

Town of Wareham  
Conservation Commission – Minutes  
October 18, 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, Kwame Bartie, Carol Malonson, Michael Mercier, Autumn Wood, Jessica Parr and Paulajeane O'Neill. Denise Schulz was present via Zoom.

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

**PUBLIC HEARINGS: 6:30 PM**

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

- 1. Indian Neck Common Lands Trust, 63 Towhee Road, Wareham MA** – To reconstruct a post and rope fence and reconstruct a stone step leading on the beach.

Ms. Malonson read the advertisement for the record.

Emily Morgan, Kathie Marcow and Tony Pires were present to speak on behalf of the project. Mr. Pires explained it was a reconstruct of a post and rope fence and stone step leading on the beach in a Coastal zone. He said there is a safety hazard currently there. He explained the steppingstones that would be put down for the path and would be extinguishing the unused paths.

Mr. Faherty reviewed his staff report and stated it was a good project. He reviewed photo's of the area. He would recommend a Negative 3, with the condition that the boats being stored on the coastal dune should be removed; and he also recommended a Negative 6.

Turning it to the Commission members, there were no questions. There was no public comment.

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

Ms. Malonson made the motion to approve the determination as a Negative 3, with the one condition that the boats stored on the dune be removed and not come back to that area and a Negative 6. Mr. Bartie seconded the motion and it passed unanimously. (6-0-0).

- 2. Michelle Wright, 5 Cottage Street, Wareham MA** – To construct an 8x10 shed

Ms. Malonson read the advertisement in for the record.

Ms. Wright was present along with Carlos Borges. Ms. Wright she stated they wanted to put up a 7x9 shed. Mr. Borges said they'd like to put it in the NW corner.

Mr. Faherty stated that the location is within the 30' no buffer zone. He said that he only can see it closer to the house and they can discuss the placement. He recommended a continuance until they receive a new plan with the location and/or approved with a contingent of the new plan.

Ms. Schulz asked if there would be an issue with any run-off of water from the shed.

Mr. Faherty stated the property flattens out a bit and if they move it out of the no activity zone it should be okay.

Mr. Borges said they would be putting it on sono-tubes, approximately four to be dug by hand.

There was no public comment.

Ms. Malonson made a motion to continue 5 Cottage Street to November 1, 2023 pending a plan and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

3. **James Baroncelli, 104 Great Neck Road, Wareham MA** – To construct an 80-square-foot deck within the buffer to a BVW

Ms. Malonson read the advertisement in for the record.

Owner, James Baroncelli, was present. He stated they wanted to extend the deck that is currently there to make it longer. He said they would be extending to 14', it is currently 8x10.

Mr. Faherty stated the deck is currently in an already altered area; he recommends a Negative 3 and Negative 6 with sonotubes.

Ms. Slavin asked if the extension would be attached to the house. Mr. Baroncelli stated yes.

There were no further public comments or member comments.

Ms. Malonson made a motion to close the public hearing and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

Ms. Malonson made a motion to approve as a Negative 3 and Negative 6 determination which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

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

1. **Robin Mitchell, 40 Arnold Street, Wareham MA** – To stabilize a Coastal Bank by installing COIR Logs, stabilize the top with coconut fiber matting and plantings of a variety of salt water tolerant native species.

Ms. Malonson read the advertisement in for the record.

Brad Bertolo with JC Engineering was present on behalf of the applicant. Mr. Bertolo reviewed the project and pictures that were part of the project. He said the proposal is considered a soft solution and an oak tree would be cut. He reviewed what variety of native species would be planted.

Mr. Faherty stated he felt it was a great project and hoped it worked well.

Mr. Bartie stated he visited the site and asked about the tree that had to be cut. Mr. Bertolo said it was a vertical cut and restabilization of the area. Mr. Bartie mentioned a boat that was on the saltmarsh that was anchored.

Ms. O'Neil stated that she was also at the site and the boat was in the water.

Ms. Schulz asked for an explanation of a COIR Log. Mr. Bertolo explained. Ms. Schulz had another question about the layout of the native species. Mr. Bertolo stated he had the species listed on the plans in the narrative.

Ms. Malonson made a motion to close the public hearing which was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

**Motion to approve:** Mr. Faherty recommended approval with the standard order of conditions and the storage of the boat should be out of the resource area. The recommendation was motioned for approval by Mr. Bartie and seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

2. **Jeffrey & Brenda Harper, 16 Holly Tree Lane, Wareham, MA** – To construct an 850-square-foot addition to the existing dwelling

Ms. Malonson read the advertisement for the record.

