

**WAREHAM CONSERVATION COMMISSION MEETING MINUTES: WEDNESDAY, May 4, 2022 6:30pm**

**MEMBERS PRESENT:** Sandy Slavin, Michael Mercier, Kwame Bartie, Carol Malonson, Denise Schulz, Elissa Heard, Assoc. member Nichole Locurto , Agent - Dave Pichette

**MEMBERS ABSENT:**

**MEETING MINUTES:**

Motion made and seconded to approve minutes for March 2, 2022. Approved 6-0-0

Members of the commission discussed the issue with applicants failing to stake out projects for the commission to know where work is proposed to be done. Moving forward the commission will be continuing hearings when the sites are not staked.

**PUBLIC HEARINGS:**

RDA- Dave & Cynthia Pillsbury - 28 Shangri-la Blvd

DAVE PRESENTED PROJECT: To install a stairway within the buffer zone to Glen Charlie Pond. A 4ft x 15 ft stairway is proposed from the existing deck down to another existing stairway to make access down the slope easier. The new stairway will be supported by galvanized pipe piles that would be driven into the ground. There are existing concrete blocks serving as low retaining walls that are proposed to be replaced with this project. Overall minor work, recommending approval of this project with a negative determination #3. Docks are currently being stored too close to the water and will need to be stored at least 30 ft. from the water's edge.

Motion made and seconded to close the hearing. Approved: 6-0-0

Motion made and seconded to accept the project with a negative determination #3, with the condition to store docks 30 ft. from the water. Approved: 6-0-0

RDA- Robert Foley 32 Gault Rd.

DAVE PRESENTED PROJECT: To remove invasive plant species and install a chain link fence within the buffer zone to vegetative wetland. This project involves removing invasive plant species and cleaning up debris on the property and putting up fencing no closer than 30 ft. to the edge of the wetland. An old safe was also found buried in the yard and will be removed with some type of machinery but does not fall within the 100 ft. buffer zone.

Motion made and seconded to close the hearing. Approved: 6-0-0

Motion made and seconded to accept the project with a negative determination #3, with the removal of the safe and affected soil underneath. Approved: 6-0-0

SE76-2740 NOI- Joseph Barbosa, % Evan Watson, W. Engineering, LLC - 274 Cromesett Rd.

DAVE PRESENTED PROJECT: To construct a garage addition to an existing dwelling within the buffer zone to a coastal bank and within a coastal flood zone, elevation 16. A 24 ft. x 28 ft. garage is proposed,

approximately 47 ft. from the top of the bank. A gravel driveway off Grace Ln. will also be installed to access the new garage. Hay bales and silt fences will be installed between the work and resource areas. Dave recommends approval of the project with the standard order of conditions. Members of the commission visited the site and there were no stakes showing where the work is to be done.

The hearing will be continued until the project is staked.

Motion and second to continue the project until 5/18. Approved 6-0-0

SE76- NOI- Sure-Cran Services, c/o G.A.F. Engineering, Inc. – Lots 1002.B & 1008 Charge Pond Road

DAVE PRESENTED PROJECT: To install a 196 kw ground mounted solar array within the buffer zone to bordering vegetative wetland. The solar array is proposed on a block of land between two existing cranberry bogs and will be used to generate electricity for cranberry bog operations. The array and all associated work will be outside the 50 ft. no activity zone. The project includes an 8 foot fence around the perimeter of the array and hay bales and silt fencing will be used between the work and resource area. Commission members were unable to visit the site due to a locked gate preventing access across town property. The town has the right of first refusal on this property and has not yet made a decision on whether they will purchase the property or not. The commission needs to view the site before voting on this project, the property owner will work with the commission to allow access before the next meeting.

Motion and second to continue the project until 6/1. Approved 6-0-0

SE76- NOI – Hamilton Beach Association, c/o Kevin Grant – Hamilton Beach  
Applicant requested continuance to the next meeting.

Motion and second to continue the project until 5/18. Approved 6-0-0

#### **CONTINUED PUBLIC HEARINGS:**

RDA – James Capporiccio, % Bill Lockwood, Lockwood Architects – 5 Albatross Avenue

DAVE PRESENTED PROJECT: This project involves the paving of an existing driveway in the buffer zone to a vegetative wetland on the site. The proposed driveway is 35-40 ft. to the edge of the wetland. The driveway will be pitched away from the wetland toward a gravel trench to address stormwater runoff concerns. All work involved will remain within the footprint of the existing driveway.

