

Town of Wareham  
Conservation Commission – Minutes  
May 3, 2023

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.  
Along with the Minutes, anyone who would like to review this meeting can also do so by watching it in it's entirety at WCTV on YouTube.

**PRELIMINARY BUSINESS**

Present: Chairperson, Sandy Slavin, Vice Chairperson, Denise Schulz, Clerk Kwame Bartie, Mike Mercier, Jessica Parr, Carol Malonson and Autumn Wood

Absent:

Conservation Administrator Joshua Faherty was also present.

**PUBLIC HEARINGS: 6:30 PM**

**Request for Determination of Applicability (RDA)**

- 1. Town of Wareham, 0 Paper Mill Road – To reroute and construct a new shorter crossing.**

Mr. Bartie read the advertisement in for the record.

Mr. Faherty reviewed the property project and the trails that go over the majority of wetlands. He reviewed the plan and the new crossing location, which will include no cutting of trees. He also stated they were looking into the rebuilding of the deck. He stated that the Wareham Land Trust were aware and approved. The President of The Wareham Land Trust was present and showed support for the project.

**Motion to close:** Ms. Schulz made a motion to close the hearing and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

**Motion to approve:** Ms. Schulz made a motion to accept the project with a Negative Determination 2 and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

**Notice of Intent (NOI)**

1. Wallace Frigon, 0 Connehassett Road, Wareham, MA – To vista prune, remove 5 trees and cut underbrush

**Present before the Board:** Brian Grady, GAF Engineering

Mr. Grady reviewed the vista pruning, removal of trees and performing some vegetation of the underbrush. He said the order previously had expired. He said they would like to have a maintenance vegetation plan. He said the trees had already been cleared already and his client apologizes for the miscommunication he had with his tree clearer. Mr. Grady reviewed the area and stated there was no work done in the 30' buffer zone. He said it was just unfortunate that it was done prior to this meeting.

Discussion that the contractor should be made aware that he shouldn't had performed the

work prior to the meeting.

Motion to close: Ms. Schulz made the motion to close the hearing and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

Motion to approve: Ms. Malonson made the motion to approve the project with the standard order of conditions and an on-going approval for maintenance of the cutting of the trees to 30". Signage marking the No Activity Zone is to be posted. Also a fine (\$200.00) be imposed for the cutting and work being done prior to actually getting the approval. The Motion was seconded by Ms. Schulz and passed unanimously. (6-0-0).

### **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 to June 7, 2023, per the applicants' request and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

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.

Mr. Mercier made a motion to continue to May 17, 2023, per the applicant's request and was seconded by Ms. Schulz. The motion passed unanimously. (6-0-0).

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 June 7, 2023 the applicant's request, and was seconded by Ms. Schulz. The motion passed unanimously. (6-0-0).

### **ENFORCEMENT ORDERS**

### **EXTENSION REQUESTS**

### **CERTIFICATES OF COMPLIANCE REQUESTS**

1. **D.P. Higgins Jr. & Carolyn Higgins, 38 Winship Avenue, Wareham MA SE076-2549**

**Present before the Board:** Mr. Grady was present for the applicant.

Mr. Faherty said he went to the site, and everything seems to be in order. He recommends a Certificate of Compliance.

**Motion to grant the COC:** Ms. Schulz made a motion to approve the Certificate of Compliance which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

**2. Frances Bourne, 189 Blackmore Pond Road, Wareham MA – SE 076-1794**  
**Mr. Faherty stated this was a COC request for no work.**

**Motion to grant the COC:** Mr. Mercier made a motion to issue the COC which was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

**3. Trilobite Trust, 2 Codman Point, Wareham MA – SE076-2615**  
**Mr. Faherty stated the work was completed. He recommended a COC.**

**Motion to grant the COC:** Ms. Schulz made a motion to issue the COC which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

### **AMENDED ORDER OF CONDITION REQUESTS**

### **OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS**

#### **1. Discussion: Project description of 16 Fisherman's Cove Road**

For discussion, Mr. Faherty stated this project first came before the Conservation Commission for a COC and the work performed was not the scope that was first approved. The property has since changed ownership and new owners want to 'make up' as a new project. They want to come back with a new project. He said there are draft plans in front of the Commission.

Mike Pimentel, JC Engineering was before the board via Zoom to speak on the project. Mr. Pimentel said this was first a septic upgrade and got that approved about a year ago. He said when in process they discovered there were two open order of conditions (2005-seawall repair work), and the COC was approved that work. He said the other open order of conditions in 2010 related to removing and replacing decks off the backside of the house. He said they went to the Commission for the COC but the deviations that were made were significant enough to come back with a NOI. He reported back to the owners and they decided they wanted to reconcile those issues and do new work on the property. He said they want to redo the front stairs, raze the roof of the house within the footprint and he wants to replace the deck on back of the house and connect decks. He wants to replace the shed; and permit the patio in the back and put down flag stone. There is a paved driveway in the front (edge of the roadway); he has already removed the paved driveway section from the edge of the roadway up to the house, has not been placed yet but wants to replace with seashells. He said the new owner started some work that hasn't been permitted; one is the new cobblestone apron. Has also been constructed with some light fixtures.

Mr. Pimentel said they would like some direction from the commission.

Mr. Faherty stated that most of the work is within the footprint.

Mr. Pimentel said there would be a net decrease of impervious surface.

Mr. Faherty said the original COC was not issued because of the back patio. He said they want to keep it but change it to flagstone.

The Commission discussed the concerns that the patio was never originally permitted and shouldn't stay in just because. They also discussed the walkways and the patio being reduced., stating that all patios need to be removed.

Mr. Pimentel's intent was to file a NOI.

## **2. Review and accept minutes – April 5, 2023, April 19, 2023**

Ms. Malonson made a motion to accept the minutes of April 5, 2023 and April 19, 2023, and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

Ms. Slavin asked about the minutes being too long, she wanted key points only. Ms. Schulz stated she would like to legally find out what the minutes should be legally. Mr. Faherty will have a conversation with Town Attorney, Richard Bowen.

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

Ms. Schulz made a motion to recommend the appointment of Autumn Wood as a voting member of the Commission and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

Ms. Malonson made a motion that Ms. Slavin stay the representative on CPC and was seconded by Ms. Schulz. The motion passed unanimously. (5-0-1).

Mr. Faherty stated that the online permitting would continue.

Ms. Slavin stated there is online training available.

Paula Jean O'Neil was present to ask for an appointment to the Commission.

Mr. Bartie made a motion to adjourn at 8pm and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

**Date Signed:** \_\_\_\_\_

**Attest:** SSS (w)  
**Sandy Slavin, Chairperson**  
**WAREHAM CONSERVATION COMMISSION**

WAREHAM TOWN CLERK  
2023 JUN 22 AM8:36

**Date copy sent to Town Clerk:** \_\_\_\_\_