

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: October 2, 2019**

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:00 P.M.

### **II. ROLL CALL**

Members Present: Sandy Slavin, Chair  
Ken Baptiste  
Elissa Heard  
David Hall  
Jim Smith  
Rob Lassen  
David Pichette, Agent

Member Absent: Mary Taggart

### **III. PRELIMINARY BUSINESS**

**NOTE: The meeting proceeded w/ item IX. Any Other Business/Discussion and/or Vote.**

#### **A. Discussion: Wareham Congress**

Present before the ConCom: Richard Swenson

Mr. Swenson stated he is an Associate member of the Planning Board & he is part of the Wareham Redevelopment Authority. Mr. Swenson proceeded to give a presentation relative to a proposal for a Wareham Congress which he discussed.

Ms. Slavin asked how the Open Space Plan integrates into the Master Plan & this proposal. Discussion ensued re: the Master Plan & issues relative to the plan.

Ms. Slavin stated this topic will be placed on the ConCom's next agenda for discussion.

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Miriam DiMauro**

The public hearing notice was read into the record.

Present before the ConCom: Miriam DiMauro

Ms. DiMauro submitted the abutter cards.

Mr. Pichette described the project. The property is located at 1 Blue Jay Terrace in the Pinehurst area. This is an after the fact filing for work that was done at this site which involved repairs to a seawall along a coastal bank & in the buffer zone to a coastal beach. There is an existing concrete seawall at this location which had two courses of cinder blocks on the top of the concrete wall & soil up to the top of the cinder blocks. The applicant removed & replaced the

two course of block that were deteriorating on the top of the concrete wall for a length of 60 ft. This involved shoveling back the soil that was up against the blocks & then removing & replacing those blocks. Soil was then placed back up against the new block & the area was loamed w/ a thin layer of loam & seeded. The applicant was contacted about the issue & directed to place erosion control around the disturbed area which was done. There is no further work proposed. All work was done by hand & from the upland side of the site. He recommended the issuance of a Negative Determination #2 for the project.

**MOTION: Ms. Heard moved to close the public hearing for Miriam DiMauro. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

Brief discussion ensued re: issuing a fine. Ms. Slavin requested a discussion on a future agenda re: issuing of fines. Mr. Baptiste suggested issuing a \$50.00 fine which he also requested is suspended because Ms. DiMauro attempted to contract Mr. Pichette.

**MOTION: Ms. Heard moved to grant a Negative Determination #2 & to issue a \$50.00 fine which is hereby suspended for Miriam DiMauro. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

**B. RDA – Onset Island Association, c/o Robert Bushnell**

The public hearing notice was read into the record.

Present before the ConCom: Robert Bushnell, Onset Island Association

Mr. Pichette described the project. The property is located on Onset Island. This is an after the fact filing for planting of marsh grass in several locations around Onset Island in the locations shown on the attached site plan. Areas that traditionally had marsh grass years ago were planted in an effort to reestablish marsh grass in the area. Planting were done by hand w/ nursery stock plant material, Spartina Alterniflora. Plantings were done in the intertidal area w/ no vegetation in the vicinity of the Onset Islanders Pier. He recommended the issuance of a Negative Determination #2.

Mr. Bushnell discussed the decline of the marsh grass & the hopes that planting marsh grass will re-establish the grass. He noted the decline may be due to erosion. Brief discussion ensued re: if the grass will grow & be maintained.

**MOTION: Mr. Baptiste moved to close the public hearing for Robert Bushnell. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Mr. Baptiste moved to grant a Negative Determination #2 & to issue a \$50.00 fine which is hereby suspended for Onset Island Association. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**C. NOI – Homestead Realty Trust, c/o JC Engineering, Inc. – SE76-2569**

The public hearing notice was read into the record.

The applicant has requested a continuance to October 16, 2019.

**MOTION: Mr. Baptiste moved to continue the public hearing for Homestead Realty Trust to October 16, 2019. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – Kenneth Neves**

Present before the ConCom: Kenneth Neves  
Gloria Neves

Mr. Pichette described the project. The property is located at 91 Glen Charlie Road. This application is being filed in response to an Enforcement Order that was issued for unpermitted work in the buffer zone to Glen Charlie Pond which involved landscaping work by removing grass & placing beach sand & paving w/in the buffer zone to the pond. Existing vegetation was removed & beach sand was brought in to convert the area to a sandy area up to the pond. Paving work was also done in the buffer zone to the pond to pave the driveway & to create a paved path & area to locate a hot tub. The paved area for the hot tub is between the house & the pond. A machine was brought in to do the work. At the last meeting, the hearing was continued for members to look at the property. He had recommended the ConCom decide to have the pad & the hot tub removed as well as the path. He also recommended this matter be looked at by the BOH to look into the septic system.

Mr. Neves understands the recommendation to take the pad out & the path. He was hoping to put some stone along the path. He has learned a lot & made a mistake in not getting a permit. When he did the paving he spoke to the Building Inspector who told him no permits were necessary. Mr. Pichette stated the pad & the hot tub is w/in the 100 ft. buffer.

