

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: August 19, 2020
(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
Elissa Heard
Jim Smith
David Hall
Mary Taggart (Arrived approx. 7:00 P.M.)
Ron Besse, Associate member
Carol Malonson, Associate member
David Pichette, Agent

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – Daniel Brossi – 43 Riverside Drive

The public hearing notice was read into the record.

Present before the ConCom: Daniel Brossi

Mr. Pichette described the project. The property is located at 43 Riverside Dr. The project involves the construction of an addition w/in the buffer zone to a coastal dune. No grade changes. Erosion control will be used. He recommended a Negative Determination #3.

MOTION: Ms. Heard moved to close the public hearing for Daniel Brossi. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Heard moved to grant a Negative #3 Determination for Daniel Brossi. Mr. Smith seconded.

VOTE: Unanimous (4-0-0)

B. RDA – Allene Pierson, c/o G.A.F. Engineering, Inc. – 67 Towhee Road

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 67 Towhee Rd. The project involves the expansion of decks in the buffer zone to a coastal bank. A patio is also proposed w/ permeable pavers. He recommends no expansion of decks into the 30 ft. no activity zone.

Mr. Madden discussed land topography, deck project & 30 ft. no activity zone.

MOTION: Ms. Heard moved to close the public hearing for Allene Pierson. Mr. Hall seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Hall moved to grant a Negative #3 Determination for Allene Pierson. Mr. Smith seconded.

**VOTE: (3-1-0)
Mr. Hall opposed**

NOTE: Ms. Taggart joined the meeting at this time.

C. NOI – 50 Winship Ave. Realty Trust, c/o G.A.F. Engineering, Inc. – 50 Winship Ave. – SE76-2621

The public hearing notice was read into the record.

Present before the ConCom: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 50 Winship Ave. The project involves the demolition of an existing dwelling & the construction of a new dwelling, garage, a porous paved driveway & septic system in the buffer zone to a coastal bank. Decks & 3-season room are also proposed. Leaching pits will handle roof runoff. Utility lines will be installed to the dock structure. All materials will be removed off site. Erosion control will be used. A DEP file number has been assigned. He recommended approval of the project w/ the added condition that haybales & silt fence be used.

Mr. Grady discussed the porous pavement. Brief discussion ensued re: trees to be taken down.

MOTION: Mr. Hall moved to close the public hearing for 50 Winship Ave. Realty Trust. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for 50 Winship Ave. Realty Trust w/ standard conditions & the added condition that haybales & silt fence be used. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Roy, Cheryl & Sean Folsom, c/o JC Engineering, Inc. – 4 Park Circle – SE76-2622

The public hearing notice was read into the record.

Present before the ConCom: Brad Bertollo, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 4 Park Circle. The project involves upgrading a septic system in the buffer zone to White Island Pond. There will be minor grading. He asked if the system could be located further away from the pond. A DEP file number has been assigned. He asked if the BOH has approved the system.

Mr. Bertollo stated the BOH has approved the system & discussed the proposed placement of the system w/out removing retaining walls.

Discussion ensued re: sediment, runoff & placement of erosion control.

Mr. Pichette recommended approval of the project w/ the added condition to add erosion control.

MOTION: Ms. Heard moved to close the public hearing for Roy, Cheryl & Sean Folsom. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for Roy, Cheryl & Sean Folsom w/ standard conditions & the added condition re: the placement of haybales. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Loan Lacoy, c/o Lockwood Architects – 15 Cleveland Way

The public hearing notice was read into the record.

Present before the ConCom: Bill Lockwood, Lockwood Architects
Loan Lacoy

Mr. Pichette described the project. The property is located at 15 Cleveland Way. The project involves the construction of a 20x20 ft. garage in the buffer zone to a coastal bank & w/in the 30 ft. no activity zone. Project needs to go before the ZBA. A DEP file number has not been assigned yet. He recommended a continuance of the hearing & he does not recommend this project due to it being w/in the 30 ft. no activity zone.

