

C

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: September 2, 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
 David Hall
 Elissa Heard
 Jim Smith
 Ron Besse, Associate Member
 Carol Malonson, Associate Member
 David Pichette, Agent

Member Absent: Mary Taggart

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. NOI – MASSDOT – 8 Freight House Road – SE76-2631

The public hearing notice was read into the record.

Present before the ConCom: Melissa Lankard, MASSDOT
 Jim Smith, MASSDOT
 Elissa Jacobs

Mr. Pichette described the project. The property is located at 8 Freight House Rd. The project involves the removal of 275 yds. of contaminated soils w/in BVW, w/in buffer zone to BVW & w/in coastal flood zone AE, elevation 14. He recommended clean-up of various debris/materials at the site as well.

Ms. Lankard discussed potential tree removal, use of haybales & noted a long-term plan for clean-up at the site. Mr. Smith discussed excavation at the site, filling w/ gravel & organizing of the yard.

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

VOTE: Unanimous (4-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for MASSDOT w/ standard conditions & the added conditions that haybales/erosion control be used, work not to be done during wet timeframes, with tree removal vegetation be replanted, debris/materials be cleaned up, scrap not being used be removed from site, contaminated soil to be removed off site & XRF model be used for layered soil testing. Mr. Hall seconded.

VOTE: Unanimous (4-0-0)

NOTE: Ms. Heard departed at this time.

B. NOI – Repurpose Properties, LLC, c/o JC Engineering, Inc. – 5 Cliff Avenue

The public hearing notice was read into the record.

Present before the ConCom: Brian Walsh, JC Engineering, Inc.
 Steve Suey, Repurpose Properties, LLC

Mr. Pichette described the project. The property is located at 5 Cliff Ave. The project involves the demolition of an existing dwelling, the construction of a new dwelling & stormwater improvements w/in coastal flood zone AE, elevation 15. The stormwater system will be re-located, new manhole installed & overseen by the Town. He recommended the downstream stormwater system be cleaned/maintained & a plan for dewatering. A DEP file number has been assigned. He recommended the granting of an OOC w/ standard conditions & the added conditions he noted above.

Brief discussion ensued re: the cleaning/maintenance of the downstream stormwater system condition which will be the responsibility of the Town.

Present before the ConCom: Diane O'Neil, 2 Judson St.

Ms. O'Neil expressed concern re: the flooding on the property which goes into her property. Mr. Walsh discussed the stormwater drainage repair which should enhance the system & help w/drainage, flow & flooding. Brief discussion ensued re: runoff from the new house.

MOTION: Mr. Smith moved to close the public hearing for Repurpose Properties, LLC. Mr. Hall seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for Repurpose Properties, LLC w/ standard conditions & the added conditions that the Town oversee the downstream stormwater piping, that the Town keeps it clean, plans to be in place for dewatering & all stormwater system responsibility is the on the Town. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

C. NOI – Judith Whiteside, c/o G.A.F. Engineering, Inc. – 249 Great Neck Road – SE76-2625

The public hearing notice was read into the record.

Present before the ConCom: Bill Madden, G.A.F. Engineering, Inc.
 Judith Whiteside
 Joe Aronado, Herbicide Consultant
 Mr. Colins, Herbicide Consultant

recommended conditions, such as limits of work as indicated on plan, time of year restrictions, & a shorebird monitor to monitor the Piping Plover from April 1st to August 31st. A DEP file number has been assigned. He recommended the issuance of an OOC w/ standard conditions & the added conditions that all conditions noted by Natural Heritage be included in the OOC, that the fragmites be removed from the wetland & cut & no machinery/vehicles be used on the coastal dune or the beach unless adequate matting is used.

Mr. Aronado discussed the scope & procedure for removal of the fragmites. Types of products to be used & application were discussed. Brief discussion ensued re: fragmites around the pond & duration of maintenance.