Motion and second to close the hearing. Approved 6-0-0

Motion made and seconded to accept the project with a negative determination #3. Approved: 6-0-0

SE76-2719 NOI – Town of Wareham, c/o Bill Madden, G.A.F. Engineering, Inc. – Lot 1025 Hynes Field –

DAVE PRESENTED PROJECT: This project involves the construction of a parking lot within the buffer zone to a bordering vegetative wetland and within a coastal flood zone AE elevation 14. The initial proposed plan consisted of 94 parking spaces, landscaping, islands, sidewalks and a rain garden. The revised plan complies with the commission's previous recommendations to decrease the size of the parking lot and increase the size of the rain garden to handle stormwater runoff. The revised plan now consists of 76 parking spaces and the size of the rain garden was increased to three times the size of the rain garden in the initial plan. A resident in attendance voiced concerns over the trash and sludge that will



accumulate inside the rain garden. Municipal maintenance to remove trash and debris from the site regularly, within a predetermined time frame. Member of audience (Holly Harooty) asked for names of people who hired GAF and the names were provided.

Motion and second to close the hearing. Approved 6-0-0

Motion made and seconded to accept the project with the standard order of conditions with the added condition that trash and debris will be removed on a regular basis per best practices in conjunction with the stormwater operation plan. Approved 6-0-0.

SE76-2737 NOI – Robert Pirolli, c/o Bill Madden, G.A.F. Engineering, Inc. – 278 Cromesett Road

DAVE PRESENTED PROJECT: This project involves the construction of a pier, ramp, float system and boat lift within land under the ocean and containing shellfish and within a coastal flood zone and in the estimated habitat of rare and endangered species. The proposed pier will extend out into Buzzards Bay and the structure will be partially on land and part of the structure will go over the salt marsh. The proposed pier will be approximately 198 ft. from the mean high water line and will require 37 12" diameter pilings. The hearing was continued from the previous meeting due to the site not being staked out and because the commission was waiting for a response from the Harbor Master and results from the eelgrass survey. National Heritage stated that they have no issues with this project and the Harbor Master has not yet responded. The buoy was not put out as required in the bylaws due to high winds creating dangerous conditions for the small boat being used. The commission would like to see the buoy placed to indicate how far the pier will extend and also would like to hear comments from the Harbor Master before making a decision.

Motion made and seconded to continue the hearing to 5/18. Approved 6-0-0

SE76-2736 NOI Joseph Barbosa, c/o Bill Madden, G.A.F. Engineering, Inc. – 274 Cromesett Road

DAVE PRESENTED PROJECT: This project involves the construction of a pier, ramp and float system out off the existing stone getty at this site. The proposed plan requires 30 pilings to be installed to support the structure, but this number could be reduced if the proposed walkway is removed from the plan. Dave Pichette recommends eliminating the walkway to cut down on the number of pilings. This project was also continued from the last meeting due to lack of markers to indicate where the structure ends at the site and because the commission was waiting for the results of the eelgrass survey and comments from the Harbor Master. The MA Division of Marine Fisheries has no issues with this project but the commission hasn't yet received any response from the Harbor Master. The commission would like to see the marker placed at the site to show where the structure will end and also to hear the Harbor Master's comments before making a decision.

Motion made and seconded to continue the hearing to 5/18. Approved 6-0-0

SE76-2735 NOI Ryan Vlaco, c/o Brian Wallace, J.C. Engineering, Inc. – 72B Burgess Point Road

DAVE PRESENTED PROJECT: This project involves the construction of a single family dwelling with attached garage, separate stand alone garage, in ground pool, stone retaining wall, associated utilities and driveway within the buffer zone to a coastal bank and within a coastal flood zone. A 32'x58' dwelling with attached 30'x30' garage is proposed within flood zone AE Elevation 16, with a 30'x40' garage, 20'x40' in ground pool with associated patio and pool house approximately 75 ft. from the top of the coastal bank. At the last meeting the commission discussed the placement of the stone retaining wall being within velocity

flood zone and asked that it be pulled out of the velocity flood zone. The new plan reflects that change. The proposed paved driveway has infiltration devices for storm water runoff including grass swale and catch basin. All work for this project will remain out of the 30 ft. No Activity Zone. The pool cannot be drained on site, it must be pumped by a vendor and taken off site.

