

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: June 1, 2022

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30pm.

II. ROLL CALL

Members Present: Sandra Slavin, Chair

Elissa Heard

Carol Melonson

Kwame Bartie

Michael Mercier

Denise Schulz

Nichole Locurto (Associate Member)

Dave Pichette (Agent)

III. Preliminary Business

Review & Approve Meeting Minutes

Commission voted to approve minutes from the January 5, 2022 meeting by a vote of 5-0-0.

IV. Public Hearings

A- Beth Schweitzer, c/o Schneider, Davignon & Leone – 16 8th Avenue

The public hearing notice was read into the record.

Present before the Commission: Dave Davignon, Rep.; Schneider, Davignon & Leone, Inc.

Mr. Pichette presented the project as occurring at 168th Avenue and involves the replacement and removal of a car port and shed. A new 12 foot x 14 foot car port and 12 foot x 8 foot shed are proposed, both of which will be done within 50 feet of the buffer zone of the coastal bank of the Weweantic River. There is another car port and shed on the property, neither of which will be touched. Mr. Pichette didn't have much of an issue with the project and recommended it can be approved with a negative determination number 2. However, towards the end of his presentation, Mr. Pichette was curious to know how many total footings would be used in the project.

The representative answered that there would be 4 sonotubes for each structure.

Mr. Mercier was curious to know if construction had already begun as when he stopped by the site earlier that afternoon he noticed a large trash bin and workers were on the site. Mr. Davignon clarified other renovations are occurring inside in the home and that was what he likely saw occurring.

Motion: Ms. Schulz motioned to close the hearing. Mr. Bartie seconded

VOTE: Unanimous (6-0-0)

Motion: Ms. Heard motioned to accept the project as accepted, with a negative determination number two. Ms. Schulz seconded.

VOTE: Unanimous (6-0-0)

B - NOI – Kevin Perkins, c/o Zenith Consulting & Engineers – 31 Old Woods Road – SE76-

The public hearing notice was read into the record.

Present before the Commission: Mr. Nyles Zager, Zenith Consulting Engineers LLC

Mr. Pichette stated the proposal is at 31 Old Woods Road which involves the installation of a septic system, new well, and tight tank water system; all of which is within bordering vegetative wetlands. The site is at a cottage and there is currently no septic system at the location. The proposed tanks would be 60 feet from the closest wetlands, which would be the adjacent drainage, ditch, or closest canal to the property. The tanks would be outside the buffer zone to an adjacent cranberry bog in the back, approximately 100 feet to wetlands that are adjacent to Spectacle Pond. A drainage well is also proposed, which would be 60 feet above Spectacle Pond. Erosion Control is proposed for the location between the work and any resource areas.

Recently Mr. Pichette recently visited the site. He was notified work had been done and alterations of nearby wetlands. He felt the wetlands should be restored as well as a 30 foot No Activity Zone be placed. Additionally, he had some concerns about how drill rigs would reach the location and how water would be pumped into the site.

Finally, a DEP File number was received for the project. However, due to the alterations of the wetlands, Mr. Pichette thought it would be best the project be continued so the commission can receive a new plan featuring how the vegetation would be restored and a new 30 foot no activity zone.

Mr. Zager spoke to address those issues. He stated that the drill would come down the existing drive, around the right side of the home, and be placed on the south side of the property where the well is proposed. As for the discharge, that would get pumped off into the dewatering basin. He stated the company and owner are aware of the alterations of the wetlands. Finally, he stated the company will come-up with a plan to remedy those alterations and create a new no-activity zone.

Ms. Heard was curious to know how often a system like this may be used. Mr. Zager stated a tight tank would be mostly used for seasonal use, mostly limited to the summer and/or weekends. Thus, it is difficult to pinpoint an exact amount of time it may be used. The tank could be used for activities like cleaning dishes, taking showers, etc. Thus, it may need to be drained every three weeks, monthly, every other month, etc.

Ms. Schulz expressed concerns about the alarm and how the homeowner would be notified if the tank needs to be pumped. Mr. Zager claimed the alarm is mainly audio-visual, and having the system alert the user when it needs to be pumped is a requirement on the title line.

