

WAREHAM TOWN CLERK  
2023 FEB 2 AM 10:16

**WAREHAM CONSERVATION MEETING**  
**Wednesday, January 18, 2023**

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

**PRELIMINARY BUSINESS**

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

Absent: Jessica Parr

Conservation Administrator, Josh Faherty was also in attendance.

**PUBLIC HEARINGS**

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

1. **James R. Andrade, 30 Salt Marsh Lane, Wareham, MA** – To construct a garage adjacent to an existing dwelling.

Mr. Bartie read the advertisement in for the record.

Mr. Faherty reviewed this project with the Commission Members. He said it is located on the right side of the property as you entered the driveway. Mr. Andrade was looking for direction from the board. Mr. Faherty recommended erosion control in the 30' no buffer zone as well. He recommended a dry well for the project as well.

Ms. Schulz had concerns about the existing gazebo.

Mr. Faherty said it was within the 100' buffer, but he didn't think it was in the 30' no-work zone. He said they could add it to this RDA and resubmit. He said a new RDA would be an after-the-fact filing.

Ms. Slavin asked about the slope going toward the wetlands. Mr. Faherty stated the project is in its infancy and they can ask about the slope moving forward.

Ms. Slavin asked about the existing driveway, and she said it's not the same as presented on the plans.

Mr. Faherty stated he would reach out to the applicant to explain the concerns of the Commission.

Ms. Slavin reviewed their concerns as the gazebo, the change in the driveway, the driveway as proposed on the plans not being the same and leveling it, and the material for the driveway.

Ms. Slavin opened it up for public comment to which there was none.

Ms. Schulz made a motion to continue 30 Salt Marsh Lane to February 1, 2023 and was seconded by Kwame Bartie. The motion passed unanimously. (6-0-0).

**2. Douglas H. Cameron, DFG-Office of Fishing and Boating Access, 69 Oak Street, Wareham, MA – To remove and replace decking on an existing stairway and timber pier.**

Mr. Bartie read the advertisement for the record.

Doug Cameron was present. He explained the project as a boat ramp off Oak Street. He gave a history of the project. He explained the stairway needs to be replaced and the decking on the timber pier needs to be replaced. He said the work can be done on top of the existing structures, so there will be no machinery in the resource area. He said they were hoping to reconstruct in the spring and finish in early May.

Mr. Faherty added that the material of deconstruction if fell in water or resource area should be removed immediately.

Mr. Bartie asked if it was a replacement only for the existing stairs and decking. Mr. Cameron said it was only a replacement.

Ms. Schulz asked about the materials that will be used. Mr. Cameron answered with a durable, high-grade material.

Ms. Slavin asked how the nails will be removed and how cautious they would be to have the nails fall into the work site.

Mr. Cameron said they would prepare technical necessities for the contractor, and they will have to comply.

Ms. Slavin asked for public comment and there was none.

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

Ms. Schulz made a motion to issue a Negative 2 for 69 Oak Street and it was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0)

**3. Warren 176 Main St QOZB, LLC, 176 Main Street, Wareham, MA – To install a 10' wide access driveway and regrade existing land to prevent runoff.**

Mr. Bartie read the advertisement in for the record.

Bill Madden was present for G.A.F. Engineering for the applicant. Mr. Madden reviewed the project. He said work had taken place without the Conservation approval and they had been requested to file an RDA after the fact. He said there will be a silt fence as well as erosion blankets installed, which is noted on the plans. He said an access way was being added.

Mr. Faherty asked if the access way will remain after completion. Mr. Madden said it would remain for an interim amount of time.

Mr. Bartie said he had concerns for the neighborhood as it was done without an RDA. He said



he's glad they're reviewing it and the RDA was filed.

Ms. Schulz asked about the four trees in the back as well as the wall, she said it didn't look stabilized. Mr. Madden said they will stabilize the area. Mr. Madden said that if problems with the wall they would have to put more stabilization in that area.

Mr. Mercier also shared the same concerns about the wall, as there is a lot of dirt there.

Ms. Slavin asked why there was an excavation down the hill to begin with.

Mr. Madden said he wasn't involved at the time of the excavation.

Ms. Slavin asked who did the excavation as they should be fined, for doing work without approval.

The commission members agreed. Ms. Slavin said part of the motion would be a \$300 fine to the owner as well as the contractor/excavator who did the work without a permit.

Ms. Slavin opened it up for public comment, to which there was none.

Ms. Schulz made a motion to close the public hearing and was seconded by Ms. Locurto. The motion passed unanimously.

Ms. Schulz made a motion to approve 176 Main Street with a Negative 2 for the after the fact filing, with a \$300 fine to the owner and \$300 to the excavator/contractor. The motion was seconded by Ms. Malonson and passed unanimously. (6-0-0).