Motion and second to close the hearing. Approve 6-0-0

Motion and second to accept the project with the standard order of conditions with the maintaining of the 30 ft. No Activity Zone with the stipulation that the pool must not be drained on site, must be pumped and taken off site by a vendor. Approve: 6-0-0

SE76-2738 NOI Dylan Freitas, c/o J.C. Engineering, Inc. – 5 Cleveland Way

DAVE PRESENTED PROJECT: This project involves the construction of a retaining wall on a coastal bank and within a coastal flood zone. The plan proposes to construct a 4 ft. high keystone block retaining wall in VE Flood Zone Elevation 21. At the last meeting the proposed plan showed the new wall about 5 ft. out past the existing wall. The commission requested the new wall be pulled back to where the existing wall is as intended to be replaced. The revised plan reflects that change and shows the existing retaining wall to be replaced in the same footprint and behind the new wall there will be a patio installed with an infiltration structure to handle storm water runoff. There is also a retaining wall by the street that was replaced without commission approval and the applicant is requesting after the fact approval for that as part of this project. Dylan commented that the stairs out front are deteriorating and could possibly be further damaged during this project so they are expected to be replaced during this project as well.

Motion and second to close the hearing. Approve: 6-0-0.

Motion and second to accept the project per revised plan with the standard order of conditions and a \$200 fine for work done without approval from the commission. Approved: 6-0-0

NOI – Scott Green, c/o J.C. Engineering, Inc. – 17 Murphy Street

Applicant requested continuance to the next meeting, 5/18.

Motion and second to continue the hearing until 5/18. Approved: 6-0-0

SE76-2729 NOI – R.C. Motto, Inc., c/o Brad Bertolli, J.C. Engineering, Inc. – 21 Old Glen Charlie

DAVE PRESENTED PROJECT: This project involves the construction of a duplex, deck and garage in the buffer zone to a wetland. During the last review the plan included 2 duplexes with a stand alone garage. The revised plan has a decreased number of units per request of the planning board. There has been a significant amount of fill and debris placed within the 50 ft. No Activity Zone and in the buffer zone. The current plan for restoration of that area is vague and grass with a wild mix will not be sufficient in stabilizing the steep slope. The commission would like to see a more significant restoration plan with sufficient planting of vegetation such as shrubs, trees or bushes and jute netting to stabilize the slope. Motion made and seconded to continue the hearing until 5/18 for the applicant to come up with a revised restoration plan. Approve: 6-0-0.

SE76-2682 NOI George & Kerry Barrett, c/o J.C. Engineering, Inc. – 4 Verne Avenue

Applicant requested continuance to 6/1.

Motion made and seconded to continue to 6/1. Approve: 6-0-0

SE76- NOI TJP Realty, LLC, c/o Cape & Islands Engineering, Inc. – Over Jordan Road

DAVE PRESENTED PROJECT: This project involves the paving of a road and installation of stormwater structures, some of which are within a coastal flood zone and some of which are in a buffer zone to a coastal bank. The proposed plan shows the existing gravel road to be paved will be 1400 ft. long and



approximately 18 ft. wide, while the existing road is currently 16 ft. wide. The majority of the work is in the VE Flood Zone Elevation 17, with a small portion closest to Great Neck Rd. being in AE Flood zone Elevation 15. At the previous meeting the commission requested the pavement used to be pervious and received comments from DEP that a stormwater checklist needed to be submitted. The new plans reflect that change and the checklist has been submitted. During this project two fire hydrants will be moved and some trees will be removed to allow widening of the road. During the meeting the applicant lost audio connection and was not able to answer commissions questions regarding tree removal. Motion made and seconded to table it until he gets reconnected. Approve: 6-0-0.

SE76- 2684 NOI Wareham, MA 3, LLC, c/o Atlantic Design Engineers, Inc. – 91 & 101 Fearing Hill Road

Applicant requested continuance, waiting on results from the hydrology test.

Motion made and seconded to continue to 5/18. Approve: 6-0-0

SE76- NOI TJP Realty, LLC, c/o Cape & Islands Engineering, Inc. – Over Jordan Road

Motion made and seconded to untale the hearing for Over Jordan Road. Approve: 6-0-0.

