

CONSERVATION COMMISSION MINUTES AFOR July 7,2021 6:30 PM

Commissioners: Sandy Slavin, Elissa Heard, Ron Besse, Michael Mercier, Kwame Bartie, Carol Malonson, Dave Pichette, Denise Schulz, Associate member

Preliminary Business:

Old minutes of 02/5/2020 accepted with Sandy's singular vote
as she was the only member present today who was at that meeting.
Old minutes of 2/19/2020 motion made to accept. Motion passed.

PUBLIC HEARINGS:

NOI: Cape&Islands Realty , LLC ,c/o GAF Engineering, Inc -SE76-2686

Dave reviewed the project:

Raze a house at 31 Agawam Lake Shore Drive, build a larger house and put in septic, landscaping and a parking area

The plan shows the project is outside the 30 ft no activity zone. It appears that there is a fringe wetland which may require the larger new house to be moved back 5-10 ft. Also drywells are needed; Will there be separation of ground water?

Brian(GAF): states that shallow drywell chambers will be used. Should be fine as water table is at pond level is 14 ft and behind the new structure it is 18ft. Parking is outside the buffer zone. At this time the driveway is thought to be asphalt. Brian will check on the fringe wetland and location of the house. A motion was made and passed to continue the hearing . It was continued until 07/21/21

Board of Health continued this project and has asked for a revised septic plan.

CONTINUED PUBLIC HEARINGS:

NOI: George and Kelly Barrett c/o JC Engineering SE76-2682

asked for Continuance 4 Verne Ave

Motion to continue until 7/21/2021 was made and accepted

NOI: Paul and Phyllis Balestracci, c/o JC Engineering. 14A Old Woods Road. SE76-2685

Dave reviewed project: Raze the house and build a bigger house farther away from the resource area.

In addition: The garage(24x28), and septic need to be moved back away from the resource area. Some regrading will be done. Haybales need to be pushed back. A DEP number has been received. The work is outside the 30 ft no activity zone. Dry wells are needed for house and garage.

The existing dock does not have Chapter 91 license. And was never approved by Conservation. The dock must be stored upland until a separate NOI is presented and approved. Mr. Barrett stated that he will work on the house only at this time and until the dock NOI is approved.

A motion was made to accept the project which does not include the dock. The motion was approved with the Standard Conditions and that the haybales be moved upland, two drywells will be placed and the dock stored upland.

NOI: BE RE, LLC, Adam Shumaker and Stacey Minihan, c/o Beals and Thomas, Off North Carver Rd. SE76-2683

DAVE REVIEWED THE PROJECT: A commercial solar array within a Bordering Vegetative Wetland, within the 50ft no activity zone, bordering land subject to flooding, bordering an inland bank, and in a river front area bordering the Weweantic River.

Project is proposed under Massachusetts Smart Plan which only allows 2 MW and this project is 3MW AC current and 7.3MW DC current. The project should be denied outright because of the MW. The NOI does not show the full amount of fencing (200 continuous feet) required on the Weweantic River. No solar project in wetlands should be allowed or entertained by the Board. Electrical wiring will have to be placed underground; is there any danger knowing that this is a wet environment? Batteries will be in the buffer zone also. Battery storage is not in our by-laws. Panels will be 10-13 feet high above the land and supports will be drilled into the surface of the land.

This project should be not entertained as other projects will come forward. No large scale solar project should be in 50ft no activity zone of BVW or even entertained by the Board.

The company is not even the owner of the land. The Alternative Analysis submitted was limited. As it is a commercial venture, it requires the company to look at other sites even those not on rivers and others which are farther away from Wareham.

The esthetics of such a large scale project will be the antithesis of the bucolic setting with cranberry bogs for which Wareham is known.

STACEY AND ADAM: Plan has been revised. Mean High Water is delineated. This will change the Buffer Zone (Dave's observation). MW is not yet legally increased to 3MW. Incidentally the footprint for 3MW and 4MW is the same. Underground electrical lines are self-contained. Security fencing is required by law. The applicant only wants to fence along North Carver Rd. DEP has approved similar projects. A 50 ft waiver is not unusual as the area is disturbed and is an active farm. A 3:1 mitigation, (cranberry/blueberry) restoration is proposed to counter the helix piers and any disturbance. Since last meeting Carver has approved their side of the project and the Wareham Planning Board has given preliminary acceptance but without their conditions. Town engineer reviewed the plans and concluded that storm water structures meet the standard. DEP opinion has been received (Dave states Conservation does not have to concur with the DEP review). Solar panels have a 20 year life span. Maintenance will be completed using some modifications due to the farm aspect of the project. Lithium Ion batteries have a life span of 5-8 years, Inverters: 15 years, panels: 25 years. Fire suppression equipment will be on site. Training will take place for Li battery fires. and there will be training approved by Fire Dept. In other towns, the training has been funded by the company. Adam stated that noise comes from the inverters (60db) and not from the articulation of the panels. Broken glass from road traffic is a problem. However, litter is a far bigger problem.

Motion made to continue the hearing to allow Stacey to continue the Alternate Analysis Search and Dave to determine which local performance standards are not being met. In addition Conservation Commissioners should look at the site.

The motion passed to continue until July 21, 2021.

NOI :DAVE: Mr. Shanahan Wareham MA 91&101 Fearing Hill Roads SE76-2684 requested a continuance to 7/21/21. A motion was made and passed.

ENFORCEMENT ORDERS

Kasie Robinson: 11 Wareham Avenue.

DAVE: This case needs some field review before considering.

Lawrence Pink: 13 East Boulevard.

DAVE: The board has had no response from Mr. Pink. Discussed what to do. Sandy and Dave decided to send a Constable to deliver the Enforcement Order.

Robert and Jeanine Perry: 31 Agawam Lake Shore Drive.

