

**WAREHAM CONSERVATION COMMISSION
OCTOBER 19, 2022 – MINUTES**

I. PRELIMINARY BUSINESS:

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

Mr. Pichette was also in attendance.

Review and Approve Meeting Minutes: 4-25-22, 8-3-22, 8-17-22, 9-7-22, 9-21-22 and 10-5-22

April 25, 2022, Special Minutes Reviewed: Mr. Mercier's motion to accept the minutes of April 25, 2022 and was seconded by Ms. Schulz. The motion was approved unanimously. (6-0-0)

II. PUBLIC HEARINGS:

a. RDA – Parkwood Beach Association, c/o Jamie Lupino Sr. – 0 Parkwood Drive

Mr. Bartie read the advertisement for the record. Mr. Lupino was present.

Mr. Pichette reviewed the project: He said this was at the main beach. Replacing 12 yards of sand on the beach at the above high tide line, spread by hand. He would recommend a sand analysis be done for comparing current beach sand. He recommends approval with a Negative 2.

Ms. Schulz asked that the grass on the side of the beach not be touched, but Mr. Lupino stated it would not. No further questions from the Commission members.

No public comment.

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

Ms. Schulz made a motion to approve 0 Parkwood Drive with a Negative 2 which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0).

b. RDA – MBE Management, c/o GAF Engineering, Inc. – 3 Long Beach Road

Mr. Bartie read the advertisement for the record.

Representing GAF Engineering, Mr. Brian Grady was present.

Mr. Pichette reviewed the project: He reviewed this site work and installation of a new septic system for a single-family dwelling to be done with the coastal flood zone, AE16. The work is not within the buffer zone. Minor grade changes around the septic system. Recommends a Negative determination 2.

Mr. Grady had no further comment.

Ms. Schulz asked about the lot being staked out, she said there was no idea where things were going as it was not staked when she visited. She asked about the slope of the lot. Mr. Grady explained they were putting in a drywell to capture the front-of-the-house run-off. Mr. Mercier asked where the equipment would be stored during construction. Mr. Grady answered.

Ms. Slavin stated she also visited the site, but the brush was so grown over she couldn't find a path to review the site.

There was no public comment.

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

Ms. Schulz made a motion to approve with a Negative 2 which was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

c. RDA – Susan Thomassen, c/o J.C. Engineering, Inc. – 13 Woodland Circle

Mr. Bartie read the advertisement for the record.

Mr. Bertolo from JC Engineering was present on behalf of the applicant.

Mr. Pichette reviewed the project: He said this is an after-the-fact filing of a constructed addition in a coastal flood zone. He said they are trying to get the appropriate approval. A 6x12' addition within AE 14. The work is not within the buffer zone, there were no grade changes; constructed on a previous block patio area. There may be additional work that needs to be done. He recommends a Negative 2 and fines as appropriate.

Mr. Bertolo stated the applicant was unaware that the contractor hired didn't take out the correct permits. He did not know who the old contractor was.

Ms. Schulz also agreed the old contractor needs to be fined for not taking out the appropriate permits. Mr. Bertolo stated he would ask the homeowner.

Mr. Pichette confirmed the patio that it was built on was not new. He said it looks like it has been there a long time.

Ms. Slavin agreed that she would like to find out who the contractor was to find them with a \$200 fine for the homeowner as well as the contractor for the after-the-fact filing.

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

Ms. Schulz made a motion to issue a Negative 2 and fine the homeowner \$200 and the contractor once the information is received a \$200 fine. The motion was seconded by Mr. Mercier and passed unanimously. (6-0-0)

d. NOI – Matthew & Cindy Rhodes, c/o JC Engineering – 72A Burgess Point Road – SE 76-2765

Mr. Bartie read the advertisement for the record.

Brian Wallace of JC Engineering was present.

