

**Town of Wareham**  
**Conservation Commission Minutes**  
**January 4 2023** *gof*

**1. PRELIMINARY BUSINESS:**

**Present:** Chairperson, Ms. Sandra Slavin, Denise Schulz, Kwame Bartie, Michael Mercier, and Carol Malonson

**Absent:** Nichole Locurto and Jessica Parr

Mr. Joshua Faherty, Conservation Administration

**2. PUBLIC HEARINGS:**

Request for Determination (RDA):

- 1. RDA – Russell Motto, 12 Shangri-La Boulevard, Wareham, MA – to construct a single-family dwelling associated utilities, site grading and a retaining wall**

Mr. Bartie read the advertisement in the record.

Brad Bertolo from JC Engineer was present for the applicant. Mr. Bertolo stated site was not staked out. He explained the project which is an RDA to construct a single-family dwelling; out of the jurisdiction of the buffer zone; but proposing site grading and a retaining wall. He said there would be an erosion control at the bottom of the slope.

Joshua Faherty said most was out of the 150' buffer zone. He would recommend approval with a Negative 2.

Board members had no further discussion or questions. Ms. Slavin asked for public comment to which there was none.

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

Ms. Schulz made a motion to accept the RDA, 12 Shangri-La Boulevard as a negative two and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

Notice of Intent (NOI):

- 2. Jacob Gadbois, 3 Apple Street, Wareham MA – To construct a single-family home on an existing foundation. Install a natural seashell driveway. Install a waterline and all associated landscaping.**

Mr. Bartie read the advertisement for the record.

Susan MacArthur and Jacob Gadbois were present for the project. Ms. McArthur explained the property is pretty level throughout. She said the wetland was delineated in September 2022, there is a salt marsh on the property. She said there is an existing foundation on the property currently and a small section of paved driveway. There is a lot of debris and trash throughout. There is an existing order of conditions that was issued in 2004. The entire property is in FEMA Zone AE 14. The proposed work is removing the garbage and debris to construct a single-family dwelling on the existing foundation and installing a natural white crushed seashell driveway. An erosion control barrier will also be installed.

Mr. Gadbois stated the site grading is already completed. They've taken 3–30-gallon trailer of garbage out of there currently and probably have two more to go.

Brandon Faneuf was present and presented his field notes.

Mr. Faherty asked if the applicant has spoken to the Building Department about the foundation. Mr. Gadbois said he had and there will be work required. He said it does have footings and rebar.

Ms. Schulz stated she was just concerned about the trash.

Mr. Faneuf recommended putting the condition that there be a permanent mark there identify the 30' buffer zone. Ms. Slavin said they would add that condition.

Mr. Gadbois said he was fine at adding the boulders as that mark.

There was no public comment.

Ms. Schulz made a motion to close the public hearing and was second

Ms. Schulz made a motion to accept the project for 3 Apple Street, Jacob Gadbois with standard conditions, a note on the plans to site mark the 30' no work area zone; to mark the area with boulders (except to clean the back trash), special condition to follow all MA and local bylaw compliant restrictions. Ms. Malonson seconded the motion and it passed unanimously. (5-0-0)

Ms. Schulz asked about the order of conditions from 2004. Mr. Faneuf said the new order of conditions would supersede that order; he said it would be a problem if they go to sell in the future, someone might see there is still an order of conditions from that time.

Mr. Faherty suggested when they finish this project to ask for a certificate of compliance on both years' order of conditions to close them out.

**a. Jeffrey Shaw, 11 Bridge View Lane Wareham MA – To elevate and renovate an existing cottage on a new foundation.**

Mr. Bartie read the advertisement for the record.

Zach Baasinki was present. He reviewed the project and looking to renovate the cottage on the property. He said they are looking to elevate it with new sonotube footings. He described

Mr. Faherty shared his field notes from his site visit and recommended where the construction vehicles should be located on the property during construction.

Mr. Bartie asked them to mark the no-touch area, either with a fence or boulder so someone knows not to go into that area in the future.

Ms. Slavin said there is lawn in that area now, so there wouldn't be a reason to put anything in that no-touch zone. She asked about under the house with a door and if that area would be modified.

Mr. Bassinski said the stonewall would not be affected and this is for the main house only.

There was no public comment.

Ms. Schulz made a motion to close the hearing which was seconded by Mr. Bartie and passed unanimously. (5-0-0).

Ms. Schulz made a motion to accept the project as presented and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

**b. Jeffrey Ringer, 16 Candy Street, Wareham, MA – To add an addition to an existing single-family dwelling**

Mr. Bartie read the advertisement for the record.

Ms. Slavin said while they were there, they noticed a dock up on the marsh so there will be an enforcement order issued for this property as well as others in the area with the same.

Mr. Faherty said there would be quite a few enforcement orders in that area.

Ms. Schulz made a motion to continue 16 Candy Street per the applicant's request to January 18, 2023, and was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0)

**c. 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**

Mr. Bartie read the advertisement for the record.

