

WAREHAM TOWN CLERK
2021 JUN 24 PM 4:00

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: July 15, 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
 Mary Taggart
 David Hall
 Michael Mercier
 Jim Smith
 Robert Lassen
 David Pichette, Agent

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – John Whitcomb – 53 Blackmore Pond Circle

The public hearing notice was read into the record.

Present before the ConCom: John Whitcomb

Mr. Pichette described the project. The property is located at 53 Blackmore Pond Circle. The project involves removing an existing creosote timber retaining wall & replacing it w/ a block retaining wall further back from the pond w/ removal of some material offsite. Erosion control will be used. He recommended approval of the project w/ a Negative #3 Determination.

MOTION: Ms. Heard moved to close the public hearing for John Whitcomb. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

MOTION: Ms. Heard moved to grant a Negative #3 Determination for John Whitcomb. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

B. NOI – Duane Nicolau, c/o G.A.F. Engineering, Inc. – 1A Worrall Avenue

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 1A Worrall Avenue. The project involves the reconstruction of a 12x16 ft. deck & a stone jetty on a coastal beach w/ some work on the coastal bank

& land containing shellfish, land under the ocean & w/in coastal flood zone. More stone & machinery will be needed & the jetty will be larger. He recommended the jetty not be reconstructed. He asked that the deck be moved back. No comments have been received yet from MA DMF. A DEP file number has been assigned w/ comments. He recommended a continuance of the hearing.

Mr. Rogers noted the dimensions of the stone jetty & the Chapter 91 license. He discussed the need to replace the stone jetty, loss of beach & the reconstruction of the deck. Mr. Nicolau is meeting w/ a contractor & can provide more information after said meeting.

Lengthy discussion ensued re: the re-building of the jetty, its degradation, concerns w/ sediment transport & impacts to other properties w/ beach sand.

Present before the ConCom: Ms. Nicolau

Ms. Nicolau discussed losing sand exponentially & the jetty will help protect the sand.

MOTION: Mr. Lassen moved to continue the public hearing to August 5, 2020. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

C. NOI – Trilobite Trust/Robert St. Onge, c/o Heureux Engineering, LLC – Codman Point - SE76-2615

The public hearing notice was read into the record.

Present before the ConCom: Allen Heureux, Engineer

Mr. Pichette described the project. The property is located at Codman Point. The project involves repairs to an existing pier in a coastal flood zone. He discussed the repairs, including concrete work. All work to be done by hand. A DEP file number has been assigned. He recommended approval of the project w/ standard conditions & the added conditions that concrete be mixed in an upland area, no machinery on the beach/ intertidal area & any broken up concrete be removed off site.

Mr. Heureux discussed potential replacement of deck boards & railings.

MOTION: Mr. Lassen moved to close the public hearing for Trilobite Trust/Robert St. Onge. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

MOTION: Mr. Lassen moved to grant an Order of Conditions for Trilobite Trust/Robert St. Onge w/ standard conditions & the added conditions that concrete be mixed in an upland area, no machinery on the beach/intertidal area & any broken up concrete be removed off site. Ms. Heard seconded.

VOTE: Unanimous (7-0-0)

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

The public hearing notice was read into the record.

Present before the ConCom: Stacey Minehan, Beals & Thomas, Inc.
Zach Fargus, Borrego Solar Systems, Inc.
Dean Smith, Borrego Solar Systems, Inc.

Mr. Pichette described the project. The property is located at 150 Tihonet Rd. The project involves the installation of a solar array in the buffer zone to BVW. Approx. 67 acres of mixed pine forest will be cleared. He has not yet reviewed the site & the Town engineer is currently reviewing the project. A DEP file number has been assigned. He recommended a continuance of the hearing. He has received various citizen emails against the project.

Ms. Minehan reviewed the project plans including the BVW's & potential vernal pools on site.

