

**Town of Wareham**  
**Conservation Commission - Minutes**  
**WEDNESDAY, JULY 6, 2022**

I. **OPENING:** Chairperson, Sandra Slavin called the meeting to order at 6:30pm via Zoom.

II. **ATTENDANCE:** Ms. Slavin stated all members were present via zoom. Chairperson, Ms. Slavin, Vice Chairperson Denise Schulz, Clerk Kwame Bartie, Carol Malonson, Michael Mercier, and Nichole Locurto.

Conservation Administrator, David Pichette was also in attendance.

III. **PRELIMINARY BUSINESS** Review and Approve Meeting Minutes: Mr. Bartie made a Motion to accept the minutes of April 20, 2022 and was seconded by Ms. Schulz. The Motion passed unanimously via roll call vote. (5-0-0)

Mr. Bartie made a motion to accept the minutes of May 4, 2022 and was seconded by Ms. Schulz. The Motion passed unanimously via roll call vote. (5-0-0).

Mr. Bartie made a motion to accept the minutes of May 18, 2022 and was seconded by Ms. Schulz. The motion passed unanimously via roll call vote. (5-0-0).

Mr. Bartie made a motion to accept the minutes of June 1, 2022 and was seconded by Ms. Schulz. The motion passed unanimously via roll call vote. (5-0-0).

IV. **PUBLIC HEARINGS:**

- a. RDA – Devin & Melissa Balboni – 54 Great Neck Road

Mr. Bartie opened the public hearing by reading the public hearing notice into the record.

Mr. and Mrs. Balboni were present.

Mr. Pichette reviewed the project to remove trees and install a fence. He said they are looking to create a fenced-in area and there are trees close to the buffer zone area. He said they also want to create a footpath, approximately 4' wide to the end of the marsh. He said that is something that is allowed under the bylaw. And the trees they want to cut down are outside the 30' buffer zone. He would recommend the approval of proposed activities with a negative two.

Mr. Balboni stated they just wanted to cut down trees because they think it's a danger to their house and they just want to add a fence and path.

Ms. Schulz asked about the colored tag trees on the property.

Mr. Balboni stated he used yellow tag trees for markers for the trees that were to be cut down. They said they ran out of one color and used the other. He explained where the wood chips were on the property, and where the fence would go.

Ms. Schulz asked about the footpath and where it was going. That was explained by Mr. Balboni. Mrs. Balboni stated it would be in the middle of their back property.

Ms. Schulz asked about how many trees were coming down. Mr. Balboni said approximately fifteen as presented. He said the pine trees would be approximately five.

Mr. Mercier asked about the trees being cut down and if that was from poor landscaping.

Mr. Balboni stated that the neighbors told them their tree person stated that the landscapers previously had damaged the trees in that area and that eventually they would die.

Mr. Mercier asked if any of the trees would be replanted. Mr. Balboni stated those trees are too big to replant but they plan on putting up nice plants and bushes.

Ms. Locurto asked if the fence would be going around the footpath; the Balboni's stated it would.

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

Mr. Bartie made a motion to close the public hearing and it was seconded by Mr. Mercier. The hearing was closed by a unanimous decision. (5-0-0).

Ms. Schulz made a motion to accept the project as presented with a Negative Determination # 2 and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

**b. NOI – Town of Wareham, c/o G.A.F. Engineering, Inc. – 0 Roby Street – SE76-2745**

Mr. Bartie opened the hearing and read the public hearing notice into the record.

Ms. Schulz recused herself and left the meeting as an abutter at 6:47 pm.

A representative from G.A.F. Engineering was present on behalf of the Town of Wareham.

Mr. Pichette explained the project as a reconstruction of the playground. He said the land is in the buffer zone to Bordering Vegetated Wetland, within a coastal flood zone, and within the estimated habitat of rare and endangered species. He stated the playground was going to be built in the northern part of the site. He said the existing basketball court will be removed and a new court installed up closer to the road. A pickleball court will be approximately 20x44' in size

near the basketball court. He said also proposed is a concrete slab that will be 20x20' in size. A footbridge will also be installed, a 6' wide bridge. He recommended that be reduced to 4' wide to reduce the impact to the salt marsh and coastal beach area. He said the current illegal bridge that is there now will be taken down. He stated there is an existing path over the salt marsh, and he recommended that there should not be any surface material added to that path. He stated a DEP file number was given on this project.