MOTION: Mr. Hall moved to close the public hearing for Judith Whiteside. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for Judith Whiteside w/ standard conditions, the conditions noted by Natural Heritage, no machinery or vehicles be used on the coastal dune/beach without matting & using herbicide w/ the lowest half-life possible. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

D. NOI – Christopher J. Cudmore, c/o G.A.F. Engineering, Inc. – 15-17 Ames Island Road – SE76-2626

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 15-17 Ames Island Rd. The project involves the construction of a 26x34 ft. single family dwelling in the buffer zone to BVW. A new septic & grading proposed. Erosion control will be used. A DEP file number has been assigned. He recommended the driveway be of pervious material.

Mr. Rogers discussed clear-cutting due to grading & septic, runoff protocols & the driveway will be gravel.

Present before the ConCom: Mark Scriben, 19 Ames Island Rd.

Mr. Scriben expressed concern re: water levels/runoff issues & building on this property. The property in question retains water. Mr. Rogers addressed the concerns.

MOTION: Mr. Hall moved to close the public hearing for Christopher J. Cudmore. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for Christopher J. Cudmore w/ standard conditions & the added conditions that a drywell be installed & a pervious driveway be installed. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

E. NOI – Cape & Islands Realty, LLC, c/o G.A.F. Engineering, Inc. – 15 Mallard Road – SE76-2629

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 15 Mallard Rd. The project involves upgrading a septic system in the buffer zone to a wetland. A shed will also be relocated. Erosion control will be used. A DEP file number has been assigned. He recommended the issuance of an OOC.

MOTION: Mr. Hall moved to close the public hearing for Cape & Islands Realty, LLC. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for Cape & Islands Realty, LLC w/ standard conditions. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

F. NOI – Cape & Islands Realty, LLC, c/o G.A.F. Engineering, Inc. – 2725 Cranberry Hwy. – SE76-2627

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 2725 Cranberry Highway. The project involves upgrading a septic system in the buffer zone to BVW & partially in a flood zone. Erosion control will be used. A DEP file number has been assigned. He recommended the issuance of an OOC.

MOTION: Mr. Hall moved to close the public hearing for Cape & Islands Realty, LLC. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for Cape & Islands Realty, LLC w/ standard conditions. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

G. NOI – James J. Guarnotta, c/o G.A.F. Engineering, Inc. – 45 Wareham Lake Shores Dr. – SE76-2628

The public hearing notice was read into the record.

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

Mr. Pichette described the project. The property is located at 45 Wareham Lake Shores Dr. The project involves the demolition of an existing home & the reconstruction of a new home, garage & septic system w/ part of the project in the buffer zone to Glen Charlie Pond. A DEP file number has been assigned. He recommended the issuance of an OOC w/ erosion control measures.

MOTION: Mr. Hall moved to close the public hearing for James J. Guarnotta. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for James J. Guarnotta w/ standard conditions & haybales & silt fence to be used. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

H. NOI – Steven Ramsay – 118-120 Pinehurst Drive

The public hearing notice was read into the record.

Present before the ConCom: Steven Ramsey

Mr. Pichette described the project. The property is located at 118-120 Pinehurst Dr. The project involves the construction of a 28x28 ft. garage & reconstruction of a deck in the buffer zone to a coastal bank & w/in a coastal flood zone. A new crushed shell driveway is proposed. Erosion control will be used. A DEP file number has yet to be assigned. He recommended a continuance.

MOTION: Mr. Hall moved to continue the public hearing for Steven Ramsay to September 16, 2020. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

V. CONTINUED PUBLIC HEARINGS

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

The applicant has requested a continuance.

MOTION: Mr. Hall moved to continue the public hearing for Loan Lacoy to September 16, 2020. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

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

Present before the ConCom: Richard 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 in the buffer zone to Glen Charlie Pond. The existing dock configuration has been modified as requested. He noted the new dock configuration needs to be indicated on the plan.