Mr. Fargus stated there will be some form of mitigation for all three Makepeace solar projects. It will not be an acreage mitigation, but a replanting around the Town.

Mr. Pichette noted for all three projects, a total of 187 acres will be cleared.

MOTION: Ms. Lassen moved to continue the public hearing for Borrego Solar Systems, Inc. to August 5, 2020. Mr. Smith seconded.

VOTE: Unanimous (7-0-0)

V. CONTINUED PUBLIC HEARINGS

NOTE: The meeting continued w/ items C. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 140 Tihonet Rd. & D. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 27 Charge Pond Rd.

Present before the ConCom: Stacey Minehan, Beals & Thomas, Inc.
Zach Fargus, Borrego Solar Systems, Inc.
Dean Smith, Borrego Solar Systems, Inc.

Discussion ensued re: the 140 Tihonet Rd. project & plans were reviewed. The plans will be updated. Location of vernal pools & vegetated wetlands were discussed. This site is 76 acres.

Present before the ConCom: Kathy Papalardo, Wareham Land Trust

Ms. Papalardo asked what the acreage of the property itself is. Ms. Minehan will provide the answer at a later date. Ms. Papalardo asked why these sites were chosen & amount of earth to be removed. Mr. Fargus noted various criteria reviewed for siting projects. He discussed a utility right of way in between the two properties & earth removal proposals. Ms. Papalardo asked re: runoff impacts when the hillside/earth removal is done & protection of the wetland/vernal pools. Ms. Minehan discussed stormwater hydrology used.

Present before the ConCom: Nancy McHale

Ms. McHale asked re: fencing. Ms. Minehan discussed fencing w/ a wildlife gap on the bottom.

MOTION: Mr. Lassen moved to continue the public hearing for Borrego Solar Systems, Inc. to August 5, 2020. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

Discussion ensued re: the 27 Charge Pond Rd. project & plans were reviewed. 44 acres would be cleared. The overall property is 134 acres.

Mr. Pichette has started his wetland review of this property. He noted the wetland resource areas identified on site, including four potential vernal pools. More review & revisions to the plan are needed.

Brief discussion ensued re: tree screening for the project, terms of use (20 – 30 years), what happens during decommissioning phase & panel lifespan.

Present before the ConCom: Kathy Papalardo

Ms. Papalardo expressed concern re: the impacts to vernal pools at this site.

Present before the ConCom: Nancy McHale

Ms. McHale asked re: earth removal for this project. Ms. Minehan stated there will not be earth removal like the other projects, but there will be grading for stormwater. Ms. McHale expressed concern re: visibility issues.

Discussion ensued re: protecting the vernal pools.

Present before the ConCom: Lisa Morales

Ms. Morales asked what happens to the panels when decommissioned & why is solar the only alternative energy source. Mr. Fargus discussed what happens to the panels when decommissioned & Borrego is only a solar energy company.

MOTION: Mr. Lassen moved to continue the public hearing for Borrego Solar Systems to August 5, 2020. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

A. RDA – Town of Wareham – 0 North Boulevard

The Town has asked that this project be withdrawn.

MOTION: Mr. Hall moved to accept the Town of Wareham's withdrawal of the project at 0 North Boulevard. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

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

The applicant has requested a continuance of the hearing.

MOTION: Mr. Hall moved to continue the public hearing for Repurpose Properties to August 5, 2020. Ms. Taggart seconded.

VOTE: Unanimous (7-0-0)

- C. NOI – Borrego Solar Systems, Inc. c/o Beals & Thomas, Inc. – 140 Tihonet Road – SE76-2611 (DONE)**
- D. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 27 Charge Pond Road – SE76-2612 (DONE)**
- E. NOI – Edward & Susan Cabral, c/o Alpha Land Survey Group, LLC – SE76-2592**

The applicant has requested a continuance of the hearing to August 19, 2020.

