

Town of Wareham  
Conservation Commission – Minutes  
September 20, 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 (via Zoom), Carol Malonson, Kwame Bartie, Michael Mercier, Autumn Wood. Associate member Paulajean O'Neill was also present.

**Absent:** Denise Schulz and Jessica Parr

**Conservation Administrator,** Joshua Faherty was also present.

**PUBLIC HEARINGS: 6:30 PM**

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

1. **Lisa Patalano, 35 Pleasant Street, Wareham MA** - Demolish existing decking and railings. Install new decking and railing, existing frame to remain, install 4 new sono-tube footings, and girder to add additional support the existing frame.

Mr. Bartie read the advertisement in for the record.

Benjamin Tibin on behalf of Lisa Patalano explained the project. He said the deck exists and they are putting in a girder for additional support.

Mr. Faherty recommended to approval as a Negative 6 and Negative 2 determination.

No additional questions from members.

Via Zoom, direct abutter, Michael Raskin stated he was in support of the project.

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

**Motion:** Ms. Malonson made the motion to approve with a Negative 6 and Negative 2 determination as recommended and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

2. **Town of Wareham, 6 Tony's Lane, Wareham MA** - The demolition and removal of the existing pavement and basins, also, includes renovation of the headworks building, addition of final clarifiers/return sludge pump stations, odor control systems/garages, as well conversions of existing secondary clarifiers to sludge holding tanks.

Mr. Bartie read the advertisement in for the record.

Ms. Slavin stated for the record she is a sewer commissioner, and the project wouldn't interfere with her decision on that committee or this committee.

Via Zoom, Chen Zhang was present. She explained the project as internal work and they wanted to add new clarifiers.

Eric Woodbury was also on via Zoom and he explained they wanted to alter an area for stormwater basin that lies in the buffer zone area. He explained where the water is collected currently via a plan. He advised on the plans for where the stormwater catch basin will be relocated.

Mr. Faherty stated he did a site walk with the engineers and that the reconstruction is approximately 98% cleared already, and that's what's in front of the board. He said the motion would be to allow the reconstruction of the stormwater management area.

No questions from the board members.

Ms. Slavin thought the RDA had listed more than just a reconstruction of the stormwater area.

Mr. Woodbury stated the description is mostly outside of the Conservation Commission's purview.

No public comment.

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

**Motion:** Ms. Malonson made a motion to accept the project with a Negative 6 and Negative 2 determination which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

## **NOTICE OF INTENT (NOI)**

- 1. David Rolfe and April Locke, 8 Fannies Lane, Wareham MA** - To construct a garage, deck and retaining wall; and upgrade the existing septic system within the 100' buffer to a BVW

Mr. Bartie read the advertisement for the record.

Brad Bertolo with JC Engineering was present. Mr. Bertolo reviewed the project to construct a garage and other site improvements, including minor grading and a retaining wall across the back of the property. He identified where the septic tank and leeching field were via plans. He said they would be upgrading the septic system as well.

Mr. Faherty stated there are an existing shed and greenhouse structure within the 30' activity zone; he recommends the removal of both, and also recommends a \$300 fine for work done within the 30' activity zone.

Mr. Bartie asked if the Conservation signs would be at the retaining wall. Mr. Faherty suggested they position two signs at the retaining wall.

No further questions from Commission members; no public comment.

Mr. Bertolo asked if the structures could be moved outside of the 30' activity zone. Mr. Faherty said that he would just like to see an updated plan with where they would be moved to.

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

**Motion:** Mr. Faherty recommended the standard conditions and a special condition that an updated plan of where the shed and greenhouse would be relocated; two resource signs be added at the

stonewall and that a \$300 fine be imposed. Ms. Malonson moved the recommendation and Mr. Mercier seconded. It was passed unanimously. (5-0-0).