Cole Bateman was present for the applicant. Mr. Bateman said this was 3 adjacent properties, with two major components; repairing a failing foundation under the boat house and severe cracks in the boat house walls. He said there is a retaining wall that is failing along with the boat house. He said the resource area are land under the ocean, land subject to coastal flowage, salt marsh, coastal beach, coastal bank, and riverfront. He identified where the proposed access to repair is, at 10 River Terrace driveway. He reviewed the project and how was going to repair for less impact.

Mr. Bateman has 125 yads of fill to be used to the grade of the wall. Existing stone – elevation 7. Grading will be right up to the wall. He received a letter from MA DFM, with comments regarding the salt marsh and wall extending past the current wall (for constructability and construction between the two properties at 10 River Terrace and 16 River Terrace). Blocks used are required to be interlocked together, the best thing they came up with is to be constructed. They wanted to present the project and then hear commission's comments and ask for a continuance.

Mr. Faherty – proposed a wall quite a bit further than what is there. potential beach and salt marsh out – historically not approved by this commission – perhaps just extend a little bit to the current wall.

Mr. Bateman advised that there is a bit more established wall where the boat house is. He said they believe the salt marsh is there because of the retaining wall. He said it's a coastal dune that is not providing nourishment since the saltmarsh. He said it's difficult to find a common spot. He would be willing to work with the Commission to find the best spot to start.

Mr. Faherty agreed. He asked about the new grading that might take a lot of vegetation and asked about a replanting plan, specifically where they want to put down the concrete.

Mr. Bateman said they would come up with a replanting plan.

Mr. Faherty shared his concerns about the wall being up against the Park Wood Beach Association lot (which is a salt marsh) and the road layout in the rear. He said they would need a plan with the lot pointed out and approval from the Park Wood Beach Association to work on their lot. He asked about the timber float that is in the salt marsh is not allowed and would need to be removed.

Mr. Bateman said the structure was put there in 1973 as a raft with a Harbor Service permit. He said it does not have a Chapter 91 license that they could find. He said they have tried to keep it up through the Harbor Service permit.

Mr. Faherty asked for those permits to be sent to the office. He said the way the ramp is stored is not appropriate.

Mr. Corkery was present and stated it was put there in 1973 (he was 11) and has had the Harbor Service Permit ever since. He said it is a float on the water, no one's ever complained about it, and across the marsh line sitting on the sand. He said it is not a fixture there. He reiterated that Town Hall has given their family this Harbor Service Permit for a 'float' every year since 1973.

Mr. Bateman said they are looking for a pre-construction meeting.

Ms. Schulz asked about high mean water and the wall that is proposed past five feet. She also requested a letter from the DFM. She also wants them to address the chain link fence.

Ms. Slavin said they would be okay with issuing a temporary shoring on the building to make it safe and from deteriorating any further.

Mr. Mercier made a motion to continue to January 18, 2023 and was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0)

### **3. CONTINUED PUBLIC HEARINGS**

Request for Determination (RDA):

Notice of Intent (NOI):

- 1. Scott Green, 17 Murphy Street, Wareham MA – To construct a single-family dwelling retaining walls and utilities**

Mr. Bartie made a motion to continue to January 18, 2023 per the applicant's request and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

- 2. Ryan Vlaco, 72B Burgess Point Road, Wareham, MA – To construct a permanent pier, float & staircase**

Ms. Schulz made a motion to continue per the applicant's request to January 18, 2023, and was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

### **4. ENFORCEMENT ORDERS:**

#### **5. CERTIFICATE OF COMPLIANCE:**

- 1. Sue Ann Murley, 10 Stone Avenue, Wareham, MA – SE76-7600 (continued)**

Mr. Faherty reviewed the Certificate of Compliance request. Mr. Bob Rogers from GAF Engineering was present on behalf of the homeowner. He explained the only discrepancy was the blueberry bushes around the existing shed. He said everything else was done according to the plan. He said he believes it was wise not to plant the bushes against the shed.

Mr. Faherty agreed and went to a site visit. He was only concerned about the unfinished stairs but that isn't a Conservation issue.

Ms. Schulz made a motion to issue the Certificate of Compliance and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

- 2. Jeffrey Chrzanowski, 12 Pine Tree, Wareham MA – SE76-2372 (continued)**

Mr. Bob Rogers was present for the applicant. He said that Mr. Faneuf shared his concern at the last meeting for the proper height for the lateral access (5'). He said there is 5'3" at the high tide mark. He said Mr. Faneuf wanted a sign of the lateral access on the dock. Mr. Rogers said the owner would move the sign to the correct area.

Mr. Faherty said the other concern was that the dock was 6' longer, but still under the 200' bylaw. He would recommend an issue of the Certificate of Compliance.

Ms. Slavin asked for any discussion.

Ms. Schulz asked why the extension on the dock when it was approved for a certain number of feet.

Mr. Rogers said the approved plan said 152' plus or minus at high mean water; and he went 154' minus at high mean water. He said the range is correct, he said sometimes it's one or two feet is understandable and reasonable.