Mr. Lassen feels it should go back to how it was. Replace what was disturbed. Mr. Hall feels Mr. Pichette's recommendations should be followed. It was noted that a drain needs to be installed for the driveway to prevent runoff. Mr. Neves stated this is why he is asking to keep the pad & add stone for the runoff.

Present before the ConCom: Rita Earle

Ms. Earle stated she owns the property at 93 Glen Charlie Road next to the applicant. There has been runoff issues due to the pavement/paving on Mr. Neves property. She has pictures of the runoff issue. Ms. Slavin stated the runoff issue will be addressed w/ a drain. Ms. Slavin stated she didn't see any hot top between Mr. Neves property & Ms. Earle's property. Ms. Earle showed the ConCom the pictures. Ms. Slavin stated Mr. Neves paved the driveway in 2016.

Present before the ConCom: Terry Bunker

Ms. Bunker stated it is a new driveway that was put in. It used to be a stone driveway. It was paved over something that was already paved. It had been a stone driveway.

Ms. Earle expressed concern re: the tree roots that were dug up. Ms. Slavin stated you cannot replace the roots. She stated it is too early to tell if there will be any impact to the trees. Ms. Earle asked for recommendations as to what to do if there is an impact. Ms. Slavin stated this becomes a civil matter along w/ the lot line issue.

Present before the ConCom: Ms. Riley

Ms. Riley stated she lives two doors down. She stated prior to Mr. Neves purchasing the property, there was no pavement whatsoever on the property. She feels the paving is causing water to run down both sides of the house now.

Mr. Pichette stated the ConCom is going to require an accounting of the runoff, such as drainage structures.

Mr. Neves stated he has an affidavit from his neighbor to the right of him that states there is no runoff whatsoever & she doesn't have an issue w/ the pavement.

Ms. Slavin reiterated Mr. Pichette's recommendation that the pad under the hot tub be removed & the hot tub be removed, the recent filled in walk area be removed, & drainage be installed to handle the runoff from the driveway & she feels this should be done on both sides of the house. Discussion ensued re: what type of vegetation was removed to put in the sand & if it should be restored. Ms. Earle showed more pictures of what it looked like prior. Mr. Neves showed pictures of what the area looks like currently.

Ms. Heard clarified that there had been sand w/ vegetation between the house & the beach area previously, but now it is all sand.

Ms. Earle asked re: the septic. Mr. Pichette stated the BOH will be addressing the septic issue & he stated a letter has been drafted by the BOH re: this issue.

Mr. Neves stated he would rather not have to replace 10 ft. of grass. Discussion ensued.

Mr. Neves asked why he has to remove the hot tub & not just have it put on the sand. Ms. Slavin stated there are concerns re: emptying the hot tub water & chemicals getting into the pond.

**MOTION: Mr. Lassen moved to close the public hearing for Kenneth Neves. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Heard moved to grant a Negative Determination #3 w/ added conditions for Kenneth Neves & to issue a \$50.00 fine which is hereby suspended. Mr. Lassen seconded.**

**VOTE: Unanimous (6-0-0)**

#### **B. NOI – Ken Nelligan – SE76-2516**

Mr. Lassen stated he has to recuse himself from this hearing. He left the table at this time.

Present before the ConCom: Ken Nelligan

Mr. Pichette described the project. The property is located at 156 Cromesett Road. The original application was for the construction of a pier & vista pruning. A 4x60 ft. dock was proposed, but there was no engineered plan. This hearing has been continued for this plan & for additional information on the pruning proposed. Recently, information was received about the vista pruning, but there are still no engineered plans for the proposed dock. He suggested a continuance of the hearing once again.

Mr. Nelligan spoke re: the recommendation of marking of trees. He has contacted a certified forester. He came to the property & concurred that to preserve the oak trees the white pines should be thinned out based on his cutting plan. The forester came up w/ a cutting plan which he has submitted to the ConCom. He did not include the vista in the cutting plan. He gave the September 20, 2019 letter from the forester to the ConCom. He discussed suggestions & information of the forester. The engineer designing the dock has been waiting for the cutting plan, & thus, it is now done. The recommended trees to be removed have been marked. He stated the forester suggested using woodchips for the path to protect the tree roots.

Brief discussion ensued re: how long the continuance for this hearing should go. Mr. Nelligan stated two weeks should be sufficient.

**MOTION: Mr. Baptiste moved to continue the public hearing for Ken Nelligan to October 16, 2019. Mr. Smith seconded.**

**VOTE: Unanimous (5-0-0)**

**NOTE: Mr. Lassen returned to the table.**

**C. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497**

The applicant has requested a continuance to October 16, 2019.

**MOTION: Mr. Baptiste moved to continue the public hearing for Southcoast Hospitals Group, Inc. to October 16, 2019. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**D. NOI – Buzzards Bay Coalition, Inc., c/o G.A.F. Engineering, Inc. – SE76-2554**

The applicant has requested a continuance to October 16, 2019.

