

Town of Wareham
Conservation Commission – Minutes
October 4, 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. Jessica Parr (arrived at 6:40p.m.)

Absent: Denise Schulz

Conservation Administrator, Joshua Faherty was also present.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

Request for an Amended Order of Conditions (AOOC)

1. **Ryan Vlaco, 72B Burgess Point Road, Wareham MA** – To change and increase the layout of the house, garage, pool, patio & pool house from 4,126 SF to 4492 SF. Relocating the retaining wall away from the Coastal Bank by 15.8' and changes to grading, driveway and location of roof dry wells.

Mr. Bartie read the advertisement in for the record.

Brian Wallace of JC Engineering was present. Mr. Wallace briefly reviewed the changes for the amended order of conditions that was issued in June 2022. He explained the footprint of the house was extended; the patio, pool deck and the location of the pool and pool house. He said they changed out the layout of the proposed wall away from the Coastal Bank. He explained the minor changes, the driveway and grading around the house.

Mr. Faherty reviewed his staff report and asked if the additional increase of the house increased any dry wells.

Mr. Wallace said there was no change to the dry wells.

There were no questions from board members.

There was no comment from the public.

Ms. Malonson motioned to close the hearing and was seconded by Mr. Mercier. The motion passed unanimously.

Mr. Faherty recommended the standard order of conditions; the recommendation was moved by Mr. Mercier and seconded by Ms. Wood. The motion passed unanimously. (6-0-0).

NOTICE OF INTENT (NOI)

- 1. Fearing Hill, LLC & County Road 2004 Realty Trust, Hidden Trails, off County Road, Wareham MA** – To construct roadways, utilities and storm water management systems associated with a proposed residential 56-lot cluster subdivision.

Mr. Bartie read the advertisement in for the record. He said the lots are indicated in the advertisement of the hearing.

Brad Bertolo of JC Engineering was present along with Mr. Teitelbaum.

Mr. Bertolo passed out a document that was part of the NOI package. He described that the document gives an overview of the complete project. He said the permitting of each lot would be separate. He explained the project includes the roadways and utilities. He said the project was approved for 26 lots in the 2000's; with expired conditions in 2016. He reviewed the project with the new parcel that includes the cluster (the additional piece that wasn't part of the previous approval). There is no DEP number as of yet and they have to go in front of the Planning Board as well. He said the whole project is about 153 acres, with about four and half acres within the jurisdiction. He said he in contact with Mr. Faherty, who recommended peer review.

Mr. Faherty reviewed his staff report and what jurisdiction the conservation has over the project. He asked about the location of the road.

Mr. Mercier asked about endangered species in the area. Mr. Bertolo stated this property was not in the mapped endangered species for Wareham.

Mr. Bartie asked about the basins for water run-off.

Ms. Slavin asked about the run-off into the pond and confirmed that's no longer an issue for this plan. Mr. Bertolo confirmed that the man-made pond is deep enough to accept groundwater.

Kevin Mihalec, 163 Squirrel Island Road. He was reviewing Ally's Lane and asked about a paper road that is on their deeds. He asked questions about the quarry site (the man-made pond) and felt it was a danger to the homeowners of this proposed association. He stated the area was very saturated and thought it was very out of place to be turned into a subdivision.

Ms. Slavin told Mr. Michalec that is points would be better off brought to the Planning Board.

Mr. Mihalec encouraged the board members to do a site walk of the property. He asked where the applicant has proposed access to the property.

Mr. Bertolo stated they have direct frontage, 180' from County Road; and the southern portion.

Mr. Mihalec stated there are endangered species that live out there and invited the Commission members to walk the property.

Ms. Annie Hayes was present and asked about the sequencing of the applicant coming to the Conservation and Planning Board. She said the man-made pond is a dangerous quarry.

Mr. Mihalec came back up to the microphone to make a few more comments about the 'man-made pond'.

Mr. Rollins also spoke about the endangered species that are located on the property. He said that the previous Conservation agent was well aware of the species on the property. He also encouraged members to review past records as well as visit the site.

Eric Lintala 15 Squirrel Island Road was also present and stated he knows the property very well. He too, shared concerns.

Meg Sheehan, Environmental Attorney for Save the Pine Barrens was speaking via Zoom. She stated she has many clients who are concerned about this project in the Wareham area. She said they support an environmental engineer for peer review and a hydrology study be completed.

Ms. Slavin asked Ms. Sheehan to keep it to Conservation point only.

Mr. Mihalec again asked for the members to confirm a site walk and stated he would like to go with the board members.

Mr. Mercier made a motion to continue till October 18, 2023 and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

- 2. William Roberts, 2629 Cranberry Highway (Route 28), Wareham MA – To remove and replace an existing failed cesspool with a new fully Title 5 compliant system within the buffer zone of a BVW.**

Attending via zoom, Mr. Darren Myers was present and explained this was a septic upgrade.

Mr. Faherty asked about an access road that ran through the wetlands to the southwestern part of the property or a clearing at one point. He said it should be noted not to use that to access the property.

Mr. Myers said this is a new owner to this property and he has every intention of cleaning up the site.

There were no questions from board members and no public comment.

Mr. Faherty recommended a standard order of conditions and a special condition of removing any construction or vegetation that was cleared from the 30' no-work zone; the recommendation was moved by Mr. Mercier as a motion and seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

CONTINUED PUBLIC HEARINGS 6:45PM

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. (Continued to November 15, 2023)**

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 (continued October 18, 2023)

ENFORCEMENT ORDERS

1. **Jeffrey Johnson, 16 Widow's Cove Lane, Wareham MA**
Mr. Faherty said to expect this in early November as he is working with JC Engineering.

2. **Depot Auto Service LLC, 447 Onset Avenue, Wareham MA**
Mr. Faherty stated that he is still in contact with the property owners.

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. **Review and accept minutes – September 6, 2023 and September 20, 2023**
Mr. Mercier made a motion to accept the September 6, 2023 minutes and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

Ms. Malonson made a motion to accept the September 20, 2023 minutes and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

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

3. **Reorganization of the Conservation Commission**
Ms. Slavin stated they need a new Vice Chairperson.

Ms. Malonson made the motion to nominate Mr. Bartie as Vice Chairperson which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

Ms. Wood motioned to move Ms. Malonson into the Clerk position and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

Mr. Faherty reviewed the 2024 Conservation schedule and advised if there were any questions that people reach out to him directly.

Ms. Malonson made a motion to adjourn which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

Sandy will notify clerk and bos of the changes so they can update their records – including website.

Date Signed: 1/3/24

Attest: S. Slavin
Sandy Slavin, Chairperson
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 2/24/24

