

Town of Wareham  
Conservation Commission – Minutes  
July 5, 2023

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

The following record pertains to a meeting held by the Wareham Conservation Commission at 6:30 PM local time. A video recording of this meeting is available for viewing. The record of the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

**PRELIMINARY BUSINESS**

**Present:** Chairperson, Sandy Slavin, Denise Schulz, Michael Mercier, Kwame Bartie, Carol Malonson, Jessica Parr and Autumn Wood. Associate member Paulajean O'Neil was also present.

**Absent:** None

Conservation Administrator, Joshua Faherty was also present.

**PUBLIC HEARINGS: 6:30 PM**

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

1. **Peter Koulouras, 3127 Cranberry Highway, Wareham, MA** – To construct a 40x35 building with an associated parking lot, access drives, landscaping, utilities and a stormwater management system.

Bob Rogers, GAF Engineering. Mr. Rogers reviewed the commercial project. He said there is no resource wetland area on the property.

Ms. Malonson made a motion to close the hearing which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

Ms. Malonson made a motion to issue Negative 1 and 6, no wetlands on the property, and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

**Notice of Intent (NOI)**

1. **Kevin Keegan, 16 Fishermans Cove Road, Wareham, MA** – To remove and replace the front stoop with a covered porch, the existing paved driveway with a seashell driveway, a shed, a staircase from the north side of the house to the south side, and a paved patio with a flagstone patio. Additionally, remove the existing patio, expand the flagstone patio to the originally approved limits and construct a cobblestone apron and block pillars.

Mr. Bartie read the advertisement for the record.

Mr. Keegan was present and explained the project to extend the back deck to the other side and replace patio blocks. He said they are also moving the stairs, replacing the front stairs with the existing footprint.

Mr. Faherty reviewed his report. He said he thought the Conservation had some concerns about the patios within the 30 No Activity Zone and the cobblestone apron located at the end of the driveway. He asked the applicant if there was going to be a walkway to the front porch. Mr. Keegan stated it would just be regular-shaped stones sitting on the grass.

Mr. Faherty recommended approval with standard conditions; he also suggested an updated plan.

Ms. Schulz made a motion to close the hearing and was seconded by Ms. Malonson. The motion passed unanimously. (7-0-0)

**Motion to approve:** Ms. Schulz motion to accept the standard order of conditions and a revised plan to include the walkway and path to steps to be sent to Mr. Faherty. The motion was seconded by Ms. Malonson. (7-0-0).

**2. David Regan, 34 Briarwood Drive, Wareham MA – To construct a garage on an already existing dwelling located within the buffer zone to a BVW and flood zone.**

Mr. Dillion Brady was present for the applicant and described the project. He said they are proposing to put down erosion control. He said it was less than 3% building coverage than existing.

Mr. Faherty recommended approval of the project with an order of conditions.

Mr. Bartie asked about a dry well system.

Mr. Brady said if that was needed, they could install it. Mr. Faherty said he didn't think it was needed.

Ms. Malonson made a motion to close the hearing, which was seconded by Mr. Bartie. The motion passed. (7-0-0).

**Motion to approve:** Ms. Schulz made a motion to approve as presented with standard conditions and spouts pointed out the right way to prevent water runoff. Ms. Malonson seconded the motion and passed unanimously. (7-0-0)

**3. M&M Joseph, 65 Shady Lane, Wareham MA – To replace a failed septic system with a nitrogen removal system**

Earl Landry, Engineer for the applicant explained the project, failed 55-gallon septic system.

Mr. Faherty reviewed his staff report, he had met with the engineer out on the project and they discussed where to put the new one.

No questions from members and/or public comment.

Ms. Schulz made a motion to close the public hearing and it was seconded by Ms. Malonson. The motion passed unanimously. (7-0-0).

**Motion to approve:** Ms. Parr made a motion to approve which was seconded by Ms. Schulz. The motion passed unanimously. (7-0-0)

**Notice of Intent (NOI)**

**4. John W. Cook, 25 Lazy Harbor Road, Wareham MA**

Bob Rogers, GAF Engineering as well as Mr. Cook were present.