Mr. Pichette stated there were no comments from Mass National Heritage. He recommended the hearing be continued to July 20, 2022, to wait on the comments from them.

Ms. Slavin stated she should've stated this earlier. She said she is a member of the open-space committee and the CPC, which supports this plan for monies for the playground. She said she had no financial ties to the project; she just may know a little more about the project.

Mr. Madden explained the project a little more and the discussions that took place on-site. He agreed with Mr. Pichette about the footbridge. He said the surface ground out there is pretty stable and may work with the sand. He said he understands there has to be a planned adjustment. He said they are looking to improve the path to get to the footbridge. He said the basketball court is being moved a bit away from the buffer zone and it's more of a reconstruction than just a resurfacing. He said they are looking to remove the fence down there as well, more for aesthetics.

Mr. Bartie stated he liked the project, and it is well-designed. He said he read the stormwater report and it was interesting. He asked about the chain link fence and asked if it would only be around the basketball court.

Mr. Madden stated the chain link fence would be in the rear of the basketball court to collect any air balls is what is intended.

Mr. Bartie asked about repaving the pickleball and basketball courts.

Mr. Madden said the basketball court would be excavated from its current position and moved a bit and then restabilized. He said it is a new construction along with the pickleball. He said it would be a concrete surface.

Mr. Bartie stated there was a lot of poison ivy when he walked the property and asked if it would be taken out.

Mr. Madden stated they have staked out the area for the playground and he said there would be some trimming around that play area. He doesn't think it needs to be removed. He said perhaps just trimmed back a bit.

Mr. Bartie asked about trash in that area and asked about the cars entering the beach area. He said there are poles on the ground in that area and asked if there would be poles like that on the playground, to prevent cars from going on the beach.

Mr. Madden stated he didn't know for certain, but some poles are present there now. He said where the parking lot is on the southerly side of the lot would remain intact. He said no lighting is proposed, per Mr. Bartie's question about lighting.

Mr. Mercier asked what fill would be for the playground. Mr. Madden said he didn't have the specifics on the playground. He said it would be some appropriate material but would find out.

There were no further questions from commission members.

Ms. Slavin asked if the whole length of the fence would be switched out. She asked about critter movement underneath and asked for 4-6" with flexibility underneath the fence for critters.

Mr. Madden stated that would be okay and he would look at the commission for that direction.

Ms. Slavin asked if there was any way to put something there that would prevent cars from approaching the beach area in that area. She said that at CPC they had discussed this because it is a problem down there and they are trying to avoid erosion to the beach area because of vehicle traffic.

Mr. Madden stated they could add boulders between the two parking lots. He said there could be other things put there to whatever the commission desires. He said he didn't know if emergency access was something they would have to consider in that area.

Ms. Slavin said that was one of her concerns to have vehicles not be able to access that area, the beach area. She asked if the pickleball court could be moved 90 degrees so that they could install a second pickleball court.

Mr. Madden said they could look at repositioning the basketball as well as the pickleball court to perhaps put a second pickleball court, in theory on the plans for future build-out. He said the only concern would be a drain main hole that is just to the north of the current pickleball area. He would just want them to be aware of that.

Ms. Slavin said she is concerned about the material for the playground area and is concerned about the tidal flow washing up that material in this area; especially where the material is not part of this plan.

Ms. Slavin asked for any public comment on this project.

Ms. Rena, on Zoom, asked where the drainage is for this project. She said she believes that is a wetland and they see a lot of turtles and turkeys. She said the potholes are dangerous in that area and can't imagine a wheelchair and or a stroller being pushed in that area. Ms. Rena stated that her concerns are around flooding and safety. She said the park gets flooded and she sees the pickleball people go down there with shop-vacs after a half inch of rain. She said the materials for the playground are essential.

Ms. Slavin said they aren't adding anything new that has already been at this land other than the pickleball. She said they are reviewing the project because it is within Conservation Commission jurisdiction, and the flooding would happen just as it is.

Mr. Tony asked about the open area that will stay as it is and if it will be graded.

Ms. Slavin said they aren't going to loam and seed, but just add grass seed to it; so they'll be no disturbance.