Mr. Lockwood discussed the location of two coastal bank lines on the property. Discussion ensued.

MOTION: Ms. Heard moved to continue the public hearing for Loan Lacoy to September 2, 2020. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Richard & Kim McNair, c/o Braman Surveying & Assoc. – 34 Mayflower Ridge Dr. – SE76-2624

The public hearing notice was read into the record.

Present before the ConCom: Rob Braman, Braman Surveying & Assoc.

Mr. Pichette described the project. The property is located at 34 Mayflower Ridge Dr. The project involves the construction of a 26x30 ft. garage w/in the buffer zone to BVW & coastal flood zone AE,

elevation 14. He questioned if dewatering would be needed for the foundation. Erosion control will be used. A DEP file number has been assigned. He recommended approval of an OOC & w/ added conditions re: dewatering if necessary & that no materials be stored w/in the 30 ft. no activity zone.

MOTION: Ms. Heard moved to close the public hearing for Richard & Kim McNair. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for Richard & Kim McNair w/ standard conditions & the added conditions that dewatering commence if necessary & that no materials be placed in the 30 ft. no activity zone. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Richard Murphy – 9 Glen View Circle – SE76-2623

The public hearing notice was read into the record.

Present before the ConCom: Richard & Donna Murphy

Mr. Pichette described the project. The property is located at 9 Glen View Circle. The project involves the construction of additions & decks to the existing dwelling & garage & tree removal, some in the buffer zone to Glen Charlie Pond. There is a substantial dock system at the site that was never approved by the ConCom & would not have been approved due to its size. He recommended the dock structure be removed, except the part that comes off the land. This should be part of the application. Erosion control will be used. A DEP file number has been assigned. He recommended approval of the project, but he recommends the dock system should be removed.

Lengthy discussion ensued re: dock system regulations/standards & the existing dock.

MOTION: Ms. Heard moved to continue the public hearing for Richard Murphy to September 2, 2020. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Repurpose Properties, c/o JC Engineering, Inc. – 5 Cliff Avenue

Present before the ConCom: Brian Walsh, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 5 Cliff Ave. The project involves the construction of a single family dwelling w/in a coastal flood zone. A revised plan shows a reconfigured drainage system. He feels the drainage system is more than should be handled under an RDA. He recommended a positive determination which would allow for the NOI to be filed so that it can be conditioned.

Mr. Walsh disagreed w/ Mr. Pichette's viewpoint & offered reasons/information for keeping w/ the RDA. Discussion ensued.

MOTION: Ms. Heard moved to close the public hearing for Repurpose Properties. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Hall moved to grant a Positive Determination for Repurpose Properties. Ms. Heard seconded.

**VOTE: (4-1-0)
Ms. Slavin opposed**

B. NOI – Duane Nicolau, c/o G.A.F. Engineering, Inc. – 1A Worrell Avenue – SE76-2616

Present before the ConCom: Bob Rogers, G.A.F. Engineering, Inc.
Duane Nicolau

Mr. Pichette described the project. The property is located at 1A Worrell Ave. The project involves the reconstruction of a deck & a stone groin on a coastal bank, a coastal beach, land containing shellfish, w/in land under the ocean & w/in a coastal flood zone. He discussed the proposed reconstruction of the stone groin. Comments have been received from DMF w/ recommendations, such as depicting the mean low water mark on the plan, reconstruction should be in same footprint & work done in the upland as much as possible. He had recommended previously the reconstruction of groin should not be permitted & the deck should be reconfigured & he discussed his reasonings.

Mr. Rogers discussed reasonings for the repairs of the deck & groin, methodology for repairs & noted said groin received a Chapter 91 license in 1996 & expires 2026. Lengthy discussion ensued re: the opposing opinions of Mr. Rogers & Mr. Pichette.