Bob Rogers, GAF Engineering and Mr. Jeffrey Harper were present.

Mr. Rogers reviewed the project to add an 850 square foot addition on the west side of the house to add more room inside. He said roof infiltration units will be put in the back and the need to relocate a propane tank between the addition and the street. He said there is no work proposed in the 30' no work zone. He stated the shed would be moved so it conforms to the side setback and would be adding a swing set in that area.

Mr. Faherty stated he saw no issues with the project. There were no questions from the Commission.

Ms. Malonson made a motion to close the hearing which was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

**Motion to approve:** Mr. Bartie made a motion to approve the standard order of conditions which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

3. **Jason Shonet, 12 Granston Way, Wareham MA** – To raze and reconstruct a portion of the existing dwelling. A small expansion of the kitchen is proposed with a greenhouse and a small portion of existing concrete to be removed.

Ms. Malonson read the advertisement in for the record.

Brian Grady of GAF Engineering was present. He reviewed the project as a remodel to the existing home with some demolition. He said the kitchen area will be slightly expanded into the existing driveway, 4' out; not in the other direction of the bay. He said they are not doing any work in the 30' no work zone. He said they would have sil fence put up.

Mr. Faherty stated they didn't receive the revised plan within a week of the meeting, per the Commission's regulations; however, it was an extension of four feet into the driveway. He said it was a minor revision only.

Members had no further questions. Ms. Slavin asked about run-off. There was no public comment.

Ms. Malonson made a motion to close the public hearing which was seconded by Mr. Bartie. The motion passed unanimously.

**Motion to approve:** Mr. Faherty recommended an approval with the standard order of conditions and it was moved by Mr. Bartie 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 December 20, 2023)

Mr. Mercier made a motion to continue to December 20, 2023 per the applicant's request and seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

2. **Prime Engineering, 370 County Road, Wareham MA** – To construct a large-scale ground-mounted photovoltaic solar array. (Continued to November 15, 2023)
3. **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 (continued to November 1, 2023)

Ms. Malonson made the motion to continue per the applicant's request to November 1, 2023 and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

#### **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 (continued November 1, 2023)

Mr. Mercier made a motion to continue to November 1, 2023, and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

### **ENFORCEMENT ORDERS**

#### **EXTENSION REQUESTS**

1. **150 Tihonet Road, Wareham MA – SE 076-2613**

Jarred Connor was present on behalf of 150 Tihonet Road and 27 Charge Pond Road.

Ms. Slavin stated a letter was received on October 18, 2023 from CLWC

Mr. Faherty stated they did receive a letter in opposition of extending the request. He said he sees no issue in extending the request. The request is for three years and would recommend the extension to the commission.

Mr. Connor said he feels the three-year extension is okay and they are waiting for the connection from Eversource.

Ms. Parr asked where in their by-laws it says if they can even extend the request to three years. She read where it stated they can renew for up to one year.

Ms. Slavin asked if there were any special conditions due to COVID or the economic turn-down

where the state may have allowed expansion or allowance of a continuance.

Mr. Faherty reviewed what the state had allowed during that period and stated he would have to read the COVID code to determine if it would apply in this situation. He suggested they continue and discuss at the next meeting in regard to the extension. Mr. Faherty stated he wasn't aware of this part of the by-law in regard to the one year and would review if they continue.

Ms. Schulz stated if they can only extend once, she would recommend they continue for further research from Mr. Faherty.

Ms. Malonson made a motion to continue the discussion of the extension to November 1, 2023, and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0).

## **2. 27 Charge Pond Road, Wareham MA – SE 076-2612**

### **CERTIFICATES OF COMPLIANCE REQUESTS**

#### **1. 150 Cromesett Road, Wareham MA – SE 076-2663**

Mr. Faherty recommended the approval of the COC.

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

#### **2. 5 Doty Street, Wareham MA – SE 076-2760**

Mr. Faherty recommended the issuance of 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. 8 Thatcher Lane, Wareham MA – SE 076-2433**

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

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

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

#### **1. Review and accept minutes – October 4, 2023**

Mr. Bartie made a motion to accept the minutes which was seconded by Ms. Malonson. The motion passed unanimously.

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

Donna Coveyer was present who was interested in joining the commission. She gave a brief overview of herself and her interest in the Conservation Commission.