Mr. Rogers reviewed the project for a detached garage in between the BVW and the septic system. He stated there would be overhead electric from the pole in the back, a little bit of tree clearing. Crushed stone trenches; downspouts to be in the system; erosion controls along proposed tree line; crushed shell driveway. He stated there was no DEP filing as of today.

Mr. Faherty reviewed his staff report. He said he did a site visit and discussed a few hazardous trees. He recommended an order of conditions upon receipt of the DEP file number.

**Motion to continue:** Ms. Malonson made a motion to continue to July 19, 2023, pending the receipt of the DEP file number and it was seconded by Ms. Parr. The motion passed unanimously. (7-0-0).

**5. Church of Jesus Christ of Latter Day Saints, 317 & 341 Onset Avenue, Onset, MA -**  
To install a permanent pier and seasonal ramp and float.

Brian Wallace, JC Engineering was present with the applicants.; Michael Cook, James Cook

Mr. Wallace described the project as a permanent pier with a seasonal ramp and float. He said there would be ten piles installed to support the ramp and float with float stops on the float piles. He said they would not allow motorized watercraft at any time as it is very shallow water in that area. He said it would be used primarily for swimming, kayaks, and paddle boards.

Mr. Faherty reviewed his staff report stating there was no DEP number as of yet, nor were there any Harbormaster comments. He, at this time, would recommend a continuance to get those comments. He did state it thought it would be difficult for his office to regulate no motorized watercraft.

Ms. Schulz stated she saw a lot of issues with the Department of Marine Fisheries letter and stated she would wait until the next meeting to wait for the correspondence from the DEP and Harbormaster. Issues with boats docking at the proposed pier and the restriction of number of boats is unenforceable.

Mr. Mercier said he knew it was very shallow water in that area and shared his concerns.

Ms. Slavin stated in 2011 there were walking platforms and then a dock was installed that got pulled as it was not permitted.

Mr. Cook said there have been different versions of 'docks' there in the area since 1930. He said they like it that it is shallow in the area, as it is a benefit to them as children use the area.

**Motion to continue:** Ms. Schulz made a motion to continue to July 19, 2023, and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

**6. Kevin Coady, 7 Bridge View Lane, Wareham, MA**

Brian Wallace, JC Engineering was present for the applicant.

Mr. Wallace reviewed the project; it was approved in 2001 and they are looking to shorten the pier to bring it into compliance with previously issued DEP Filing.

Mr. Faherty recommended approval upon the issuance of a DEP Number.

Ms. Schulz stated there was a washed-up walkway and a dingy under the dock. She said the walkway would need to be removed as well as the dingy.

**Motion to continue:** Ms. Schulz made a motion to continue to July 19, 2023, and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

**CONTINUED PUBLIC HEARINGS:**

## **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. (Continued to July 19, 2023)
2. **Terry L & Katherine E. Edwards, 50 Winship Avenue, Wareham, MA** – To construct a 6-foot wide, stamped concrete walk from the existing concrete walk to an existing pier

On behalf of the applicant, Brian Grady of GAF Engineering with Mr. Edwards, the property owner.

Mr. Grady said he had no plans to show up tonight. He said they discussed seashells because of the slope. He said they are there to discuss an acceptable surface, that needs to be hardened. They are looking at a 8' walkway. They do need a semi-hardened surface.

Mr. Faherty said he looked into other houses in that area and didn't see any other houses that were granted this type of access in that area. He said that semi-hardened surface does deteriorate, and they should keep that in mind. He explained what the bylaws read.

Ms. Schulz stated it is in the no-activity zone and she doesn't think it falls within Section 17-1.5, which allows work in the activity zone. She said she went back to do a site visit again and feels there has been a lot of work unpermitted work done in the no-activity zone. She feels they need to adhere to the 'no work in the activity zone.'