Ms. Slavin asked what may happen in the event of a possible overflow and the homeowners were out of town. The engineer discussed that the tank has a 24-hour capacity overflow to handle the situation. Plus, apparently the Board of Health (BOH) is going to require they are on a maintenance program assuring the tank is taken care of properly. (When Ms. Slavin asked a follow-up question inquiring if Mr. Zager attended a BOH meeting earlier in the day, he stated he was not.)

Motion: Mr. Bartie motioned to continue the hearing until 6/15/22. Mr. Mercier seconded

VOTE: Unanimous (6-0-0)

V. Continued Hearings

A - RDA – Sarajon Realty, LLC, c/o J.C. Engineering, Inc. – 150 Blackmore Pond Road

Present before the commission: Mr. Sam Iamele, J.C.. Engineering, Inc.

At the beginning of this hearing, Mr. Pichette stated this project largely had to be extended from the prior meeting due to it not being properly stated for the commission members to see. The proposal involves site work on land bordering a vegetative wetland that involves the construction of a single-family dwelling, a driveway, and a septic system. The driveway would involve work in the buffer zone to the wetland and some grade changes would be done to the property. Mr. Pichette recommended to

approve the construction of the home with a negative determination number three. Nothing else was added by Mr. lamele and no questions were asked from the commission members.

Motion: Ms. Schulz motioned to close the hearing. Mr. Mercier seconded

VOTE: Unanimous (6-0-0)

Motion: Ms. Heard motioned to accept the project with a negative determination number three. Mr. Mercier seconded.

VOTE: Unanimous (6-0-0)

B – RDA – Sarajon Realty, LLC, c/o J.C. Engineering, Inc. – 152 Blackmore Pond Road

Present before the commission: Mr. Sam lamele, J.C.. Engineering, Inc.

Mr. Pichette began the hearing by stating this work was on the lot adjacent to the previous hearing, and delayed for similar reasons. It also involved site work involving the construction of a single-family dwelling, a driveway, and a septic system. The proposed driveway to access this home is in the buffer zone to the wetland, however both the home and the septic system are not. And just like the previous home, some grading changes to the site proposed. So, Mr. Pichette recommended the construction of the home with a negative determination number three. Nothing was added by Mr. lamele and no questions were asked from the commission members.

Motion: Ms. Heard motioned to close the hearing. Mr. Bartie seconded

VOTE: Unanimous (6-0-0)

Motion: Ms. Heard motioned to accept the project with a negative determination number three. Mr. Mercier seconded.

VOTE: Unanimous (6-0-0)

C – NOI – Sure-Cran Services, c/o G.A.F. Engineering, Inc. – Lots 1002.B & 1008 Charge Pond Road – SE76-2739

Present before the Commission: Mr. Bill Madden, GAF Engineering

Mr. Pichette began the hearing by saying the project is off of Charge Pond Road, on lots 10002V and 1008., and involves the installation of a solar array within bordering vegetation wetlands. A 196-kilowatt solar array is proposed, approximately 60 feet from the edge of a wetland, and adjacent to a cranberry bog operation and irrigation pond off the site. The solar array, which would sit on a metal racking system, is planned to provide electricity to the owner of the site, which is a farm operation. Since much of the land has been previously disturbed, no tree clearing is expected.

However, Mr. Pichette did review the site and noticed other activity, which included the clearing of forested land which was six acres. That work had not been approved by the commission. This land sits just north of the proposed project.

A DEP file number was received for the project. At the end Mr. Pichette didn't have a problem approving the solar array, however he felt the work that started at the northern end of the proposed field needed to be addressed. Therefore, he recommended that the solar array project be approved, and a separate Notice of Intent be filed and work be done to address the work cleared on the northern part of the site.

Mr. Madden agreed to this proposal. The majority of the commission agreed this proposal. However, Ms. Heard brought-up the idea of fines, which would be addressed to the stand-alone project. Also, a cease & desist also would be enforced to the stand-alone project and any digging must stop.

Motion: Ms. Schulz motioned to close the hearing. Ms. Heard seconded

VOTE: Unanimous (6-0-0)

Motion: Ms. Heard motioned to accept the project with a Standard Order of Conditions. Mr. Schulz seconded.