**MOTION: Ms. Heard moved to continue the public hearing for Buzzards Bay Coalition, Inc. to October 16, 2019. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

**E. NOI – Scott Blagden, Tr./Preserve Association Trust, c/o G.A.F. Engineering, Inc. – SE76-2550**

The applicant has requested a continuance to October 16, 2019.

**MOTION: Mr. Baptiste moved to continue the public hearing for Scott Blagden, Tr./Preserve Association Trust to October 16, 2019. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**F. NOI – John McDonald, c/o Spink Design – SE76-2568**

Present before the ConCom: Tom Rue

Mr. Pichette described the project. The property is located at 10 Progress Ave. The project consists of a septic upgrade. The site is limited of space & the system has been placed in the best place possible. It will be an elevated system. The hearing had been continued for a DEP file number. That number has now been received. He recommended approval of the project w/ standard conditions.

**MOTION: Ms. Heard moved to close the public hearing for John McDonald. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

**MOTION: Ms. Heard moved to grant an Order of Conditions w/ standard conditions for John McDonald. Mr. Baptiste seconded.**

**VOTE: Unanimous (6-0-0)**

**VI. EXTENSION REQUESTS**

**NOTE: The meeting proceeded w/ item VIII. Certificates of Compliance – C. Carol O'Neil – 37 Agawam Beach Road.**

Present before the ConCom: Carol O'Neil

Mr. Pichette stated the property is located at 37 Agawam Beach Rd. The project originally involved the construction of an addition which has been completed. After that, there was a request to construct a handicapped ramp which was approved along w/ the construction of a deck which was to be 8 ft. wide per the building inspector. In reviewing the property, the deck is now 15 ft. wide & a patio constructed that was never part of the approval. He has plans as to how things ended up. Ms. Slavin asked why there were changes.

Ms. O'Neil stated this goes back to 2006. He has no idea why the OOC was never completed & G.A.F. was supposed to be present because they did the plan. Mr. Pichette noted that Mr. Grady of G.A.F. Engineering, Inc. had an emergency & could not attend.

Ms. O'Neil stated she was blindsided by the OOC. All summer she has been working on selling her property & now has a buyer. She thought she did everything right & hired G.A.F. She briefly discussed what the addition entailed as well as the ramp & deck. She didn't know she would need a permit for pavers. When she applied at the Building Dept. for the deck, there was no length number for the deck. She is supposed to close in 2 days on her home.

Discussion ensued re: how to proceed & what options there are.

**MOTION:** Mr. Baptiste moved to grant a Certificate of Compliance for Carol O'Neil & to issue a \$50.00 fine. Ms. Heard seconded.

**VOTE:** Unanimous (6-0-0)

**NOTE:** Ms. Slavin spoke re: the Buzzards Bay project to remove the dam & modifications to the OOC. Mr. Pichette has a new document for the ConCom to sign. Mr. Pichette stated there were just some corrections to sign.

**VII. ENFORCEMENT ORDERS**

**A. Richard White – 2838 Cranberry Highway**

Mr. Pichette stated Mr. White has started to clean-up the site. There are still many things that need to be addressed & a NOI needs to be filed by the end of October.

**VIII. CERTIFICATES OF COMPLIANCE**

**A. David Pillsbury – 28 Shangri-La Blvd.**

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

**B. Bernard Ashley – 1 Pond Street**

Mr. Pichette stated this project was for the construction of a house. He recommended the issuance of a COC.

**MOTION:** Mr. Baptiste moved to grant a Certificate of Compliance to Bernard Ashley – 1 Pond Street. Ms. Heard seconded.

**VOTE:** Unanimous (6-0-0)

**C. Carol O'Neil – 37 Agawam Beach Road (DONE)**

**D. Kevin McLellan – 10 Jonathon Lane**

Mr. Pichette stated there was a difference in the plan. The project was for a single family home on Charge Pond Rd. Everything was done according to the plan except a patio that was installed that was not on the plan. It is a paver patio. If it had been requested, it would have been approved.

**MOTION:** Mr. Baptiste moved to grant a Certificate of Compliance for Kevin McLellan – 10 Jonathon Lane. Mr. Lassen seconded.

**VOTE:** Unanimous (6-0-0)

**IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE**

- A. Discussion: Wareham Congress (DONE)**
- B. Discussion: Appointments/Reappointments**
- C. Discussion: Conservation Restriction/Stewardship**
- D. Discussion: Bills**

**NOTE: Ms. Slavin stated the matter of fines will be placed on the next agenda for discussion. Brief discussion ensued. Mr. Baptiste suggested a list of offenses & fines for each offense.**

**Ms. Heard departed at this time.**

**Brief discussion ensued re: Chapter 61A properties.**

**Mr. Pichette spoke re: the project in Onset that was required to reconstruct the large seawall. This has commenced.**

**X. ADJOURNMENT**

**MOTION: Mr. Baptiste moved to adjourn the meeting at 8:47 P.M. Mr. Lassen seconded.**

**VOTE: Unanimous (5-0-0)**

Date signed: 12/4/19

Attest: S.S. Slavin

Sandy Slavin, Chair  
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 12/5/19

WAREHAM TOWN CLERK  
2019 DEC 5 PM 12:00