Ms. Slavin stated there is a maintenance plan as part of the Stormwater Plan.

Mr. Bartie made a motion to continue the hearing to July 20, 2022 and was seconded by Ms. Malonson. The motion passed unanimously via roll call vote. (5-0-0). Ms. Schulz returned at 7:15p.m.

**c. NOI – Stephen & Diane McDonough, c/o G.A.F. Engineering, Inc. – 24 Highland Bay Drive – SE76- 2748**

Mr. Bartie opened the public hearing and read the public hearing notice into the record.

Bill Madden was present on behalf of the McDonough's.

Mr. Pichette reviewed the project for rebuilding the deck and adding pavers. He explained that the deck would be in the 30' buffer zone, and he has concerns. He said on the opposite side of the house there is a patio and deck to be built over that. He has a few questions about that, which also has a bit in the wetlands. He said they are proposing to put erosion control. He said he would like to see modifications on the plans to address the portion of the deck's already in the buffer zone.

Mr. Madden stated he thought there was a discussion about the altered manner of the lot. He said that everything being proposed is already going to be previously developed altered land and to create more living space for the people living there. He said they are not digging any holes. He said they are building over existing structures that exist. He said they are taking advantage of the predeveloped area on the lot. He said there was all concrete with wood placed on top of it.

Mr. Pichette said he didn't see it correctly and agreed that it was in an existing area. He thought there was going to be some built on an extension area. He said as it was explained and after looking at it more closely, he is fine with it. He recommend approval for this project.

Ms. Slavin asked for members' questions.

Ms. Schulz stated she was on the site and there were no markings on what the project entails. She asked about the staircase going into the marsh and she is concerned about the safety hazard.

Mr. Maddon stated he would speak to his client about the improvements to that stone staircase to the marsh.

Ms. Schulz stated she spoke to Mrs. McDonough about the staircase and advised they need to look into the repair of it.

There was a discussion about if the rock staircase was even on this property. Mr. Madden will look into it with his client.

Ms. Slavin asked about the proposed driveway pavers and asked if that land is already altered, as she didn't think it was. Mr. Pichette agreed that is in the 30' buffer zone, he would agree that it shouldn't be approved in this project.

Mr. McDonough stated they inherited those stairs and on the left-hand side, there are proposed steps to the lower level that would help them get down to the wall below. He said they wouldn't be using the area that Ms. Schulz had a concern with. He explained these stairs are to the lower patio area, but they would walk down the wall and to the water, where steps already exist.

Ms. Slavin asked if there was any additional public comment. There was none.

Ms. Schulz made a motion to close the public hearing and was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

Ms. Shulz made a motion to approve the project with the standard conditions with a condition that the driveway pavers proposal is removed from the project. Mr. Mercier seconded the motion and passed unanimously via roll call vote. (5-0-0).

**d. NOI – Paula Hamilton, c/o G.A.F. Engineering, Inc. – 44 Agawam Beach Road – SE76-2747**

Mr. Bartie opened the public hearing and read the public hearing notice into record.

Mr. Bill Madden was present on behalf of the applicant.

Ms. Slavin stated the new plan was sent to the commission members late this evening.

Mr. Pichette stated the plan was for an upgrade to the septic system in a coastal flood zone and in the buffer zone to a coastal bank. He explained the project. He said the new system is located in the furthest location on the lot from the marsh. He said there is a shed that needs to be relocated and has since shown the relocation on the plans. Mr. Pichette said the shed has been relocated somewhat in the 30' no activity zone. He said there is a DEP file number. He said he hasn't gone by to review the plans as of yet.

Mr. Madden stated that all the waivers for the Title 5 system were approved by the Board of Health this evening; so there are no outstanding issues. He said he feels the shed can be slid near the septic tanks, which would be just outside the 30' no activity zone.

There were no other questions from Board members.

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

Mr. Pichette said he wanted time to review the plans and the wetland resource area in relation to the proposed shed location.

Ms. Schulz made a motion to continue to July 20, 2022, and was seconded by Mr. Mercier. The motion passed unanimously via roll call vote. (5-0-0).

**e. NOI – Richardson Family 2020 Irrevocable Trust, c/o G.A.F. Engineering, Inc. – 122 Pinehurst Drive – SE76-2749**

Mr. Bartie opened the public hearing and read the public hearing notice into the record.

