plan received. He described the project. The property is located at 59 Main St. The project involves the construction of a commercial marina on the Wareham River & land under the ocean, land containing shellfish, within riverfront area & w/in the buffer zone to a coastal bank & w/in a coastal flood zone. A floating dock w/ 15 finger piers is proposed. 53 12 inch pilings are proposed based on the revised plan. He noted measurements of the dock/finger piers. He discussed how the structure(s) would be attached to the bulkhead. The plan does not show any other associated work which he feels it should show. He noted comments received from MA DMF. A DEP file number has been assigned. He recommended a continuance to obtain more information for the other necessary elements needed at the site for the project & shown on the plan.

Mr. Madden discussed the marina revised plan which represents the water dependent use for the project which is separate from land based activities proposed for the site. He discussed the elevation of the proposed pilings & floats & slip spaces. He noted the Harbormaster reviewed the project & has no major concerns.

Present before the ConCom: Bob Blair

Mr. Blair noted the applicant has other applications in for other boards, such as the Historic District Commission in which hearings have not been held yet re: the land use of the property.

Mr. Madden noted that the federal waterway dictates the length of the finger piers.

Present before the ConCom: Danny Warren, Property Owner

Mr. Warren feels negotiation is needed & there are more steps to go through.

Present before the ConCom: Mimi DiMauro, Pinehurst Beach

Ms. DiMauro has found Mr. Warrant to be of good integrity. She feels this project will be beneficial to the Town.

Present before the ConCom: Jennifer Carter, Pinehurst Beach

Ms. Carter stated she is impressed w/ the plans for the site.

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

VOTE: Unanimous (6-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions w/ standard conditions for Warren QOZB, LLC & to include the added comments cited per the March 10, 2021 letter from the MA DMF, letter to be included in the Order of Conditions. Ms. Malonson seconded.

VOTE: Unanimous (6-0-0)

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

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

Mr. Pichette described the project. The property is located at 290 Glen Charlie Rd. (Maple Park Campgrounds). The application addresses a violation involving the unpermitted placing of fill in the pond. The project involves the removal of the fill. The site is also w/in the estimated habitat for rare & endangered species. Also proposed is to install a small trap rock retention basin at the end of the entrance road near Glen Charlie Road. No negative comments were received from Natural Heritage. A DEP file number has been assigned. He recommended approval of the project.

Mr. Madden & Ms. Midea asked to keep the fill in place. Discussion ensued re: the man-made pond construction & the fill placement. Discussion ensued re: the current owner not being the one who placed the fill, but the current owner is responsible to correct the issue.

MOTION: Ms. Heard moved to close the public hearing for 290 Glen Charlie Road, LLC. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

MOTION: Mr. Besse moved to grant an Order of Conditions for 290 Glen Charlie Road, LLC w/ standard conditions & the added condition that the fill be removed from the pond according to the plan submitted. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

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

The applicant has requested a continuance to April 21, 2021.

MOTION: Mr. Mercier moved to continue the public hearing for Samuel O. Mello to April 21, 2021. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

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.
Zack 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 & to an inland bank. Approx. 68 acres will be cleared. Work would be up to the 50 ft. no activity zone & removal of 1.3 million yds. of sand. The project engineer has completed his review & the current plan set dated 2/19/21 has been revised per his recommendations. The project is in compliance w/ stormwater standards. The engineer recommended approval of the project per plan dated 2/19/21. A DEP file number has been received.

Mr. Pichette expressed concern re: the magnitude of clear cutting & work to be done (a majority of the work to be done will be outside the buffer zone). He recommended approval of the project w/ standard conditions & added conditions that fencing be at least 6 inches off the ground, any perimeter fencing be outside the 50 ft. no activity zone, that stormwater structures be maintained in accordance w/ the operation & maintenance plan submitted & the area be loamed & seeded once the final grades have been achieved.

MOTION: Ms. Heard moved to close the public hearing for Borrego Solar Systems, Inc. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions w/ standard conditions for Borrego Solar Systems, Inc. w/ the added conditions that fencing be at least 6 inches off the ground, any perimeter fencing be outside the 50 ft. no activity zone, that stormwater structures be maintained in accordance w/ the operation and maintenance plan submitted & the area to be loamed & seeded once the final grades have been achieved. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

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

Present before the ConCom: John Chuckran
Michael J. Koska, Michael J. Koska & Assoc.

Mr. Pichette described the project. The property is located at 28 Fisherman Cove Rd. The project involves repairs to a seawall along a coastal bank, coastal beach & w/in a coastal flood zone. He discussed how the repairs would be accomplished & sand needed. A DEP file number has been received. He noted comments received from MA DMF which include use of compatible beach material, no beach nourishment where salt marsh is located, work to be done as much as possible on the upland side & during low tide cycles. He recommended approval of the project w/ standard conditions, the conditions outlined by the MA DMF & the added condition that construction mats be used for any equipment used on the beach & the granite blocks be removed from the resource area & the buffer zone.

Mr. Chuckran briefly discussed certain components of work for the project.