Ms. Schulz stated the 'as built' is written on the certificate of compliance.

Mr. Rogers said the approved plan for the float is 16 feet smaller than what was approved. He said he thinks they have done a good job.

Mr. Faherty said it's consistent with the plan.

Ms. Schulz stated that it's becoming more common that people are building to plan, not according to plan.

Mr. Rogers said he believes it was built to plan.

Mr. Faherty said this dock is so not out of conforming. He said it is better that the engineer put more on the plan and pull it back. He reiterated that he would suggest issuing the Certificate of Compliance.

Ms. Schulz made a motion to issue the Certificate of Compliance which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

### **3. Neil Sullivan, 7 Groveland Street, Wareham MA – SE76-2581**

Brian Grady was present for the applicant from GAF Engineering.

Mr. Faherty reviewed the project to install a garage and it was completed with a few modifications. He said a retaining wall to minimize stormwater flow and keep the sidewalk from eroding. He would recommend an issue of Compliance.

Ms. Schulz made a motion to issue the Certificate of Compliance and it was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0)

### **4. Gary Osmond, 18 Maritime Drive, Wareham MA – SE76-2501**

Mr. Faherty said this was a project for the construction of a single-family dwelling. He said when it came before the commission, the previous commissioner had a concern about plantings behind the previous cottage. He said the plantings plan is complete, and the septic system is stabilized. He said the septic needs to be reviewed annually and bi-annually by the Buzzards Bay Coalition (for testing). He said construction is complete, septic stabilized, and plantings complete.

Ms. Schulz made a motion to issue the Certificate of Compliance which was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

### **5. Robert and Maryellen Stone, 12 Candy Street, Wareham MA – SE76-2545**

Mr. Faherty reviewed this project and the work conforms to the order of conditions. He said there were a few notes, that were left out of the plans, the a/c unit near the house, and the propane tank. He said

that if something in the future, he would suggest to the commission that these things be on the plan before the certificate. He stated that being said, he would suggest the issue of the certificate. He said there are also a few enforcements that will be issued on and near that property, but that should be handled outside of the certificate of compliance.

Ms. Slavin said she would issue the compliance with a condition that these structures be added to the plans, of the a/c unit and the propane tank.

Mr. Faherty suggested issuing the compliance upon receipt of receiving the updated plans with those on it.

Ms. Schulz made a motion to issue the Certificate of Compliance, upon receipt of receiving the updated plans with the a/c unit and propane tank on them. The motion was seconded by Mr. Mercier and passed unanimously. (5-0-0).

## **6 ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE:**

### **1. Continued Discussion: Bills, Appointments, Interviews, and Reappointments**

Ms. Slavin discussed when Mr. Pichette was there, he said that the deadline for plans would be

Mr. Faherty suggested that two weeks before the meeting should be closed for any plans or updated plans. He suggested even a week before the meeting should be any revised plans.

Ms. Slavin agreed to that change as sometimes they would receive revised plans at the meeting.

Commission members agreed to the change.

### **2. Discussion: Buzzards Bay Coalition – Site visit of the Westgate property on Papermill Road**

Mr. Faherty stated that no one showed up from the Buzzards Bay Coalition at the Papermill Road site visit, but that he did do a walk thru. He said there were some electrical lines down in the middle of the trail and he is reaching out to the BBC. He said the Wareham Land Trust needs to be informed as well and they are looking at taking care of that property. Mr. Faherty said the wetlands in there are in disrepair.

### **3. Discussion: How to address hybrid meetings**

Mr. Faherty said that WCTV is short-staffed but willing to train someone to do it. He said they are out of compliance with the COVID restriction but there is no negative impact to continue how they are doing meetings.

Ms. Autumn Wood was present and had an interest in being a member of the board. She introduced herself to the Commission. She is passionate about the environment and is working on a Master's Degree in conservation, and geoscience.

Ms. Slavin reviewed the process on being a commission member.

**4. Announcement: The Wareham Week will increase its fees from \$50 to \$75 starting January 1, 2023**

Ms. Schulz stated she contacted DMF as to why the two reviews of the docks were so different. (Grace Lane and the property with the eelgrass at Cromeset). She said the Grace Lane letter was very different from the other two letters. She said the sighting of eelgrass was why the letter was so different as DMF stated that there was never eel grass sighted in the area of Grace Lane and that's why it was different. She also stated that she reviewed the MACC website and has a packet of information that people should know if they are doing projects. She said she is going to review the packet of information and thinks perhaps it should be distributed at Town Hall to potential applicants, to get the right information. Ms. Schulz will look into if she can get a copy of the template/projects.

Ms. Schulz stated she would do a training to get more information on things that interest her (eelgrass, etc.).

Mr. Bartie made a motion to adjourn at 7:52 p.m. and was seconded by Ms. Malonson. The motion passed unanimously.

Date Signed: 1/24/2023

Attest: SSS / cwu  
Sandy Slavin, Chairperson  
WAREHAM CONSERVATION COMMISSION

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

WAREHAM TOWN CLERK  
2023 JAN 24 PM 11:16