Mr. Madden was present for the applicant.

Mr. Pichette reviewed the project which involves repairing a seawall in a coastal beach area and within a coastal flood zone. He said they will repair approximately 40' in the coastal beach area with new vinyl sheet pilings. He said the MA Division of Marine Fisheries didn't want to see any encroachment onto the beach. He recommended approval and the new seawall to occupy the same footprint as it stands currently.

Ms. Slavin asked about the neighbor and if it should be connected. She said it shouldn't be any further than their neighbor.

Mr. Madden said they should be able to remove the bulk of the footing by hand. He said it should line up pretty well.

Mr. Bartie had no further questions other than to ask about the pilings and was satisfied with the answer.

Ms. Schulz stated she was confused by the comment from the Division of Marine fisheries stating they should stay within the same footprint but appear on the plans as though they are going out a bit more and connecting to the neighbor's seawall. She said it's being moved out a foot, so it's not in the same footprint.

Mr. Madden reviewed the plans that show the existing wall with a footing that extends out from the stone and mortar wall. He said the existing footing is to be broken out so the new sheet piles can be driven closer to the wall.

Mr. Mercier asked if this would be done during low tide. Mr. Madden stated it would be done from the land side. Mr. Mercier asked if any work would be delayed during the seasons.

There were no further questions from Board members.

From the public, Kevin Berkley asked about this project and the next, and he said he was in favor of both. He asked if the association would be part of an easement for the beach. He said that the association would write a letter on behalf of the easement on the beach.

Mr. Madden said both seawalls would be the same height as the neighboring wall.

Ms. Slavin stated they would be continuing to get clarification on the sheet piles to the walls as well as obtain a letter from the Association for the easement to the beach.

Mr. Bartie made a motion to continue to July 20, 2022, and was seconded by Ms. Schulz. The Motion passed unanimously via roll call vote. (5-0-0).

**f. NOI – 124 Pinehurst Drive Realty Trust, c/o G.A.F. Engineering, Inc. – 124 Pinehurst Drive – SE76-2750**

Mr. Bartie opened the public hearing and read the public hearing notice into the record.

Mr. Madden was present for the applicant.

Mr. Pichette reviewed the project. He said this is the adjacent lot to the one just discussed and the project is essentially the same as the previous project. He said the length is the same, approximately 40'; and the existing footing is to be removed as much as possible with the new vinyl sheet pilings to be as close as possible. He said there is a DEP file number, as well as comments from the MA DMF. Mr. Pichette said he would recommend a continuance as in the last hearing to wait for the two minor changes.

Mr. Madden agreed. He said he will make the changes and provide them for the next meeting.

Ms. Schulz asked about the existing patio and if it was resurfaced, correct?



Mr. Madden said he doesn't know what age it is.

Mr. Mercier asked about the fill to be sand. Mr. Madden said they want to infill with concrete.

Ms. Slavin confirmed that the seawalls are all going to be the same height. She reviewed the three seawalls being the same height.

Mr. Madden stated he would have to look at it more closely.

Ms. Schulz made a motion to continue to July 20, 2022, and was seconded by Mr. Mercier. The motion passed unanimously via roll call vote. (5-0-0).

**g. NOI – Stephen Neto, c/o G.A.F. Engineering, Inc. – 144 Pinehurst Drive – SE76-2751**

Mr. Bartie opened the public hearing and read the public hearing notice into the record.

Mr. Madden was present for the applicant.

Mr. Pichette explained this was an after-the-fact filing for work that was being done at the site. He said it was access stairs, a seawall repair, and a stone patio that was installed. He said the stairs that go down to the beach were rebuilt. He asked if the patio was there previously, and Mr. Maddon provided a portion of the patio that was there previously. He said that it was in the 30' no activity zone. He shared a photo that shows some concrete stairs that were existing. He said there is a DEP file number, but no comment from the MA Division of Marine Fisheries. He said the commission needs to address the new patio. He said the new one is 4' wide and 26' long.

Mr. Madden stated that it shows there was something there, perhaps not as large as what it was replaced with. He said it's a better situation, for further erosion. He said he would expect that stable service in front of the area is beneficial.