MOTION: Mr. Hall moved to continue the public hearing for Edward & Susan Cabral to August 19, 2020. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

- VI. EXTENSION REQUESTS**
- VII. ENFORCEMENT ORDERS**

A. Ken Keegan – 35 East Boulevard

Present before the ConCom: Ken Keegan

Mr. Pichette discussed ongoing violations at the site. Planting of marsh grass has not been done & now there is a shed constructed that was not approved & should be removed. There are also building permit issues not addressed.

Mr. Keegan explained there was one stop work order & one violation re: the placement of trap rock. He showed the planting of marsh grass on video. He spoke re: the trap rock & the shed issue.

Discussion ensued re: shed & trap rock violations & delays for a Chapter 91 permit application for a seawall. Brief discussion ensued re: the fire pit violation.

Mr. Pichette discussed the multiple violations. The shed needs to be removed. Debate ensued w/ Mr. Keegan re: removing the shed & timeframe for removal (before July 22, 2020).

B. Boone Ferry – 16 Jobs Island Road

No-one was present to represent this matter.

Mr. Pichette will reach out to the representative to attend a future meeting.

C. Natalya Koryak – 10 Madison Avenue

The violation involved the construction of a wooden retaining wall & placement of fill in buffer zone to salt marsh & coastal bank. Photos of the violation were displayed & discussed. Mr. Pichette recommended the wall be removed & the area be restored.

Present before the ConCom: Natalya Koryak

Ms. Koryak apologized & did not realize the project needed approval. She discussed the reasoning for the project & asked for an exemption.

Present before the ConCom: Bill Dugan, Contractor

Brief discussion ensued re: the construction & area involved w/in the 30 ft. no activity zone & how to proceed based on Mr. Pichette's recommendation.

MOTION: Mr. Smith moved that Ms. Koryak remove the wall, remove the fill & re-vegetate the disturbed area by October 1, 2020 & to issue a \$300 fine to the contractor & a \$300 fine to Ms. Koryak. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. Nancy James, Trustee – 22 Allen Avenue

This will be handled at a later meeting.

B. Steven Caradimos – 32 Prospect Street

Present before the ConCom: Steven Caradimos

The issues remaining are the planting of seagrass on the slope & placement of mulch.

Mr. Caradimos discussed the approved plan & showed no beachgrass planting. Mr. Pichette stated there was a plan change by the engineer which included the beachgrass. The approved site plan approved by the ConCom showed the beachgrass. Mr. Caradimos disagreed.

Mr. Pichette & Mr. Caradimos concurred to meet to discuss plans.

C. Thomas Debaryshe – 13 Agawam Lake Shore Drive

The project involved a septic upgrade. Mr. Pichette recommended the issuance of a COC.

MOTION: Ms. Heard moved to grant a Certificate of Compliance for Thomas Debaryshe. Mr. Hall seconded.

VOTE: Unanimous (7-0-0)

D. Louise Scott – Glen Charlie Road

The project involved the construction of a home, but the project never commenced. He recommended the issuance of a COC & that the OOC is no longer valid.

MOTION: Ms. Heard moved to grant a Certificate of Compliance for Louise Scott. Mr. Hall seconded.

VOTE: Unanimous (7-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion: Reorganization

MOTION: Ms. Heard moved to nominate Mr. Hall as Vice Chair. Mr. Lassen seconded.

VOTE: Unanimous (7-0-0)

B. Discussion: Next meeting dates

C. Discussion: Appointments/Reappointments

D. Discussion: Conservation Restriction/Stewardship

E. Discussion: Bills

NOTE: Present before the ConCom: Candice Kraft

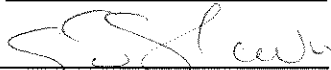
Ms. Kraft noted a stormdrain that needs to be cleaned in Onset. Mr. Pichette will contact Municipal Maintenance.

X. ADJOURNMENT

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

VOTE: Unanimous (7-0-0)

Date signed: 7/22/2021

Attest: 

Sandy Slavin, Chair
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____