

Town of Wareham
Conservation Commission – Minutes
April 19, 2023

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

PRELIMINARY BUSINESS

Present: Chairperson, Sandy Slavin, Vice Chairperson, Denise Schulz, Mike Mercier, Jessica Parr, and Autumn Wood

Absent: Carol Malonson and Nichole Locurto

Conservation Administrator, Joshua Faherty was also present.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. **Warren Pyne, 7 Nobska Way, Wareham, MA** – To apply sand for beach nourishment above the mean high water (12 Yards)

Mr. Bartie read the advertisement in for the record.

Present before the Commission: Mr. Pyne.

Mr. Pyne stated he wanted to replace the sand that was eroded in a storm in December that took a lower chunk of the bank.

Mr. Faherty reviewed the project. He said they discussed mitigation with Mr. Pyne. He said he's not sure it should be something that should be done yearly. A better answer/fix/option needed to be found, maybe plantings.

Ms. Wood stated on the site visit she noticed that path down the beach was in disrepair and asked if he had plans to correct. He said he would.

Ms. Slavin said she compared pictures from last year to current, she said the stone wall was lost as well as some of what they repaired last year.

Ms. Diane Blondin, an abutter, was on via Zoom and she said they wouldn't have an issue with the project. She said they were supportive of the wall being put in. She said she wanted to make sure the sand wasn't put on the right of way.

Motion to close: Mr. Mercier made a motion to close the public hearing and it was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0).

Motion to accept: Ms. Schulz made a motion to accept the project with a Negative 2 and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

2. **Michelle Joslin, 35 Wankincoah Avenue, Wareham MA** – To construct a deck above an existing concrete patio

Mr. Bartie read the advertisement in for the record.

The contractor, Mr. Richard Roy, attended via Zoom. He said the house is used half the year and has a small deck currently 10x12 with stairs. He said the homeowner is looking to enlarge the deck area on the second floor.

Mr. Faherty stated he had no further comments and would recommend a Negative 2 to approve.

No comments from Commission members. No public comment.

Motion to close: Ms. Schulz made a motion to close the public hearing which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

Motion to approve: Ms. Schulz made a motion to accept the RDA with a Negative 2 and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

3. Mohammad A. Parwaz, 274 Glen Charlie Road, Wareham MA – To construct a new single-family dwelling

Mr. Bartie read the advertisement in for the record.

Mr. Parwaz was present and stated he wanted to build a small house on an empty lot.

Mr. Faherty stated he had a lot of concerns about the run-off on the property; he said he would recommend drywells on the property. Mr. Parwaz agreed to the drywells.

No comments from Commission members. Anthony Delio, a direct abutter shared concerns of run-off. He spoke with Mr. Parwaz and is satisfied that the issue has been addressed.

Motion to close: Ms. Schulz made a motion to close the public hearing and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Motion to approve: Ms. Schulz made a motion to approve the project with a Negative 2 which was seconded via Mr. Mercier. The motion passed unanimously. (5-0-0)

Notice of Intent (NOI)

- 1. James and Ellen Dunn, 37 Oak Street, Wareham MA – To construct two additions onto the dwelling, reconstruct stairs, plant a variety of trees, shrubs and grasses and a path will be constructed.**

Mr. Bartie read the advertisement in for the record.

Brad Bertolo, from JC Engineering was present with Heather Heimarch, the landscape architect via Zoom.

Mr. Bertolo reviewed the project as a two-bedroom house with a number of existing stairways and deck. He said adjacent to Wareham River. He said the homeowner would

like to maintain a small cottage feel and construct two additional spaces, bedroom 11x17 on the street side. He said the existing shed, is built into the bank, so the concrete wall of the addition will act as a retaining wall into the bank. Additional addition 3x16 on the waterside. He said that addition would add to the dining space and kitchen area. He said there would be a few landscaping features proposed. He said the current walkways are eroding so they are proposing to remove all steps and walkways would wrap around the home, deck to be repaired as well within the same foot print.

Ms. Heimarch reviewed the landscape architect plan of the project. She said a large maple tree is on the property, and the homeowners don't want to touch that. She said they would be proposing more patio areas, putting in native plants and shrubs.

Mr. Faherty asked for a five-minute break because he had computer issues.

Ms. Slavin asked about the increase in the dining area and asked if they were building underneath to support that area.