Ms. Schulz stated she doesn't like when people take it upon themselves to do something without approval. She said she would like to see it returned to the size it was previously.

Mr. Mercier said he disagrees with Ms. Schulz but agrees they need to be consistent.

Ms. Slavin said they did a good job there but she wishes they had come before the Commission first. She said she thinks they would've allowed the 2' wide concrete that existed and repair the stairs.

Ms. Slavin asked for public comment.

Mr. Kevin Murphy stated they support all their neighbors in improving their property. He said he thinks they should go through the application process as required though.

The commission reviewed the set of plans associated with this project.

Ms. Slavin asked if there was a chance to get a picture of the patio currently. She said she is hearing from two members to remove and replace what was there previously. She said they would continue until they could receive a better picture of what was there previously.

Ms. Slavin asked for public comments and there were none.

Mr. Mercier made a motion to continue to July 20, 2022, and was seconded by Ms. Schulz. The motion passed unanimously via roll call vote. (5-0-0).

#### **V. CONTINUED PUBLIC HEARINGS:**

##### **a. NOI – Jose Lemos & Anne Lemos Edgerton, c/o G.A.F. Engineering, Inc. – 12 Sunset Avenue – SE76-2746**

Ms. Slavin advised this was a continued hearing. Mr. Madden was present on behalf of the applicant.

Mr. Pichette stated there was no change to the plans, they were just waiting for a DEP file number. He reviewed the project and stated he would recommend approval.

Ms. Schulz asked for an explanation of the roof plan.

Mr. Pichette stated it would be a stormwater underground unit from the addition.

There were no further questions from the board members.

Ms. Slavin asked for public comment there was none.

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

Ms. Schulz made a motion to approve the project as presented with standard conditions including the roof drain per the new plans and the extra materials taken off-site. The motion was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

##### **b. NOI – Kevin Perkins, c/o Zenith Consulting & Engineers – 31 Old Woods Road – SE 76-2744**

Ms. Slavin reopened the public hearing.

Niles, from Zenith Consulting, was present.

Mr. Pichette reviewed the project, of the installation of a tight tank system at the existing cottage. He said they would be approximately 60' to the edge of the Bordering Vegetated Wetland. He reviewed project and at the last meeting stated that a violation of removal of vegetation was done and a restoration plan was requested from the applicants. He said the existing plan shows the restoration near the edge of the water. He said there is a DEP file number. He would recommend approval of the project with this restoration and any fine that the Commission wanted to apply because of the vegetation cutting. Mr. Pichette stated that the applicant did state that the cutting was done before their ownership.

Niles reviewed the project as well with different species. He said they are trying to allow a 5' path to the pond. They are looking to restabilize the area.

Mr. Bartie stated it was tough to issue a fine for someone that wasn't there when the cutting took place. He said he is on the fence about that.

Ms. Schulz asked about the tight tank and that if something happens, would someone be there to get it pumped out. Mr. Pichette agreed. Ms. Schulz stated it was her opinion that the applicant inherited the problem and the problem involves a fine for cutting.

Ms. Slavin, wasn't in favor of the fine as she doesn't know who did it. She said the homeowner has the burden of the restoration and that's good enough.

Ms. Schulz made a motion to close the hearing and was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

Ms. Schulz made a motion to accept the restoration plan with the standard order of conditions and was seconded by Ms. Malonson. The motion passed unanimously via roll call vote. (5-0-0).

Regarding the fines, Ms. Malonson asked how long the current homeowner has owned the property. The Commission was told for approximately about two months.

Ms. Schulz stated that she would withdraw her comments about fines since the current applicant has only owned the property for two months.

**c. NOI – Wareham, MA LLC, c/o Atlantic Design Engineers, Inc- 91 & 101 Fearing Hill Road  
– SE 76-2684**

Ms. Malonson made a motion to continue the application at the applicant's request to July 20, 2022, and was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

**d. NOI – George & Kerry Barrett, c/o J.C. Engineering, Inc. – 4 Verne Avenue – SE 75-2682**

Attorney, Margaret Ishihara was present representing Mr. Barrett. Mr. Barrett was also present.

Mr. Pichette reviewed the project for the proposal of a single-family dwelling in the buffer zone to an isolated wetland. He said the question is proposing work within the wetland as well as the septic system, not meeting certain setbacks. He said that the applicant has asked for continuances. He said he has not seen an updated plan.