MOTION: Ms. Heard moved to close the public hearing for Duane Nicolau. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for Duane Nicolau w/ standard conditions & added conditions that work be done w/in confines of what was approved previously, stone will not be brought in before 8:00 A.M., machinery stored on beach at high tide, work to be done at low tide & machinery work to be done on the upland. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 27 Charge Pond Road – SE76-2612

Present before the ConCom: Stacey Minehan, Beals & Thomas, Inc.

Mr. Pichette has reviewed the wetland boundaries & there are changes to be made, thus a revised plan will be submitted. Ms. Minehan stated the Town engineer's comments will be addressed in the revised plan as well. Discussion ensued re: debris in wetlands at this site & is recommended this be cleaned up. Discussion ensued re: impacts to the potential vernal pools on site due to the solar panels & tree removal.

MOTION: Ms. Heard moved to continue the public hearing for Borrego Solar Systems, Inc. – 27 Charge Pond Road to September 2, 2020. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 150 Tihonet Road – SE76-2613

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

MOTION: Mr. Smith moved to continue the public hearings for Borrego Solar Systems, Inc. – 150 & 140 Tihonet Road to September 2, 2020. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

F. ANRAD – Manuel Demiranda, c/o JC Engineering, Inc. – Lot 1000B3, Cranberry Highway – SE76-2617

The applicant has requested a continuance.

MOTION: Mr. Hall moved to continue the public hearing for Manuel Demiranda to September 2, 2020. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Bob Rego, c/o River Hawk Environmental, LLC – 326 Glen Charlie Road – SE76-2620

Present before the ConCom: Bob Rego, River Hawk Environmental, LLC

Mr. Pichette described the project. The property is located at 326 Glen Charlie Rd. The project involves the construction of a single family dwelling in the buffer zone to an inland bank on Glen Charlie Pond & also w/in the habitat for rare & endangered species. Natural Heritage commented there will be no adverse impacts. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added conditions for silt fence & haybales & to have the limit of work line be verified.

MOTION: Ms. Heard moved to close the public hearing for Bob Rego. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for Bob Rego w/ standard conditions & the added conditions that silt fence & haybales be installed & the limit of work line be verified. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

H. NOI – Glenn Priolo, c/o River Hawk Environmental, LLC – Lot 29, Cromesett Road – SE76-2618

The applicant has requested a continuance.

MOTION: Ms. Heard moved to continue the public hearing for Glenn Priolo to September 2, 2020. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

I. NOI – Edward & Susan Cabral, c/o Alpha Survey Group, LLC – SE76-2592

The applicant has requested a continuance to September 16, 2020.

MOTION: Ms. Heard moved to continue the public hearing for Edward & Susan Cabral to September 16, 2020. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

A. David Jones – 20 Canedy Street

The applicant has requested a one year extension.

MOTION: Ms. Heard moved to grant a one year extension for David Jones – 20 Canedy St. Mr. Hall seconded.

VOTE: Unanimous (5-0-0)

VII. ENFORCEMENT ORDERS

A. Cromesett Park Improvement Association – 0 Marks Cove Road

Present before the ConCom: Members of the Cromesett Park Improvement Assoc.

Mr. Pichette explained the violation involved placing of large tarps over beach grass/vegetation. The tarps have now been removed after being notified. Other work was done re: concrete stair at end of road that was not reviewed/approved by the ConCom.

As Association member stated the tarps were placed on the grass temporarily to kill ticks & mosquitos. The intent was not to kill the grass/vegetation.

Brief discussion ensued re: the repair to the stair at the end of the road.

MOTION: Ms. Heard moved to ratify the Enforcement Order for the Cromesett Park Improvement Assoc. & to issue a \$300.00 fine. Mr. Smith seconded.

VOTE: Unanimous (5-0-0)

B. Ken Keegan – 35 East Boulevard

This matter has not been resolved & it has been forwarded to Town Counsel.

C. Boone Ferri – 16 Jobs Island Road

Mr. Ferri has contracted w/ an engineer & the application is being worked on.

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

X. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: 8/18/2021 302

Attest: S.S. Slavin

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

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