Mr. Bertolo explained the building addition on the waterside is a two-story build-out. They discussed the deck and its supports.

Mr. Faherty shared concerns about water runoff gutters and a trench drain with help. Mr. Bertolo explained the small trench drain to a dry well at the back of the property to assist with the runoff.

Ms. Schulz asked how much of the grass area is going to be lost for the impervious area. Mr. Bertolo said approximately fifty percent. Ms. Schulz shared concerns about the runoff as well.

Mr. Bertolo explained the drywell in the area and said he could add a couple more at a low spot to infiltrate from the patio area to that drywell. Ms Heimarch said it wouldn't be impervious because it's on a bed of gravel. Continued discussion on current runoff water to neighboring property as well as preventive measures.

Ms. Slavin asked questions about the grassy area and the water runoff concerns.

There was no public comment.

Mr. Bertolo stated he will add the additional drywells to help with the runoffs and then will also discuss the further lower area. Mr. Bertolo asked about repairing the seawall.

Motion to close: Mr. Mercier made a motion to close the public hearing and was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0)

Motion to approve: Ms. Schulz made a motion to approve the project with standard conditions with the amended plans adding addition of grates extended trench and grading on walkway with additional steps and final approval made by Mr. Faherty. The motion was seconded by Mr. Mercier and approved unanimously. (5-0-0).

2. **James and Colleen Dube, 16 Worrall Avenue, Wareham, MA** – To raze and reconstruct a dwelling within the flood zone.

Mr. Bartie read the advertisement in for the record.

Bob Rogers was present with GAF Engineering.
Mr. and Mrs. Dube were present.

Mr. Rogers reviewed this as an existing 8,000 sq ft lot with a small modern home on the lot. The lot is entirely in the VE 18 zone. He reviewed the plans with proposals. He said the existing home will be completely removed and the new home, 33x50'; holding the left rear corner of existing home for the position of the new home. He explained it would be a VE 18' compliant. He shared progress plans and copies of the elevation. The parking would be inside, underneath the home. He stated the front-rear would collect runoff. He said they would install silt socks for runoff, and erosion control during construction.

Mr. Faherty asked if there was any increase in bedrooms.

Mr. Dube stated there would be an additional bedroom.

Mr. Faherty stated that 98% of the project is out of the coastal beach. He had no additional concerns about the project.

Ms. Schulz asked about the shed on the property. Mr. Dube said it may be removed at a later time, but for now it's staying.

Mr. Mercier asked about the proposed driveway. Mr. Rogers said it would be paved. Mr. Rogers explained infiltration and the new water runoff.

Ms. Slavin asked about the garage doors.

Mr. Rogers said they would refer to the building inspector, but he said they may have break-away walls if necessary.

There was no public comment.

Motion to close: Mr. Mercier made a motion to close the public hearing which was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0)

Motion to approve: Ms. Schulz made a motion to accept the project with standard conditions which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

CONTINUED PUBLIC HEARINGS: 6:45 PM

Request for Determination of Applicability (RDA)

Notice of Intent (NOI)

1. **Luz Maria Corkery, 10, 14, and 16 River Terrace, Wareham, MA** – To repair the foundation of the boat house and repair/improve the erosion control structures across three properties.

Ms. Schulz made a motion to continue per the applicant's request and was seconded by Ms. Parr. The motion passed unanimously. (5-0-0)

2. **Pinehurst Beach Association, Beach Road off of Pinehurst Drive, Wareham, MA** – Repair an existing stone jetty at the intersection of Beach Road and Broadmarsh River.

Present before the board: David Moore, John Spink Ms. Mucyn, and Kevin Murphy, Trustee.

Mr. Spink reviewed the project to redesign the jetty and slightly new location. Mr. Moore said they shortened the jetty and moved it over slightly, making it a smaller project.

Ms. Slavin confirmed the size, 6x35' jetty. Mr. Moore agreed.

Mr. Faherty stated they moved the project away from the abutter and changed the size. He said that this was the final product of what the Commission had requested.

Mr. Spink said he went in front of the Onset Fire and they were going to go back once the Commission approved.

Mr. Faherty stated it would be worthwhile to discuss with the DPW to repair the stairs at the location (which is Town property).

Mr. Murphy confirmed no one uses the stairs that are located near the jetty. Mr. Spink confirmed he has done this type of work before.