MOTION: Ms. Heard moved to close the public hearing for John Chuckran. Ms. Malonson seconded.

VOTE: Unanimous (6-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for John Chuckran w/ standard conditions, to include comments/conditions noted in the letter dated 4/6/21 from the MA DMF, letter to be included in the Order of Conditions, & the added conditions that construction mats be used for any equipment used on the beach & the granite blocks be removed from the resource area & the buffer zone. Mr. Mercier seconded.

VOTE: Unanimous (6-0-0)

F. NOI – Vicki Piacentini – 204 Glen Charlie Road

Present before the ConCom: Vicki Piacentini

Mr. Pichette described the project. The property is located at 204 Glen Charlie Rd. The project involves the construction of a 4x34 ft. dock in Glen Charlie Pond w/in the estimated habitat for rare & endangered species. No DEP file number has been assigned & no comments have been received from Natural Heritage. He recommended a continuance of the hearing.

MOTION: Ms. Heard moved to continue the public hearing for Vicki Piacentini to April 21, 2021. Mr. Besse seconded.

VOTE: Unanimous (6-0-0)

VI. EXTENSION REQUESTS

A. Anthony & Wendy Pires – 53 Long Beach Road

Mr. Pichette explained the project involves a septic system upgrade & an addition to the house. The applicant is requesting a one-year extension which he recommends.

MOTION: Mr. Besse moved to grant a one-year extension for Anthony & Wendy Pires. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

VII. ENFORCEMENT ORDERS

A. Kevin McFayden – 22 Churbuck Lane

Present before the ConCom: Kevin McFayden

Mr. Pichette explained this property had fill in the yard. The fill has been removed. Mr. McFayden will put loam & seed down on the disturbed area to stabilize.

B. Sharon McDuffy – 58 Fearing Hill Road

Present before the ConCom: Sharon McDuffy

Mr. Pichette explained the violation occurred several years ago & involved the alteration of wetlands in riverfront area w/ no approvals. An Enforcement Order was issued & Ms. McDuffy was told an NOI needed to be filed for the restoration. No NOI has been filed.

Ms. McDuffy was unaware she had to file an NOI. She has hired an arborist to establish the flow of the land & then a survey of the land will be done. She was told the arborist or surveyor will be submitting the application to the ConCom.

Discussion ensued re: a timeframe for the NOI submittal. The ConCom members concurred 90 days should be sufficient.

MOTION: Ms. Heard moved that the submittal of an NOI from Sharon McDuffy be done w/in 90 days. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. Russell Motto – 71 Onset Avenue

Mr. Pichette stated this project was for the construction of a single family home & has been completed per the OOC. He recommended approval of the COC.

MOTION: Ms. Taggart moved to grant a Certificate of Compliance for Russell Motto – 71 Onset Avenue. Ms. Malonson seconded.

VOTE: Unanimous (6-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion: Chapter 61A Notices of Conversion – A.D. Makepeace Co.

Ms. Slavin stated the ConCom previously sent a letter to the BOS in favor of obtaining these three properties. It was discovered that the original Notices of Conversion submitted by the applicant were done incorrectly and had to be resubmitted. Therefore, the ConCom needs to vote again on the new Notices of Conversion submitted.

MOTION: Ms. Heard moved the ConCom recommend that the Town exercise the right of first refusal for the A.D. Makepeace Co. properties. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

B. Discussion: Letter of Support – Littleton Drive

Ms. Slavin spoke re: a letter of support. She needs approval to sign & submit it.

MOTION: Ms. Heard moved to approve the letter of support to the BOS from the ConCom re: the Littleton Drive project & said letter to be submitted to the Redevelopment Authority. Ms. Taggart seconded.

VOTE: Unanimous (6-0-0)

C. Discussion: Proposed Wetland Bylaw Amendments

Discussion ensued re: amendments to the Wetland Bylaws. The amendments are to remove the 50 ft. no activity zone in the Village I district & the other is to have the Town be entitled to any exemptions under the State Wetland Laws because it's felt that the ConCom's Bylaws restrict projects they want to do based on the way the current Bylaw is written.

Mr. Pichette recommended the ConCom hold a public hearing on these two articles. Discussion ensued re: the amendments, when to hold the public hearing & what entity proposed these amendments. The ConCom concurred to hold a public hearing on April 29, 2021.

D. Discussion: Appointments/Reappointments

MOTION: Ms. Heard nominated Mr. Besse as Vice Chair of the ConCom. Ms. Malonson seconded.

VOTE: Unanimous (6-0-0)

Present before the ConCom: Alan Hesse

Mr. Hesse has submitted an application for membership.

Present before the ConCom: Denise Shultz

Ms. Shultz is considering submitting an application for membership.

E. Discussion: Conservation Restriction/Stewardship

F. Discussion: Bills

X. ADJOURNMENT

MOTION: Mr. Besse moved to adjourn the meeting. Ms. Heard seconded.

VOTE: Unanimous (6-0-0)

Date signed: 7/22/2021

Attest: SSS/wr

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Wareham Town Clerk: _____