The Attorney, Margaret Ishihara reviewed the project. She reviewed the wetlands in question. She said they have reviewed several scenarios for a single-family dwelling in that area. She showed on the plan the weird piece of land is all of Barrett's ownership. She said a local sketch of the wetlands is described on the plans. She said they ran into a roadblock with the septic plan. They are proposing if the wetland folks tell them it's an appropriate area – to replicate the local wetland to the Town of Wareham property; which would give them the ability to site the house and access by the driveway from Verne Avenue. She said they are somewhat scaling back the house from the first NOI. She said they'd like to get a better idea from the Commission on whether the replication area would be considered? She said it certainly is a tough piece of property to work with.

Mr. Barrett said he realizes it's been a long process. He said this is the best they could come up with and he's looked at other septic systems, to no avail. He said he'd like to get the feel from the Commission before he moves forward.

Mr. Pichette said he wondered if the town would agree with what he wanted to propose, he said that question needs to be answered first.

Mr. Barrett stated he can understand that but wants a feeling from the commission before he continues with engineering.

Mr. Pichette said exactly why he thinks they should speak to the Selectboard first. He said if they don't entertain the idea then none of the Commission's concerns or opinion would matter.

Ms. Malonson asked how a wetland can just appear in the middle of the road.

Mr. Pichette stated the road only exists on paper.

Ms. Slavin asked for public comment.

Ms. Amy Roberts was on the call and stated she has lived across the street for thirty-one years. She said there was a playground on the property at one point. She described the property and stated that if the property were to go up for sale, there are abutters that would be interested in purchasing it. Ms. Roberts stated the wetland has been there forever, it is on a GIS map. She

said her recollection of previous meetings was that he was supposed to come back with engineered plans on where he thinks he could relocate it, not just his drawings. She said there should be some resolution and not just kicking the can down the road.

Mr. Barrett stated the test pit that was done did decrease the depression that was there. He asked how he would like the commission to proceed.

Paul Schneider stated he lives across the street from this property. He said he used to cut the grass at the property and that it's always been a wetland. He said he didn't understand why the Town would sell a piece of their land to just anyone. He said he is aware of the people that live near this property, and they have never received a letter from Mr. Barrett with his intent.

Ms. Roberts stated that they are addressing that Mr. Barrett didn't reach out to neighbors as he stated.

Ms. Slavin said she wasn't seeing an avenue for this property; she said if he wanted to speak to the Town to relocate the wetland that's up to him. She said then the Board of Health would also have to agree to the reposition of the house.

Ms. Slavin said they could withdraw this notice of intent and return with a plan.

Attorney Margaret stated she believes the suggestion would be to approach the Town to see if they would even just entertain.

Ms. Schulz stated she thinks he needs to withdraw and return once he has plans.

Ms. Slavin said they would need to continue. However, Ms. Schulz stated she didn't think it should be continued.

Mr. Mercier stated he agreed.

Mr. Pichette stated that procedurally the plan they have is the plan they need to go by. He said the applicant can request a withdrawal without prejudice and return. And/or the commission can deny it.

Mr. Barrett stated he thinks they should withdraw without prejudice.

Mr. Pichette explained what 'withdraw without prejudice' means.

Mr. Barrett stated he would like to withdraw without prejudice.

Ms. Malonson made a motion to accept the withdrawal without prejudice for this applicant and was seconded by Ms. Schulz. The motion passed unanimously via roll call vote. (5-0-0).

**e. NOI - Scott Green, c/o J.C. Engineering, Inc. – 17 Murphy Street – SE 76-**

Ms. Slavin advised this hearing has been rescheduled to August 3, 2022.

Ms. Schulz made a motion to continue to August 3, 2022, per the applicant's request and was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

**VI. EXTENSION REQUESTS:**

**VII. ENFORCEMENT ORDERS:**

**a. Mark Wambolt – 82 Avenue A**

Mr. Pichette stated this was a situation where there has been a dock built without a permit. He said it is not constructed in a manner that the Commission would have approved. His recommendation is to have it removed completely and then they may come back in the future.