#### **CONTINUED PUBLIC HEARINGS 6:45PM**

1. **Ellen McArdle, 6 Smith Avenue, Wareham MA** – to remove the old retaining wall around the perimeter of the property, install a new one of equal size, remove the existing pavement driveway, and replace it with a paver driveway.

Mr. Faherty stated this was continued previously. The homeowner was not present. Mr. Faherty reviewed the project to move a paved driveway with a paver driveway.

He recommended approval with a Negative 6 and Negative 2 for the driveway only. He said they should wait for the NOI for the rest of the project.

No questions from the commission members. No public comments.

**Motion to approve:** Mr. Faherty recommended a Negative 2 and Negative 6 for the paved driveway and then to recommend a Positive 4 that requires a filing of a NOI for the other on the filing. Ms. Malonson moved the recommendation to a motion and was seconded by Mr. Mercier. The motion passed unanimously.

#### **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 October 18, 2023)
2. **Prime Engineering, 370 County Road, Wareham MA** – To construct a large-scale ground-mounted photovoltaic solar array.

Ms. Malonson made a motion to continue to November 1, 2023, per the applicant's request and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

##### **Abbreviated Notice of Resource Area Delineation (ANRAD)**

1. **Off Tihonet Road, Wareham, MA** – confirming the boundary of Bordering Vegetative Wetland (BVW) Bank, and Isolated Wetlands (IVW), on Map 111, Lot 1000B Off Tihonet Road

Ms. Malonson made a motion to continue to October 4, 2023, per the applicant's request and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

#### **ENFORCEMENT ORDERS**

1. **Jeffrey Johnson, 16 Widow's Cove Lane, Wareham MA** will return October 4, 2023
2. **Depot Auto Service LLC, 447 Onset Avenue, Wareham MA**

3. **Kenneth Neves, 91 Glen Charlie Road, Wareham MA**

Mr. Faherty explained this was for construction within the 30' activity zone. He has been before the

commission previously. Issues on his property and the neighbor's property. Stormwater management onto both of these properties. He said the runoff overflows to both of these properties. He said that he is talking with the DPW regarding the stormwater management on Glen Charlie Road.

Mr. Neves said there is a stormwater management problem on the street. He said he is asking for an emergency permit.

Commission members had no questions.

Mr. Faherty stated this was still work done without a permit. He said they should allow what was done until the Town can discuss an inceptor.

Mr. Neves said that it's only a couple of blocks with a drain and wood on top; less than fifteen screws. He said it's saving drainage and erosion on his and other properties.

Mr. Faherty said that it's against what the Commission has gone against in the past. He said that the Commission has taken a stand on a fine with this type of work in a 30' no activity zone. Mr. Faherty stated that previously they would issue a \$200 fine for work done without a permit and ask the person to remove it.

Mr. Neves argued he didn't think he should be fined.

**Motion:** Ms. Malonson made the motion to issue the enforcement order and issue a \$200 fine, until the Town can resolve the issue. Mr. Mercier seconded the motion and it passed unanimously. (5-0-0).

#### **4. JoEllen McNamara, 317 Onset Avenue, Onset MA**

Mr. Faherty reviewed the enforcement order for the construction of walls within the no-activity zone. He reviewed what he saw and showed pictures. He explained where the 30' no activity zone is on their particular property, edge of the saltmarsh inward.

Trustees of the property were present. A trustee said that a wedding was had last year and she cleaned out the area. She said there had always been an existing wall.

Mr. Faherty said they probably filled the area with rock in the 30' no activity zone and that's why the enforcement order. He said the kayak racks in the saltmarsh needs to be removed.

Ms. Slavin asked where the kayaks would be stored. They responded they would be on their grass and underneath the cottage.

Commission members had no questions.

Ms. Slavin suggested a RDA for the expansion of the retaining wall and removal of the kayak rack and then a \$200 fine.

**Motion:** Ms. Malonson motioned to act on the enforcement order, to request a RDA for the expansion of the retaining wall and the removal of the kayak rack; as well as a \$200 fine. The motion was seconded by Mr. Mercier and passed unanimously. (5-0-0).