Mr. Bartie asked about how long jetty's actually last. Mr. Murphy said it had been there about sixty years ago.

Ms. Wood asked if they could compel the town to review the stairs there are repair them. Ms. Slavin said they could make a recommendation to the town to remove all the stairs.

Ms. Parr asked them to review how they would be restacking the new jetty. Ms. Schulz wasn't sure why they wouldn't get rid of the jetty that existed. Ms. Parr thought it would be more disruptive, but Ms. Schulz stated that it would be twice the size with the two jetties

there.

Discussion ensued.

Elizabeth Wyden was present on behalf of the abutter and shared concerns about the rocks remaining and the maintenance of the wall.

Mr. Moore explained there is minimal maintenance on the wall, and if there were stones that got moved during a storm, they would just put them back. He said they would try to continue to nourish the site with the sand.

Sheila Maranoochie. stated she had concerns about the debris that is there currently and she is afraid that the water movement will smash against the rocks.

Ms. Slavin said she was going back and forth about adding the new jetty to the existing jetty. Mr. Faherty asked if they could use the existing jetty to add to it and move it over.

Mr. Faherty stated they need a DEP number. Discussion ensued on who owned the jetty and the deed that belongs to it. There was confusion about who owned what.

Discussion ensued on the rocks that were present, whether to be removed and/or put in a ditch. Per Mr. Faherty, Commission wise it would be better to just remove them.

Mr. Moore suggested that the rocks that are large enough to be used would remain and to remove the other stones. Commission members agreed that they would like to see the stones removed.

Motion to continue: Ms. Schulz made a motion to continue Pinchurst Beach Association to May 3, 2023 and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Mr. Murphy said that DEP told him that they were rebuilding a groin not a jetty when he was rebuilding his own.

3. Jonathan and Vanessa Sharkey, 19 Over Jordan Road, Wareham, MA – Construction and installation of a pier, ramp, and float.

Mr. Mercier made a motion to continue to May 3, 2023, per the applicant's request and was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0)

4. Mass Audubon, Gene Albanese, 226 Great Neck Road, Wareham, MA – To remove a failed pedestrian footbridge and the removal of some stones along a ditch for wildlife passage.

Paul Mancuso, VBC Group, Wetland Scientist was present via Zoom. Mr. Mancuso reviewed the project in regard to the footbridge as well as the turtles and the two pipes underneath the bridge. He said they would only remove the porcelain pipe and then cut off the two sides of the pipe underneath that but leaving the pipe there. He said that Mr. Albanese has expertise about wildlife in that area and would review the wildlife in that area.

He said they submitted revised plans where existing rocks would be placed, near a stonewall on the property.

Ms. Slavin shared what she felt the concerns were regarding the wildlife, turtles in that area. She said it was really an escape route for the turtles, not meant to be a passage.

Mr. Faherty stated he did receive a new plan.

Discussion on the pipe under the bridge that is just sitting under the bridge. Mr. Mancuso said they want to get rid of any debris that is at the location. Ms. Schulz asked the effect on the actual pond. Mr. Mancuso said there should be no effect on the pond, he said the pond is not going to go away.

Resident Paul Taggart. shared that the terra cotta should not be removed as well as the PVC pipe shouldn't as it's an overflow pipe.

Abutter and Resident, Paula Jean O'Neil was present. She agreed that the terra cotta pipe has been there for years and if it is gone, she wonders what will happen to the water.

Laura Benson stated she supports the previous speaker and would not like to see the terra cotta pipe removed.

Mr. Faherty gave a quick overview of the plans. He stated that the bottom of the pond is 1', 9'9" in the middle. He reviewed the elevation of the terra cotta pipe and what would happen when the pipe is removed. He says if the pipe is removed at a dry time, he doesn't see it affecting the pond flow. He said he believes this is a good project and believes that the pond would still remain after the pipe is taken out. Mr. Faherty did recommend the footbridge and pipe be removed by hand.

Mr. Mancuso said that there were some invasive species removed from around the pond drainage at one point. He said the revision date on the plans is April 13, 2023.

Ms. Parr asked why the terracotta pipe was even being considered to be removed, and if it was only cosmetic.

Mr. Mancuso said that the pipe is part of debris that they would like to see taken out of there. He said there would be no reason for the water to drain if the pipe was not there. He said they would do it at a very dry day.