MOTION: Mr. Hall moved to close the public hearing for Richard Murphy. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

MOTION: Mr. Hall moved to grant an Order of Conditions for Richard Murphy w/ standard conditions & w/ the stipulation that the OOC will not be issued until a revised plan is received showing the new dock configuration. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

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

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

Present before the ConCom: Kathy Peppalardo, Wareham Land Trust
Nancy McHale, Wareham Land Trust

Ms. Peppalardo briefly spoke re: proposed request for mitigation funds.

MOTION: Mr. Hall moved to continue the public hearings for Borrego Solar Systems, Inc. (27 Charge Pond Rd. & 150 & 140 Tihonet Rd) to September 16, 2020. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

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

The applicant has requested a continuance.

MOTION: Mr. Hall moved to continue the public hearing for Manuel Demiranda to September 16, 2020. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

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

The applicant has requested a continuance.

MOTION: Mr. Hall moved to continue the public hearing for Glenn Priolo to September 16, 2020. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

VI. EXTENSION REQUESTS

A. Mark & Martha Fishman – 33 & 35 Bourne's Point Road

- B. Keith Amado – 312 Onset Avenue
- C. Nicholas Fernandes – 30 Twelfth Street

NOTE: Item VI. To be handled later in the meeting.

VII. ENFORCEMENT ORDERS

- A. Marcella Ann Holbrook & Wayne G. Leslie – 5 Johnson Street

Present before the ConCom: Marcella Holbrook
Wayne Leslie

Mr. Pichette discussed the violations re: building & deck constructed in the buffer zone to a coastal bank & w/in the riverfront area of the Agawam River w/ no permitting from the ConCom or Building Dept. Also, a chain-link fence was placed on top of the coastal bank.

Brief discussion ensued re: process from Building Dept. to ConCom for permitting.

Mr. Pichette stated the fence may need to come down. Mr. Leslie spoke re: safety reasons for the fence. Discussion ensued.

MOTION: Mr. Hall moved to ratify the Enforcement Order for Marcella Ann Holbrook & Wayne G. Leslie. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

- B. Ken Keegan – 35 East Boulevard

NOTE: To be handled later in the meeting.

VIII. CERTIFICATES OF COMPLIANCE

- A. Walter & Delores Shanks – 10 Nimrod Way

MOTION: Mr. Hall moved to grant a Certificate of Compliance for Walter & Delores Shanks – 10 Nimrod Way. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

- B. Edwin Campbell – 72 Burgess Point Road

MOTION: Mr. Hall moved to grant a Certificate of Compliance for Edwin Campbell – 72 Burgess Point Rd. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

- C. William Evans – 19 Parkwood Drive

Mr. Pichette recommended holding off on this COC at this time.

NOTE: The meeting went back to item VI. Extension Requests.

A. Mark & Martha Fishman – 33 & 35 Bourne's Point Road

This was a field management project.

MOTION: Mr. Hall moved to grant a one year extension for Mark & Martha Fishman. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

B. Keith Amado – 312 Onset Avenue

This was an addition project.

MOTION: Mr. Hall moved to grant a one year extension for Keith Amado. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

C. Nicholas Fernandes – 30 Twelfth Street

This was a construction of a dwelling project.

MOTION: Mr. Hall moved to grant a one year extension for Nicholas Fernandes. Mr. Smith seconded.

VOTE: Unanimous (3-0-0)

NOTE: The meeting went back to VII. Enforcement Orders – B. Ken Keegan

Mr. Pichette will be meeting w/ Town Counsel soon to review legal steps re: this matter.

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**

NOTE: Mr. Hall announced as of October 15, 2020, he will be moving out of Wareham.

X. ADJOURNMENT

MOTION: Mr. Hall moved to adjourn the meeting at 8:42 P.M. Mr. Smith seconded.

Date signed: 8/18/2021 **VOTE: Unanimous (3-0-0)**

Attest: SSC 3-0-2
Sandy Slavin, Chair
WAREHAM CONSERVATION COMMISSION

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