The commission had questions regarding which trees would be removed and what their plan was for replacement of lost and damaged trees. Mark explained that the applicant will agree to replace any trees that are removed 1:1. The commission requests all trees removed or damaged during the project must be replaced with a similar type of tree and guaranteed for one year. If necessary, trees will be replaced if they do not survive one year.

Motion made and seconded to close the hearing. Approve: 6-0-0

Motion made and seconded to accept the project with the standard order of conditions per the updated plan and with the stipulation that any tree removed or damaged during the project must be replaced with a similar type of tree and guaranteed for one year, and replaced as needed within that year should they not survive. Approve: 6-0-0

SE76-2701 NOI – Wareham PV 1, LLC, c/o Chris Wagner, VHB – 0 Route 25

DAVE PRESENTED PROJECT: This project involves the construction of a commercial solar array in the buffer zone to bordering vegetative wetland, isolated vegetative wetland and within a riverfront area. A 3.5 MW solar array is proposed on this 12 acre site, some of the site has already been cleared but the project will require some additional clearing of trees. This project has been continued several times awaiting the results of the new solar bylaws and awaiting the review from the town's engineer on this project. It is also up for planning board review and approval. All of the work will remain outside of the No Activity Zone and there is very limited work to be done within the buffer zone. There is fencing proposed around the perimeter of the array and the commission has requested the fence to be moved out of the riverfront area. Barry Cosgrove had some comments on this project and prepared a presentation for the commission. Due to the length of the presentation and items remaining on the agenda, Barry has agreed to present at our next meeting. The commission asked that this hearing be placed at the top of our continued hearings agenda on 5/18 as a courtesy to Mr. Cosgrove for being so patient through this long meeting.

Motion made and seconded to continue the hearing until 5/18. Approve: 6-0-0

### **EXTENSION REQUESTS**

SE76-2476 Mike Lenihan – Clean up Agawam Mill Pond

The applicant has requested an extension to continue treatments as this process is ongoing and will take time to be completely resolved. The commission has given an extension before and due to the nature of the project, it seems reasonable to extend further than one year.

Motion made and seconded to extend the project for 2 years with the condition that the commission receive annual reports of the treatment protocols for the year, prior to application. Approve: 6-0-0

### ENFORCEMENT ORDERS

Jessamyn Kennedy – 71 Onset Avenue

This enforcement order is for alterations made in a No Activity Zone including the clearing of vegetation and the construction of a stone fire pit. Jessamyn was unaware that the work done required permission from the conservation commission and apologized for the mistake. She would like to work on removing some bittersweet and other invasive vegetation and do some replanting of other plant species on the property. Jessamyn has agreed to submit a RDA for these alterations and also to remove the fire pit that was constructed without approval from the commission. The location of the fire pit is inside the No Activity Zone and would not have been approved if it was brought before the commission for approval. She has stated that it will take some time to get it removed due to the weight and durability of the stone pit. A fine will be issued for the unpermitted fire pit at the time of the hearing for RDA.

Motion made and seconded to ratify the enforcement order and request for a RDA for desired alterations to the site. Approve: 6-0-0

Robert Mcduffy – Station Street

This enforcement order is for placement of fill within the buffer zone to a wetland. The area has been used to stockpile materials and Robert Mcduffy informed Dave Pichette that he would not be able to make the meeting tonight but is working with J.C. Engineering to resolve this issue. There was previous approval from the commission to construct a home at this site with a standard order of conditions that has since expired and is no longer valid.

Motion made and seconded to ratify the enforcement order. Approve: 6-0-0

### CERTIFICATES OF COMPLIANCE

#### ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

Discussion: Appointments/Reappointments:

Sandy stated that there will be discussion at the next meeting regarding a vote for the vice chair and clerk to be appointed. Sandy and the rest of the commission also thanked Selectman Ron Besse for his time and service on the conservation commission and congratulated him on his appointment of Selectmen.

Denise asked about the planning board requesting a response from the commission regarding Bay Pointe. Dave stated that the planning board is requesting a letter stating that the conservation commission has no involvement or authority on the project as the site is not within our jurisdiction. Dave will take care of the letter and submit on behalf of the commission.

#### **ADJOURNMENT:**

MOTION MADE AND SECONDED TO ADJOURN THE MEETING AT 9:36pm VOTE: 6-0-0

Date Approved: 7/6/22

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 7/21/22