Joe Stihl was present and also introduced himself to become a Conservation Commissioner. He stated he has been at previous meetings and looking to gain more knowledge.

#### **3. Reorganization of the Conservation Commission**

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

Date Signed: 1/3/24

Attest: SSS

**Sandy Slavin, Chairperson**

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 1/4/24

# Public Hearing: Fearing Hill LLC-Public comments for the record

Coordinator <environmentwatchsoutheasternma@gmail.com>

Wed 10/18/2023 2:40 PM

To:slavin@wareham.ma.us <slavin@wareham.ma.us>; Joshua Faherty <jfaherty@wareham.ma.us>; sslavin@wareham.ma.us <sslavin@wareham.ma.us>; Derek Sullivan <dsullivan@wareham.ma.us>; Kenneth Buckland <kbuckland@wareham.ma.us>; Sonia Raposo <sraposo@wareham.ma.us>;

Cc:Annie Hayes <hayesannie@gmail.com>; Kathy Pappalardo <mcpapp@verizon.net>; Katherine Harrelson <katherine.clwc@gmail.com>; Nancy McHale <nlimchale@verizon.net>; Eric C Lintala <elintala@umassd.edu>; Millie Garcia-Serrano <millie.garcia-serrano@state.ma.us>; Reda, Maissoun (DEP) <maissoun.reda@state.ma.us>;

Re: Fearing Hill, LLC & County Road 2004 Realty Trust, Hidden Trails – offCounty Road, Wareham, MA – To construct roadways, utilities, and storm water management systems associated with a proposed residential 56-lot cluster subdivision.(2815)(Continued to October 18, 2023)

Dear Chair Slavin and members of the Commission,

Please include these public comments in the administrative record for the above matter.

These comments are submitted on behalf of Community Land & Water Coalition (CLWC) and its members who live, work and recreate in Wareham.

For the reasons stated by me on behalf of CLWC at the last public hearing on this matter on October 4, 2023, CLWC urges the Commission to deny the Notice of Intent. Those comments are incorporated by reference herein.

First and foremost, at the October 4, 2023 public hearing on this NOI Commission has received credible eye witness testimony that the Project locus is a potential Superfund - Chapter 21E site. This testimony can be viewed on the recording of the hearing.

On October 4, 2023, the Commission heard testimony about the disposal of "barrels", vehicles and of dumping on this site. One witness testified that vehicles were driven into the gravel pit pond for disposal. The witness reported to you that this pond is estimated to be 100 feet deep. Other witnesses testified that equipment was abandoned on site. The testimony presented to the Commission established that there is a release or threat of release of hazardous materials that mandates notification under the state Superfund law. A landowner must notify MassDEP of such a release under state law.

CLWC requests that the Commission immediately notify MassDEP of the testimony it received at the last hearing regarding the potential threat to the public health, safety and welfare at this site. This includes threats to the drinking water supply for the Plymouth Carver Aquifer area. The Aquifer is protected under Federal Law by the Safe Drinking Water Act. The state's drinking water regulations are at 310 CMR 11.00. **The Wetlands Protection Act**





**and the Town's Wetlands Bylaw require the Commission to protect private, public and groundwater supplies.**

This project requires a complete hydrological investigation, Chapter 21E investigation by a licensed site professional and an investigation into whether the decades long sand mining operation deprived the Town of Wareham of Earth Removal Fees.

The Commission should order the applicant and the landowner to fulfill any and all obligations under the state Superfund law before proceeding any further with this "cluster development" for residential housing on the shores of an unstable gravel pit pond. Current and future residents should not be put at risk by exposure to potentially contaminated groundwater. The project is proposed to use private on site wells.

Margaret E. Sheehan, Esq.  
On behalf of:

**Community Land & Water Coalition**  
[environmentwatchesoutheasternma@gmail.com](mailto:environmentwatchesoutheasternma@gmail.com)  
P.O. Box 1699  
Plymouth MA 02362

[www.communitylandandwater.org](http://www.communitylandandwater.org)

Check out our [You Tube Channel](#) for drone footage of earth removal sites, meeting recordings and educational webinars

*Working to preserve, protect and steward the land and water resources of Southeastern Massachusetts. We are losing them fast.*

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Copies:

Selectboard: Derek Sullivan Town Manager

**Planning Board: for inclusion in the public hearing record for the hearing that is in process for this project.**

Planning Department: Ken Buckland, Sonia Raposa  
MassDEP SERO