VOTE: Unanimous (6-0-0)

A second vote was taken to issue an enforcement order for the land north of the property.

Ms. Heard motion issue an enforcement order. Ms. Schulz second.

VOTE: Unanimous (6-0-0)

Mr. Madden did ask towards the end if any agriculture work can be done during this time. Ms. Slavin stated that "no" work meant "no" work, thus agriculture work must cease at the facility.

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

Present before the commission: Mr. Christopher Wagner, Environmental Specialist, VHB.

Ms. Betsy Mason, Counsel, Clavins Law Group,

This project is at 0 Route 25 and involves the construction of a commercial solar array in the buffer zone of bordering vegetative wetlands in a riverfront area. Some of the land has been cleared, but more is required. At the last meeting work within the wetlands and riverfront area was discussed. It was recommended that no alterations occur in the riverfront area. It was also discussed if work occurred in the wetlands had started without approval.

Mr. Pichette did review the site, and the majority of work done on the site was not on the wetlands. But there was a small area of work that was altered, which was in the far eastern part of the map and a second area, which is the very far south eastern corner of the site. So, he felt it could be addressed as after the fact work. While a DEP file number was received, Mr. Pichette recommended the project be continued.

Mr. Wagner claimed he did submit an updated version of this plan to Mr. Pichette's office; however it was on 6/1/22 and unlikely any members had a chance to review those plans. One update of note is the stream along the southern project now has a fence along it to reduce impact.

Mr. Bartie was curious to know where the fence line was located, which would be along the river front area. Plus Mr. Wagner assured a tree line would be placed along the fence.

Ms. Heard was curious to know if fines would be addressed for the trees taken in the wetlands areas. She was told that could be a possibility.

MS. Schulz inquired about the height of the fence, if there would be some height off the ground for animals. Mr. Wagner said it would be high enough for small animals to cross the land.

A member of the public, Mr. Barry Cosgrove initially wanted to speak. However, he decided to hold back any comments until the next meeting.

Motion: Ms. Melonson motioned to continue the hearing to 6/15/22. Mr. Mercier seconded

VOTE: Unanimous (6-0-0)

E - NOI – Hamilton Beach Association, c/o Kevin Grant – Hamilton Beach – SE76-

Present before the commission: Mr. Kevin Grant, Hamilton Beach Association.

Mr. Pichette began his presentation by saying the project involves the replacement of beach nourishment on a beach and within a coastal floodzone at the site. It's also within the estimated habitat of rare and endangered species. An approximately 42 yards of beach sand are proposed to be placed on mainly beach within a gullied out area that has been eroded out during past storm events.

The sands would be compatible in size to the existing sands currently in the area, which is in a floodzone. All of this sand is proposed to be dumped, and spread out, by a small machine to match existing grades on each side and the gullied out areas. Also, portions of the upper beach areas are to be planted with an American Beach Grass to help stabilize the sand.

Once the sand has been placed a 5 foot wide by 100 foot long, access matt is proposed. This matt will be used to help people who have mobility issues access the beach.

While a DEP file number has been obtained for the project, Mr. Pichette is still awaiting to hear comments from Massachusetts Natural Heritage. Therefore, he recommended approval of the project be postponed.

When responding to Mr. Pichette's presentation, Mr. Grant claimed he's been working with Massachusetts Natural Heritage for almost a month and they need 9 days to get his letter. Ms. Slavin asked why it has now taken this long. Mr. Grant claimed according to Massachusetts Natural Heritage they apparently never received his application.

Ms. Schulz asked about a set of stairs on the beach that was originally buried, but after many years of wear & tear those stairs have now been exposed.

Mr. Grant did discuss those stairs and how after years of wear and tear have been exposed.

Ms. Schulz quickly followed that-up wondering it was a safety hazard. Mr. Pichette felt it was okay as the stairs were under the sand for many years. It just became exposed due to the storms when the sand became washed away.

Mr. Grant then responded by saying the stairs would be covered, but felt the stairs are a safety hazard. Years ago, even though he cannot recall the exact date, a Notice of Intent for a project similar to this was issued and approved. He just wants to get the sand back over the stairs for safety reasons.