Ms. Schulz asked about the PVC pipe and if it was installed after the terracotta pipe; and asked if it was installed because the terracotta pipe wasn't working properly.

Mr. Mancuso said that the porcelain pipe was probably put in when the footbridge was installed.

Mr. Paul Taggart said the PVC pipe was installed when the footbridge was installed,

approximately in the 1990's. He said the terra cotta pipe has been there for years.

Mr. Faherty said they want to return the area to the natural state and probably want to remove the pipe that a person put there.

Ms. O'Neil said that the terracotta pipe is functioning but just embedded into materials.

Mr. Faherty confirmed that the terracotta pipe is lower in the ground than the PVC pipe (elevation 9); the terracotta pipe is 8.1. He said that the pond would only drain to the 8. something elevation if a large storm would happen.

Motion to close: Ms. Schulz made a motion to close the public hearing and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Ms. Slavin suggested the motion be with the standard order of conditions and the removal of the 12" pipe when there is no water flowing under bridge, no machinery for removing the bridge and a small bobcat to remove the stones and rebuild the banking of the drainage ditch. The cutting of the 3" PVC pipe, just cosmetically would be cut so it no longer appears under the path.

Ms. Schulz stated she didn't agree with all of the motion as presented.

Ms. Parr asked if they were going to approve some of the project how they should vote. Ms. Slavin stated there would have to be a different motion.

No motion was made.

Motion: Ms. Schulz made a motion with the standard order of conditions, cut the PVC pipe for cosmetic reasons, the bobcat can be used only for the rebuilding of the drainage ditch for the crossings of the turtles and/or wildlife, but the terracotta pipe is not to be touched. Ms. Parr seconded the motion.

Per roll call vote: Agreeing to the Motion, Ms. Parr, Ms. Schulz, and Mr. Bartie.
Against the motion, Ms. Slavin and Mr. Mercier.

Motion passes 3-2-0.

ENFORCEMENT ORDERS

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS

1. Richard Grady, 67 Jefferson Shore Road, Wareham MA – SE076-2753

Mr. Faherty stated the work was never done and they don't plan on doing the work. He said when they first came in front of the Commission, the Commission had concerned about the retaining wall. The modification was made under an enforcement order. He recommended issuing the COC.

Ms. Schulz made a motion to issue the COC for 67 Jefferson Shore Road and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

AMENDED ORDER OF CONDITION REQUESTS

1. **Richardson Family Trust, 122 Pinehurst Drive, Wareham MA** – For installation of a new sheet pile retaining wall along the face of an existing concrete wall, changing the height and material.
2. **Richardson Family Trust, 124 Pinehurst Drive, Wareham, MA** – For installation of a new sheet pile retaining wall along the face of an existing concrete wall, changing the height and material

Mr. Rogers was present on behalf of the applicants. He said they are asking for an amended order of conditions. He reviewed the project. He said they received feedback from DEP and Chapter 91 regarding the sheet pile. He said they are matching the sheet pile with the concrete wall. Maximum of 18” outward as allowed. He said they did notify the abutters and pay the fee.

Mr. Faherty stated he had no issue with the amended order of conditions.

Ms. Slavin asked about the material that has fallen to the ground that has to be removed. Mr. Rogers said yes, that would be removed.

Motion: Ms. Schulz made a motion to accept the amended order of conditions which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Ms. Slavin advised that Commission member, Nicole Locurto would be resigning and will submit her letter to the Selectboard.

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. **Discussion:** Accepting and implementing View Point/Open Gov for Electronic Submissions and changing the submittal requirements of the Commission.

Mr. Faherty reviewed the electronic submittal moving forward. He said it would be better for the Town. He has reviewed and updated the Town’s Conservation website. He reviewed how the electronic submission works.

Ms. Schulz made a motion that effective May 1, 2023, the electronic submission would take place for the applications and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

2. **Review and accept minutes** – April 5, 2023

Mr. Faherty will forward the minutes to the Commission members for the next meeting.

3. **Bills, Appointments, Interviews, and Reappointments**

Trish Wurts was in the audience and stated that she would advise Mr. Faherty put out a press release and advise other committees in Town that they are moving forward with electronic submissions of applications. Mr. Faherty said he would.

Date Signed: 5/3/23

Attest: SSS

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 05/04/2023