Mr. Pichette reviewed the project: He said replacing pilings and adding two additional pilings, 4 pilings in total; increase the size to 300 sq ft. new float would be 8x37', extending out an additional 17'. An eelgrass study was conducted in the proposed extension. There are discrepancies between where the work will be and the eelgrass study. He said that needs to be verified first. He noticed there was activity when he was out there, cutting vegetation and piling up seaweed on the edge of the coastal bank. He said should not be happening within the 30' no activity zone. MA DFM commented about the eelgrass study and they have not been provided with that report. They also stated any barge would not operate in shallow tide areas. They also did not want the barge to be in the eelgrass area. He recommended a continuance to address the edge of water issues as well as for the report to get to MA DFM.

Mr. Wallace reviewed the eel grass report. He said they said it was 75' away from the proposed work. He said they have sent the report to MA DMF.

Mr. Bartie said he was concerned about the eelgrass.

Ms. Schulz reading from the report too was concerned about the eelgrass.

No further questions from Commission members. Ms. Slavin asked about the encroachment to the coastal bank, clearing, and vegetation area within the 30' bank.

Mr. Wallace stated that the homeowners stated the bank had eroded quite a bit and the roots of the tree there had been exposed because of the erosion. He said that was their attempt to restore the tree. He said it was no ill intent.

A resident from 75 Burgess Point Road passed out pictures to the commission members. She said she was the person that sold the properties to these homeowners. She said she had concerns about the beach activity.

Mr. Bartie made a motion to continue to November 2, 2022 and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

e. NOI – Richard E & Audrey Kradini, c/o JC Engineering – 24 Cove Street – SE76-2766

Mr. Bartie read the advertisement for the record.

Mr. Bertolo was present for the applicant.

Mr. Pichette reviewed the project: He said the project involves additions to a flood zone and coastal bank. 14x13 size & 5x9; front corner and front of the house, AE14. 54' edge of coastal bank/seawall. An addition will be built on the existing patio; hay bales and a sil fence are proposed. DEP file number is received. Recommends standard order of conditions and approval.

Ms. Schulz stated she did a site visit but there were no stakes to review where they were adding the addition.

Ms. Slavin stated that she wants the engineers to stake out the project.

There were no public comments.

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

Ms. Schulz made a motion to approve 24 Cove Street with standard conditions with a warning that all future projects be staked for review. Ms. Slavin said they have continued projects that weren't properly staked. Mr. Bartie seconded the motion, and it was approved unanimously. (6-0-0)

f. NOI – BOBM Inc., c/o Merrill Engineers – 18 Green Street – SE 76-2756

Mr. Bartie read the advertisement for the record.

For the applicant, Mr. Tom Pozerski of Merrill Engineers was present along with general manager of Safe Harbor Bay, John Boom.

Ms. Slavin stated they approved this on September 7th, however, the abutters' notification was not done properly so this is a new hearing.

Mr. Pichette reviewed the project: He stated this was at Onset/Safe Harbor Marina. He explained the project was a reconstruction of a bulkhead at the coastal bank; replacement of a concrete pad; boat rack to buffer zone and coastal bank. The existing bulkhead would be removed in sections. New steel boat racks would also be installed. New stormwater plans. He recommends once the final plans, September 7, 2022, received

Mr. Pozerski stated he agreed the wrong address was certified and redid the abutters' notice. He said it is in the same footprint and stormwater quality improvements will be made. He said there will be fewer impervious areas. He said the stuff is old and needs replacing.

Mr. Bartie said he reviewed the site in the summer and agrees it needs to be done.

No further questions from Commission members.

Ms. Slavin asked for public comment.

A resident from 1 Maple Avenue asked for the project to be tabled and he has not been notified, he said abutting properties on Maple Avenue were not notified.

Mr. Pozerski reviewed the list and stated that the assessor's office certified the list.

Ms. Slavin stated that they would review and that perhaps the assessor's office needed to be contacted on why these addresses were not on the list.

Mr. Pozerski said he gives the address of the project and the assessor's office is the one who certifies the list, not the applicant.

Mr. Pichette stated the bulkhead is on a lot and then there is a paper street and he wondered if the abutters need to be notified that is across the street. He says that they are doing the abutters list from the actual lot of the bulkhead, not the second lot.

A resident of Maple Street said he felt there are other violations at the project. He said there have been trees taken down, putting dirt into a low area, and boat structures in the wetland areas.