After the stairs discussion, Ms. Schulz was then curious where the matt would be placed.

Mr. Grant claims it would be placed down the middle of the project. Right over a small portion of the stairs. He also claims Woods Hole has given recommendation for the matt.

Ms. Heard wondered if this was the same matt the town was using for the town beaches.

Mr. Pichette was able to answer this question. It is essentially the same program, but not the same product due to Hamilton Beach not being a town beach.

Ms. Slavin finally asked about a policy that stated no vehicles are allowed on the beach; however she noticed tire tracks on the sand.

Mr. Grant acknowledged Hamilton Beach has gates and he will close them to prevent unnecessary usage.

Motion: Ms. Schulz motioned to continue the hearing until 6/15/2022. Mr. Mercier seconded.

VOTE: Unanimous (6-0-0)

VI. Extension Requests

VII. Enforcement Orders

A – Robert McDuffy – Station Street

Before the Commission: Mr. Robert McDuffy

According to Mr. Pichette, the violation occurred on Station Street. Mr. McDuffy, a business owner, had some material pushed into a wetlands area without approval. This material is associated with a business Mr. McDuffy operates. Both Mr. Pichette and Mr. McDuffy met, looked around, and recognized that some material had been pushed into areas that should not have. Mr. McDuffy wants to be cooperative, work with JC Engineering, and have the issue resolved. Thus, a Notice of Intent will be filed by JC Engineering to remove the fill and any violations will be issued at that point. No questions were asked by the commission.

Motion: Ms. Heard motioned to ratify the Enforcement Order. Ms. Melonson seconded.

VOTE: Unanimous (6-0-0)

VIII. Certification Compliance

IX. Any Other Business / Discussion And/Or Vote

The board voted 6-0-0 to approve Ms. Nicole Locurto as a voting member of a Conservation Commission.

Ms. Schulz is going to look into the possibility of a hybrid meeting format as a method the Commission can use for future meetings.

Mr. Kwame Bartie was asked if he was interested in becoming the Conservation Commission's next clerk. He was read the roles and responsibilities of the position. Mr. Bartie responded by saying he "Understands and will try his best if appointed" as the next clerk.

Motion: Ms. Schulz moved to appoint Mr. Bartie the Conservation Commission's next clerk. Ms. Melonson seconded.

VOTE: Unanimous (6-0-0)

An e-mail was sent out earlier in the day about an unapproved dock that was built along the Agawam River. An Enforcement Order is set-up and a discussion will take place on the next meeting (6/15/2022). Ms. Schulz did inquire about possible unapproved tree cutting between this dock and Apple Street.

Ms. Heard did receive some complaints that this dock stops their walking. But Ms. Slavin said the dock is on wetland, and people can walk in that area during low-tide. But in the end, Mr. Pichette felt many things about the dock are wrong like its height above the marsh and small posts, so it'll have to be removed. He or she can still apply for it in the future.

Ms. Schulz asked about the trees in Shell Lane that had been cut down. As opposed to one path that went to the water, trees were cut down to lead to a more direct path to the water instead. No work should have occurred in this area, as the work at the site is under appeal. Both Ms. Schulz and Mr. Pichette brought this to their attention. According to Mr. Pichette, this tree cutting will be brought to DEP's attention. Fines will also have to be taken into consideration for the work performed.

Ms. Melonson asked about the tree removal on the bluff in Onset. She asked if any information was received about how that cutting occurred. Mr. Pichette, nor many other commissioners, heard anything new. Mr. Pichette said he can follow up with local police officers to see if they heard anything new.

Ms. Schulz asked about consequences for tree removal by home owners. When there are removals there are fines. She asked if it was possible to ask residents to restore the area. Mr. Pichette claimed the commission does have the authority to have violators restore the disturbed area, and it has been done in the past. In such a situation, the commission could request the size of the tree that is planted be restored, within a respectable reason.

Adjournment

Motion: Ms. Slavin motioned to adjourn the meeting at 7:50pm. Ms. Melonson seconded.

VOTE: Unanimous (6-0-0)

Date signed: SSS Slavin

Attest: 7/16/22

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

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