Mr. Wambolt was present. He stated that when he brought the property, a previous owner stated that he could build something as long as it was small and his neighbors told him the same. He said the dock is a floating dock, 6x8. Mr. Wambolt said that he has spoken to a few engineering firms to get proposals. He said he would like to get a continuance.

Ms. Slavin asked when the dock will be removed.

Mr. Wambolt stated he has a family emergency this evening and he would like the opportunity to speak to the engineers to keep the dock and make it permittable.

Ms. Slavin stated if they continued, the dock would not comply.

Mr. Pichette stated the dock, as it currently exists is negatively impacting the salt marsh. He asked for the dock to be removed.

Ms. Slavin asked who built the dock. Mr. Wambolt stated it was built off-site by a Cape Cod construction person. He said that he noticed that other docks were built without permits. He said again, he would like the time to research and have time with his engineers. Mr. Wambolt stated it was built in March.

Mr. Bartie stated he thinks they should continue for two weeks.

Mr. Wambolt asked for a continuance until August 3, 2022.

Ms. Schulz stated she thinks the dock should be removed because it is causing damage to the salt marsh and she believes the lot next door, that he owns needs to stop the cutting of the

vegetation. She said it wouldn't have been approved as built. Ms. Schulz stated that they need to get the name of the builder as well.

Ms. Malanson stated that she also believed the dock has to be removed.

Mr. Mercier agreed with the others. Ms. Locurto also agreed that the dock needs to be removed.

Ms. Slavin told Mr. Wambolt the dock needs to be removed immediately. Mr. Wambolt stated that the person who put it in says it was not damaging the wetland.

Ms. Slavin stated the commission ratified the enforcement order at the last meeting.

Ms. Schulz made a motion to have the dock removed immediately as well as to stop the cutting of vegetation at the next lot as well. She also stated in the motion that a \$300 fine would be assessed to the owner, Mark Wambolt, as well as the contractor who put the dock in as well. The motion was seconded by Mr. Bartie and approved unanimously via roll call vote.(5-0-0)

Ms. Slavin stated that she was going to keep this as an enforcement order as if Mr. Wambolt does not have the dock removed in two weeks, by July 20, 2022, he would be up against a \$300 /per day fine.

#### **VIII. CERTIFICATE OF COMPLIANCE:**

##### **a. Jayne Carboni – 3 Allen Avenue**

Mr. Pichette stated there was a fuel spill and a clean up which has been done. He would recommend a certificate of compliance be issued.

Ms. Schulz made a motion to issue the certificate of compliance and was seconded by Ms. Malanson. The motion passed unanimously via roll call vote. (5-0-0).

##### **b. Lindsay Leroy – 780 County Road**

Mr. Pichette stated this was a barn that was built correctly at the property.

Ms. Schulz made a motion to issue the certificate of compliance and was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

#### **VIII. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE:**

**Discussion – Schedule Wetland By-law Meeting:** The commission agreed to meet separately from their schedule to discuss the by-laws for Wetlands. They agreed to a day workshop to continue for discussion. The commission agreed to Thursday, July 21, 2022, at 4:00 p.m.

**Discussion – Reorganization of the Commission:**

Ms. Malonson made a motion to make no changes to the Chairperson, Vice Chairperson, and Clerk. The motion was seconded by Mr. Bartie. The motion passed unanimously via roll call vote. (5-0-0).

**Discussion – Superseding Order of Conditions**

**Discussion – Continuances**

**Discussion – Appointments/Interviews/Reappointments:** Ms. Slavin reminded Nichole that she is on the Board of Selectmen agenda to be considered for a full member position.

Ms. Schulz asked if Mr. Pichette had been to the Harborview Address which had some concerns. He said that he has been out there and they had filed an RDA. Mr. Pichette explained the erosion control that needs to be done at the address.

**Discussion – Bills:**

Mr. Pichette stated he did receive the bill for the classes and that if they want to attend they should advise him.

Mr. Pichette informed the commission he would have forms to

Ms. Schulz made a motion to adjourn and was seconded by Ms. Malonson. The motion passed unanimously via roll call vote. (5-0-0) The meeting was adjourned at 9:41 p.m.

**Date signed:** 9/21/22

**Attest:**   
**Sandy Slavin, Chair**

**WAREHAM CONSERVATION COMMISSION**

**Date copy sent to Town Clerk:** 9/27/22