#### **Notice of Intent (NOI)**

- 1. Paul T. and Anita E. Atkins, 41 Prospect Street, Wareham, MA** – To construct a pervious driveway, reconstruct an existing footpath, flush cut plants, and replant the area with native plants.

Mr. Bartie read the NOI advertisement in for the record.

Mr. Brad Bertolo was present with the applicant, Paul Atkins. Mr. Bertolo reviewed the project with the Commission members. He said the site was adjacent to Onset Bay and various paths. He said the site lacks parking and would like to put in a driveway. He explained where the driveway is and the elevation of the area. He said the digging may disturb some shrubbery.

He said they are proposing minor fill. Elevation 28, some areas 26 and 24. He said after completion of grading, it would be into the street for any surface run-off from driveway would be into the street and minimize run-off in that area. He explained the mitigation to the proposed area of the coastal bank.

Mr. Atkins said the property has been in his family for a long time and wants to bring the property back to its pristine ways.

Mr. Faherty commented that the cars have gone on the lawn currently. He said he wasn't sure about a curb cut taking place there. He said he had another concern about the replanting's and the species they would be.

Mr. Bertolo stated it was listed on the restoration plan.

Ms. Schulz asked a few questions about the fill and if the fence will go back.

Ms. Slavin opened it up for public comment, which there was none.

Ms. Schulz made a motion to close the Public Hearing and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

Ms. Schulz made a motion to approve 41 Prospect Street with the standard conditions which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

- 2. David and Jody Gastfriend, 8 Beach Plum Lane, Wareham, MA** – To remove a first-floor deck, construct an addition, reconstruct stairs and landing, and relocate an outdoor shower.

Mr. Mercier at 7:20p.m. recused himself from this hearing as a direct abutter.

Mr. Bartie read the advertisement in for the record.

Mr. Bill Madden was present on behalf of the applicant. He reviewed the project, an existing wrap-around deck on the structure, and was looking to reconstruct the deck at the roof level and turn that deck into a living space. He said the resource area is a coastal bank in Figure 2 of the plans. He said they are above the flood zone with the structure. He said they would use construction methodology, and standard spread footings. He said at the closest point is 10.5' at the coastal bank. He said everything would be done within the footprint except for an egress cement pad at the door. He said a small, relocated shower in the back. He explained new landings and decks but would be in the footprint of the existing building. He said there was a mowed grass path on the site. He said no additional bedrooms is being proposed.

Mr. Faherty stated his only concern was a tight access for construction at the side of the house. Mr. Bartie agreed.

There were no further questions from board members.

Ms. Slavin opened it up for the public hearing and there was none.

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

Ms. Schulz made a motion to accept the project at 8 Beach Plum Lane and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

Mr. Mercier returned at 7:27 p.m.

- 3. Phylcia Dorceus, 43 Gault Road, Wareham, MA** – To replace an existing septic system with a new title V septic system.

Mr. Bartie read the advertisement in for the record.

Thomas Roux the civil engineer, was present for the applicant. He said the project consists of a



title V snafu five years ago that was passed, it was a 3-bedroom house that is now a 6-bedroom house. He said he went to the board of health meeting tonight and got approved. He reviewed the new title V septic system that will replace the other.

Mr. Faherty said it was a better system and further away from the resource area. He said he would ask the Commission whether they want hay bales or erosion soc. Mr. Rue said he would be using an erosion soc. He advised where it would be at the property.

Ms. Schulz asked about the existing driveway; and asked where the shed would be moving.

Mr. Rue said if they had to move it, it would only move it a couple of feet; not too many feet.

There were no further questions from commission members.

Ms. Slavin opened it up to the public, there was no comment.

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

Ms. Locurto made a motion to accept 43 Gault Road, Title V septic system with standard conditions with silk soc instead of hay bales and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

4. **Dos Amigos Realty, LLC, 12 Larch Street, Wareham, MA** – To construct a single-family dwelling, including a new driveway, deck, and associated grading and utilities.

Mr. Bartie opened the public hearing.

Ms. Slavin stated the applicant asked for a continuance until February 1, 2023.

Ms. Locurto made a motion to continue 12 Larch Street and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

## **CONTINUED PUBLIC HEARINGS**

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

#### **Notice of Intent (NOI)**

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

Mr. Brad Bertolo was present for the applicant. He reviewed the project stating it was continued because they didn't have a DEP filing, which they do now. He said they were wanting to add a 20x20; 6x24 farmer's porch on the front. He said they are proposing a 36.1' set back to the coastal bank. He said the resource area is riverbank area. He said they are proposing some of the gutters on the existing house to reroute to the infiltration area. He said the work will be done within the existing lawn area.

Mr. Faherty said the commission had a few concerns at an earlier meeting, one the fire pit and the other the dock in a salt marsh. He asked about the infiltration.

Mr. Bertolo explained the mitigation.

Ms. Schulz asked if they are accepting the disturbed land.