Patio and landscaping was done within the 30ft no activity zone. This project will be presented at the next meeting.

Sandra Lopes: 3 Sea Street –

Dave reviewed the application: Ms. Lopes built a paver patio which Conservation would not have approved if it had come before them. It is inside the 30ft no activity zone. A motion was made that the patio must be removed and the grass must be uncovered and restored All work must be completed by the end of October 2021. A fine of \$300 is imposed on the applicant and \$300 on the contractor (once Ms Lopes give his name to David Pichette). All work must be completed by the end of October 2021. The motion was unanimously accepted.

Mario and Alice Signori 91 Edgewater Drive

Dave reviewed the order: There are several issues in this case. A septic upgrade and a tree branch cutting was approved. However before checking with Dave, the applicant hired a contractor who began to trim the branches. He continued until it was decided that the tree was “doty:soft” and needed to be cut down. It was cut down. The septic system was completed and approved. The wood and brush was stock piled. Without Conservation approval the Signoris began to rebuild the old dock in front of the house. The work was stopped. The Signoris wanted to use the old dock this summer. A temporary dock or dock cover was suggested as a summer measure. It was declined as it was deemed possibly unsafe. An application to build a new dock has been submitted. The Signoris were told that an eel grass study (in mid-July) needed to be done before starting work on any dock. Brian (GAF) suggested “doing a little bit of work” to make the dock workable for the summer. Dave said that using a dock that has been in violation for 50 years does not make sense to him. A motion was made and passed that the old dock cannot be used and all work must be stopped until a NOI is brought before Conservation and

approved. In addition, the Signoris are to be fined \$100 for starting work without contacting the conservation agent, Dave. In addition the contractor and the Signoris are to be fined \$300 each for working without an approved NOI. The brush and tree parts must be removed from the work zone. Old boards and deck planks were removed previously.

It was asked by the Board if the old dock would have to be removed. Dave stated that it will come down when the new dock goes up. It will be deemed a noncompliant structure.

Paul Somers 25 Oak Street

Dave reviewed the project:

After receiving a RDA, we approved a small addition to the house at 25 Oak Street. One section was five feet and the other side was 10 feet. The contractor apparently decided that while doing the work, he should expand the work area. Dave drove by and saw a shell of a house held up by two lally columns. The Building Inspector deemed the structure "unsafe" and approved a back filled foundation to be built immediately. It is partly a crawl space and partly a full height basement.

A motion was made: The work was unpermitted. All work must stop and a NOI must be filed for the project. The owner and the contractor are to be fined \$300 each. This work would have been allowed had it been brought before Conservation. The motion passed

Sandy brought up another project on Oak Street: An asphalt driveway which was approved to be installed. The work has been started, but not finished. There were no haybales, and Dave did not receive notification of the work starting.. Dave will go by that project this week.

CERTIFICATES OF COMPLIANCE

Howard Whiteside and Janet Cooke, 253 & 255 Great Neck Road

Dave: Project to replace a culvert pipe and to control invasive species Phragmites .

Motion to issue the Certificate of Compliance passed unanimously.

Lynn Bell, 50 Great Neck Road.

Dave: A new septic has been completed. Recommend the Certificate of Compliance.

Motion to grant the Certificate of Compliance was made and passed unanimously.

Anita Milka, 43 Canedy Street.

Dave: Project was for a single family dwelling and associated landscaping. Work is completed. Recommend issue Certificate of Compliance. Motion made and passed unanimously.

Robert and Judith Niemi, 152 Marion Road.

Dave: This project concerned a stream which runs under Route 6 across from Shaws. Gutter downspouts dump into the stream. The pipes were to be replaced by dry wells. No work has been done. The work was to be done by the owner two owners ago.

The present owner wishes to sell the house. Dave wants the drywells placed. We do not know if the seller has a buyer, but the house is on the market. The motion was put forth that the buyer (if there is one) and seller would have to compromise and agree to get the work done before the sale can be finalized and a Certificate of Compliance issued. A motion was made that

a final sale cannot be made and Certification of Compliance issued until the seller and buyer provide a solution and two drywells are placed to stop the flow directly into the stream. The motion was passed.

Anthony Cerundolo, 388 Marion Road.

Dave: The work that needed to be done, was done and completed long ago. Recommend issuance. Motion to Issue the Certificate of Compliance passed unanimously.

ANY OTHER BUSINESS

Reorganization. Sandy Slavin is Chairperson, Ron Besse is the Vice Chair, and Sandy is the Conservation Representative to the CPC. Motion to accept. All agreed. Motion passed. Denise Shulz wondered when she can be a full member. Sandy replied that by the July 21, 2021 meeting able to be a full member of the Conservation Commission.

Voted on future meeting format: 5 for "in person"; 2 for "Zoom"

Dave: Reminded the Commission that we have a Open Meeting Violation lawsuit from Save the Pine Barrens for lack of minutes. Nora Bicky has an Open Meeting Violation against the Commission for lack of minutes. Ms Bicky also filed for copies of Certification of Receipts for the Open Meeting Laws.

Sandy: We need to get our minutes "in order".

Dave: Kelly was Dave's Administrative Assistant for 15 years. She retired and the town did not hire anyone to take her place. She has now been rehired as a contractor and is presently doing our minutes. We need to catch up and write the minutes for the meetings which were not done.

Sandy: By the way on Union Pond "they" have cut through the fence. When the development was permitted, "No path to the pond except the one by the clubhouse" was permitted. Dave stated that he would contact the property manager.

Elissa Heard

Date Approved: 3/2/2022 *SSS* *Vote 6-0-0*
Sandy Slavin, Chair
WAREHAM CONSERVATION COMMISSION
Date copy sent to Town Clerk: 3/3/22