## **EXTENSION REQUESTS**

### **CERTIFICATES OF COMPLIANCE REQUESTS**

**1. George Shaw, 6 River Terrace, Wareham MA – SE076-822**

Mr. Faherty reviewed the COC and recommended issuing an invalid COC for septic upgrades as it was never done.

**2. George Shaw, 6 River Terrace, Wareham MA – SE076-1708**

Mr. Faherty stated the work was an upgrade of the septic system which was complete. He recommended an issue of the COC. Ms. Malonson moved the recommendation to issue the COC for SE076-1708; and to issue an invalid COC for SE076-822 as it was never completed. The motion was seconded by Mercier and passed unanimously. (5-0-0)

**3. Robert Keith, 26 Blissful Lane, Wareham MA – SE076-1680**

Josh recommended issuing a complete COC. Ms. Malonson made the motion to issue a complete COC which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

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

**1. Review and accept minutes – September 6, 2023**

Mr. Faherty will send them out to be reviewed at the next meeting.

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

**3. Appointments: Vote to recommend appointing Denise Schulz as an Alternative Member of the Wareham Conservation Commission**

Ms. Schulz has asked to be an alternative member.

Ms. Malonson made the motion to recommend Ms. Denise Schulz as an Alternate Member per her request which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

**4. Appointments: Vote to recommend appointing Paulajean O'Neill as a Voting Member of the Wareham Conservation Commission.**

Ms. Malonson made the motion to recommend appointing Paulajean O'Neill as a full voting member of the Conservation Commission which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Ms. Slavin thanked Ms. Schulz for being a long-time voting member and thanked Ms. O'Neill for stepping up to the full voting member.

**5. Discussion: CAMP to discuss the MassDOT project located on Route 28**

Mr. Mike Lenihan, of CAMP (Clean-up of Agawam Pond). He said they go to DMF, dangerous species and others to put together a program to clean-up Agawam Pond. He explained there is a project on Route 28 from the MassDOT to rebuild a structure, to replace the dam and build a bridge and replace the fish ladder in that area.

He explained what the environmental impacts would be if this project continued. He said he would be reaching out to the Project Manager of the project.

Ms. Slavin asked what type of leverage they have as the Commission.

Mr. Faherty reviewed the details that he had regarding the project and the presentation that MassDot put on in late April.

Mr. Mercier asked if there was any mitigation plan for the pond.

Discussion ensued about this project and the Commission staying on top of it.

George F., President, is one hundred percent behind what CAMP is trying to do.

Mike Bower a resident of Agwam Mill Pond of 40 years spoke against the project.

In other business, Ms. Slavin asked if anyone was attending the MACC classes. Ms. Wood, Ms. O'Neill, Mr. Mercier and Mr. Faherty said he would be attending.

**Enforcement Order for 3 Quail Lane**, construction of a pier and dock. Mr. Faherty asked if there were ever a permit for the previous dock. He asked about the construction of the new pier.

The owner of 3 Quail Lane was present and explained the construction of the dock at 3 Quail Lane stating it was constructed to the engineered plan.

Mr. Faherty stated the construction of the dock should've been before the Commission as a NOI. He said he would review Chapter 91 and speak to them offline. He will put it on the next agenda.

Joe Dibaco received an enforcement order in the mail and has owned the property for a year. He said he put new decking on the existing structure. Mr. Faherty stated he would speak to him offline and move forward to another hearing.

Ms. Malonson made a motion to adjourn which was seconded by Mr. Mercier. The motion passed unanimously at 8:28 p.m. (5-0-0).

**Date Signed:** 10/5/23

**Attest:** SS Slavin

**Sandy Slavin, Chairperson**  
WAREHAM CONSERVATION COMMISSION

WAREHAM TOWN CLERK  
2023 OCT 5 AM 10:54

**Date copy sent to Town Clerk:** 10/5/23