Mr. Pichette said the safety hazards would have to be addressed by the Building Inspector.

Mr. Gullbants, a resident asked about the boat rack and how high it'll be.

Mr. Pichette said that view issues are building inspector issues and not regulatory through the Conservation Commission.

Jim Morrison of 26 Maple Street also spoke said that the road in discussion is not a paper road and was purchased by the marina many years ago.

Mr. Pichette said he would look into the violations that may be on the property.

Ms. Parr asked if there was a violation of the abutter's list. Mr. Pichette explained that the assessors only address the lot where the work is being proposed.

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

Mr. Pichette stated the commission has twenty-one days to review anything on the project. Ms. Slavin said that she believed there are two separate entities, one is the violations and one is the proposed plans before them.

Ms. Parr asked again about the continuous lots and if they should've

Ms. Schulz made a motion to take the issue to Mr. Bowen and Mr. the assessor's chair to clarify the issue of the abutter's list and continuous lots whether they should've been on the list or not. The motion was seconded by Ms. Locurto and passed unanimously. (6-0-0)

Ms. Slavin stated they would put this on the next agenda, November 2, 2022, for discussion only, not as a public hearing.

III. CONTINUED PUBLIC HEARINGS:

g. NOI – Dawn Bete, c/o J.C. Engineering Inc. – 16 Fisherman Cove Road – SE76-2764

Mr. Bertolo was present from JC Engineering.

Mr. Pichette reviewed the project: He stated the project involved an upgrade to the septic system in a coastal beach, a flood zone, a coastal bank, and a buffer zone. He said the existing system is to be replaced by a new system approximately 50' from the coastal dune and bank. In flood zone, VE-1, 17. The site is relatively flat and has no erosion control. The DEP number has been issued. He recommended approval with standard conditions.

No questions from the commission members. No public comment.

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

Ms. Schulz made a motion to accept the project with standard conditions which were seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

h. NOI – Connor Comrie, c/o Atlantic Coast Engineering – 33 Prospect Street – SE76-2762

Mr. Pichette stated he spoke to the engineer earlier and that he might be able to attend the meeting. He said if there were no questions they could approve, if questions they would continue. Ms. Slavin stated she had questions.

Mr. Schulz made a motion to continue until November 2, 2022 and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

i. NOI – Connor Comrie, c/o Atlantic Coast Engineering – 33 Prospect Street -SE 76

Mr. Bartie read the advertisement for the record.

Mr. Mercier made a motion to continue 33 Prospect Street per the applicant's request to October 19, 2022 and was seconded by Ms. Schulz. The motion passed unanimously. (6-0-0).

j. NOI – Scott Green, c/o JC Engineering Inc. – 17 Murphy Street – SE 76-2754

Ms. Schulz made a motion to continue per the applicant's request to December 7, 2022 and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

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

Ms. Schulz made a motion to continue to November 2, 2022, per the applicant's request and was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

Mr. Shahan was present and just stated he was just present to make sure it got continued.

A resident asked how they would know if the project was continued if they were present.

Mr. Pichette stated the chair announced it at the beginning of the meeting, however, he can't put it on the website because it is only a request until the members vote on it.

IV. EXTENSION REQUESTS

V. ENFORCEMENT ORDERS:

VI. CERTIFICATES OF COMPLIANCE:

VII. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE:

Ms. Slavin stated they had an open public meeting on October 17, 2022, to discuss increasing a fee schedule and there was no public present. She said there was one change to double the NOI category five fine. She reviewed what was eliminated.

Ms. Schulz suggested they start the new fees in as of November 1, 2022.

Ms. Schulz made a motion to accept the new filing fees as of November 1, 2022 and was seconded by Mr. Mercier. The motion passed unanimously. (6-0-0)

Ms. Schulz made a motion to adjourn which was seconded by Mr. Bartie. The motion passed unanimously at 8:21 p.m. (6-0-0).

Date Signed:

approved 12/7/22

Attest:

S. Slavin

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk:

WAREHAM TOWN CLERK
2022 DEC 14 PM 5:14