Mr. Bertolo stated DEP just wanted an updated narrative. Mr. Bertolo stated the firepit was set on an old cesspool cover and Mr. Bertolo stated the owner knows the raft has to come off of the marsh.

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

Ms. Schulz made a motion to accept the project at 16 Canedy Street with the standard conditions and to remove the float in the marsh by February 14, 2023 and was seconded by Ms. Locurto. The motion passed unanimously. (6-0-0).

- 2. 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. Bateman reviewed the project with the members to make revisions to the plans. He said the dock was taken out. He said DMF sent a follow-up letter and have received comments. He reviewed the scope of the project.

Ms. Schulz stated they review the letters from DMF but hadn't seen it. She asked how the boats were going in the boat house.

Mr. Bertolo said it was more historical and that there aren't boats that go in.

Ms. Slavin asked for public comment to which there was none.

Ms. Schulz made a motion to continue 10, 14 and 16 River Terrace to February 1, 2023 and was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0)

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

Ms. Slavin stated that Mr. Green asked for a continuance until February 1, 2023; she said it has been continued since April 2022. She said they will continue one last time but if nothing new by the 15<sup>th</sup> of February, there will be no further continuances.

Mr. Bartie made a motion to continue to February 15<sup>th</sup> for the last time and was seconded by Ms. Locurto. The motion passed unanimously. (6-0-0)

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

Ms. Slavin stated the applicant asked for a continuance.

Ms. Schulz made a motion to continue to February 1<sup>st</sup> at the applicant's request. The motion was seconded by Ms. Locurto and passed unanimously. (6-0-0)



## **ENFORCEMENT ORDERS**

### **EXTENSION REQUESTS**

#### **1. Buzzards Bay Coalitions, 36 Station Street, Wareham, MA – SE76-2496**

Mr. Faherty reviewed canceling of the extension request as it has expired. He explained the on-going removal and radification and they would like to allow the ability to file a perpetual NOI and not exceed extensions to it. He read what a “perpetual” condition is and stated that he doesn’t think they should just be given out without a condition that a narrative be included, and that it should be coordinated and managed appropriately. He stated that there should be a plan for control and annual monitoring of the site to control the invasives. He said they wouldn’t need to permit every three years.

The commission agreed to the NOI and conditions that Mr. Faherty presented. He will notify Buzzards Bay to file the NOI.

### **CERTIFICATES OF COMPLIANCE**

#### **1. Glenn Priolo, 149 Cromesett Road, Wareham, MA – SE76-2618**

Mark Rego was present for the applicant. He explained this is a new construction house and bordered by vegetated wetlands and in an AE flood zone. He said it met all the setbacks in the original order, and erosion control has been removed.

Mr. Faherty said he did a site visit and would recommend issuing a Certificate of Compliance.

Ms. Schulz asked if this was built to plan or as built.

Ms. Schulz made a motion to issue the Certificate of Compliance which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

Mr. Rego continued that this is located in the Preservation Lane subdivision; and he stated several orders have been issued to adjacent lots to lot 29, the subject lot. He said there are four outstanding orders that make mention to subject lot. He said the orders have nothing to do with subject property, it’s because there was one large plot of land, but has since been divided. He asked that subject lot be eliminated from the orders and perhaps a letter be issued that says the lot isn’t part of the Preservation Lane subdivision.

Mr. Faherty stated he had no problem doing a bit of research. Mr. Rego will forward the information to him to confirm. Mr. Faherty said he would draw up a letter after verification of the five lots.

Ms. Schulz made a motion to have Mr. Faherty review the lots and then issue the letter and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

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

#### **1. Review and approve minutes – December 7<sup>th</sup>, 2022 & January 4<sup>th</sup>, 2023.**

Ms. Schulz noted a couple of typographical errors and Mr. Faherty will correct.

Ms. Locurto made a motion to accept the amended minutes and was seconded by Ms. Schulz.

The motion passed unanimously. (6-0-0)

- 2. Bills, Appointments, Interviews, and Reappointments** – Ms. Wood was before the Commission to request being a member of the board. There were no questions from the board members. Ms. Wood said she took down notes to really get the language organized and enjoyed watching the meeting.

Ms. Malonson made a motion to recommend Ms. Autumn Wood to the Board of Selectman to appoint Ms. Wood to the Commission which was seconded by Ms. Locurto. The motion passed unanimously. (6-0-0)

Resident, Scott Sylvia was present and spoke to the Commission and stated he was interested in joining the Conservation Commission. He said he has an ongoing research in the area and was interested in decisions that the Commission makes that affect bio-chemistry in the wetlands system.

Mr. Sylvia asked a few questions.

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

Date Signed: 2/1/23

Attest: S S Slavin

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

approve 6-0-0

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

WAREHAM TOWN CLERK  
2023 FEB 2 AM 10:16