Mr. Mercier said that possibly a smaller pathway closer to the edge would be more appropriate. He feels that the no-activity zone should be followed as such.

Mr. Bartie asked about the limitations to the pathway to get to the water.

Ms. Schulz and Mr. Faherty stated an elevated walkway is what was discussed a few meetings ago on a specific project. Ms. Schulz stated this wasn't that type of project.

Ms. O'Neil stated she wanted more information on what was allowed in the 'no activity zone'. Mr. Faherty stated that he would send that section of the by-law to her.

Ms. Slavin said she believes they could ask for a 5' pathway, but not in the middle of the yard. Mr. Faherty reviewed the specific by-law of pathways.

Ms. Parr reviewed Section 17,1-c of the Wareham By-law. Ms. Schulz stated she didn't feel this by-law was applicable this project. She stated there was nothing in the way to walk to the pier, no vegetation, no trees. Discussion ensued.

Ms. Schulz made a motion to close the public hearing which was seconded by Ms. Malonson. The motion passed unanimously. (7-0-0)

**Motion to deny:** Ms. Schulz made a motion to deny the project as presented on the plans, seconded by Ms. Malonson.

Via roll call vote, Ms. Malonson-Yes, Ms. Schulz-Yes, Mr. Mercier, Yes, Mr. Bartie-Yes, Ms. Wood – Yes, Ms. Slavin-Yes (6-0-1). Motion denied. Ms. Parr abstained. For the reason that it does not meet the requirement for an additional path to the water and is in the no-work activity zone.

### **ENFORCEMENT ORDERS**

Ms. Schulz asked Mr. Faherty to add 4 Pond Street to the agenda for the next meeting.

### **EXTENSION REQUESTS**

#### **CERTIFICATES OF COMPLIANCE REQUESTS**

**1. Stephen Saber, 24 Grandview Avenue, Wareham, MA – SE076-1531**

Mr. Faherty did a site visit and recommended the issuance of a Certificate of Compliance.

Ms. Schulz made a motion to approve which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

**2. Stephen Saber, 24 Grandview Avenue, Wareham, MA – SE076-1374**

Mr. Faherty did a site visit and recommended the issuance of a Certificate of Compliance.

Ms. Schulz made a motion to issue the COC which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

**3. Randall & Dian Riva, 10 Captain Collis Drive, Wareham, MA – SE076-2672**

Ms. Schulz asked if the two concrete slabs were removed. Mr. Faherty stated he did do a site visit and noted that they had been removed.

Mr. Mercier made a motion to grant the COC which was seconded by Ms. Schulz. The motion passed unanimously. (7-0-0).

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

**1. Review and accept minutes - June 21, 2023 –** There were some changes noted and Mr. Faherty stated he would review those changes and present the minutes back to the Commission for approval at the next meeting.

**2. Bills, Appointments, Interviews & Reappointments**

**3. Discussion: Adopting Administrative Review Form and application fee (\$50):**

Mr. Faherty reviewed his list of things he does on an administrative basis that takes a bit of time to do and gave his suggestion on an administrative review form be instituted with an application of \$35.00 (as discussed with Town Counsel). He stated he did send out a list of what could be approved 'administratively' versus coming to the Commission.

Discussion ensued. Ms. Schulz shared concerns that he may not be with Wareham forever and what happens when the next person comes in and if their judgment is different from Mr. Faherty's.

Mr. Faherty gave a couple of examples. Members stated they'd like more time to think about it. Ms. Parr said she thought it was a good idea, and only had concerns about abutters learning about the administrative approval. The members agreed they would discuss it again in two weeks.

Ms. Malonson made a motion to adjourn at 8:03 p.m. which was seconded by Ms. Schulz. The motion passed unanimously. (7-0-0).

Date Signed: 7/24/23

Attest: [Signature]

**WAREHAM TOWN CLERK  
2023 JUL 24 AM 10:50**

**Sandy Slavin, Chairperson**

**WAREHAM CONSERVATION COMMISSION**

**Date copy sent to Town Clerk: 07/24/2023**