

C

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

**Date of Meeting: January 20, 2021
(Via Zoom Remote)**

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30 P.M.

II. ROLL CALL

Members Present: Sandy Slavin, Chair
 Ron Besse
 Elissa Heard
 Carol Malonson
 Mary Taggart
 Michael Mercier, Associate Member
 Kwame Bartie, Associate Member
 David Pichette, Agent

III. PRELIMINARY BUSINESS

IV. PUBLIC HEARINGS

A. RDA – Charlene Post – 11 Acorn Avenue

The public hearing notice was read into the record.

Present before the ConCom: Charlene Post

Mr. Pichette described the project. The property is located at 11 Acorn Avenue. The project involves the placement of a pebble stone parking area & landscape features in buffer zone to BVW & w/in a coastal flood zone. He recommended a Negative Determination #2.

MOTION: Mr. Besse moved to close the public hearing for Charlene Post. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant a Negative #2 Determination. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. RDA – Thomas & Barbara Morse – 1 Mckinley Street

The public hearing notice was read into the record.

Present before the ConCom: Barbara Morse

Mr. Pichette described the project. The property is located at 1 Mckinley St. The project involves the reconstruction of an existing deck w/in the buffer zone to a coastal bank, w/in a coastal flood zone & w/in the riverfront area of Beaver Dam Creek. Erosion control will be needed. He recommended a Negative Determination #2.

MOTION: Mr. Besse moved to close the public hearing for Thomas & Barbara Morse. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant a Negative #2 Determination for Thomas & Barbara Morse. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

C. RDA – William Mootos – 73 Barlow Avenue

The public hearing notice was read into the record.

Present before the ConCom: William Mootos

Mr. Pichette described the project. The property is located at 73 Barlow Avenue. The project involves the reconstruction of an existing deck w/in the buffer zone to salt marsh, w/in a flood zone & w/in the riverfront area of the Weweantic River. He recommended a Negative #2 Determination.

MOTION: Mr. Besse moved to close the public hearing for William Mootos. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant a Negative #2 Determination for William Mootos. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

D. NOI – Town of Wareham – Besse Park

The public hearing notice was read into the record.

Present before the ConCom: Amy Hall
Michelle West, Project Manager

Mr. Pichette described the project. The property is located at Besse Park. The project involves the installation of stormwater structures in the buffer zone to a coastal bank & w/in coastal flood zone AE, elevation 16. The project involves stormwater remediation in collaboration w/ the Buzzards Bay Natural Estuaries program. A DEP file number has been assigned. The project was not staked out.

Ms. West discussed plan details, including erosion control measures.

MOTION: Mr. Besse moved to continue the public hearing for Town of Wareham to February 3, 2021. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

E. NOI – Matthew & Cindy Rhodes – 72A Burgess Point Road

The public hearing notice was read into the record.

Present before the ConCom: Brian Walsh, JC Engineering, Inc.

Mr. Pichette described the project. The property is located at 72A Burgess Point Rd. The project involves the construction of a single family dwelling w/ attached garage in the buffer zone to a coastal bank & in coastal flood zone AE, elevation 16 & VE, elevation 18. Erosion control will be used to establish the 30 ft. no activity zone. Fill is needed. A gravel roadway is proposed to tie into the existing path. Tree clearing will occur in the buffer zone. A DEP file number has been assigned. He recommended approval of an OOC.

Mr. Walsh discussed details of the project, such as access to the path, volume of fill needed & tree cutting. Brief discussion ensued re: plan details.

MOTION: Mr. Besse moved to close the public hearing for Matthew & Cindy Rhodes. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Besse moved to grant an Order of Conditions for Matthew & Cindy Rhodes w/ standard conditions & the added conditions that no vehicles past the tree line at the coastal bank except for the maintenance of the dock & the existing float must be dismantled & removed manually in pieces. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

F. NOI – Virginia Marshall – 41 Ellis Avenue

The public hearing was read into the record.

Present before the ConCom: Virginia Marshall
Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 41 Ellis Avenue. The project involves the construction of an addition & deck in buffer zone to a coastal bank. A DEP file number has been assigned. The project was not staked out.

Mr. Grady discussed the project details.

MOTION: Ms. Malonson moved to continue the public hearing for Virginia Marshall to February 3, 2021. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

G. NOI – Pelletier Realty Trust – 8 Rollins Way

The public hearing notice was read into the record.

Present before the ConCom: Brian Grady, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 8 Rollins Way. The project involves the construction of a garage & the installation of an in-ground pool w/ a surrounding paver patio in the buffer zone to a coastal bank, coastal dune & in coastal flood zone AE, elevation 16. There had been a previous OOC to construct a house on the site, but the applicant has now chosen to build a garage instead. A DEP file number has been assigned. He recommended approval of the project w/ the conditions that the patio be of pervious material, erosion control & a downspout be installed for the garage. Brief discussion ensued re: the previous approved project vs. the new project & how pool water will be handled for winterizing.

MOTION: Ms. Heard moved to close the public hearing for Pelletier Realty Trust. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Heard moved to grant an Order of Conditions for Pelletier Realty Trust w/ standard conditions & the added conditions that erosion control be used, the pervious pavers be used for the patio, a downspout be installed for the garage & when pool is to be pumped out & taken off site. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

H. NOI – Samuel O. Mello – 9 Farrell Court – SE76-2654

The public hearing notice was read into the record.

Mr. Pichette described the project. The property is located at 9 Farrell Court. The project involves upgrading a septic system & construction of second floor addition in the buffer zone to Blackmore Pond. Erosion control will be used. A DEP file number has been assigned. The property has not been staked out. He questioned the septic expansion.

MOTION: Mr. Besse moved to table the public hearing for Samuel O. Mello to later in the meeting. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

I. NOI – Janiece Ellis – 16 Dinah's Way

The public hearing notice was read into the record.

Present before the ConCom: Will Connolly, Zenith Consulting Engineers

Mr. Pichette described the project. The property is located at 16 Dinah's Way. The project involves upgrading a septic system in the buffer zone to BVW. A DEP file number has been assigned. The site was not staked out.

MOTION: Ms. Heard moved to continue the public hearing for Janiece Ellis to February 3, 2021. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting went back to item H. Samuel O. Mello – 9 Farrell Court

MOTION: Mr. Besse moved to un-table the public hearing for Samuel O. Mello. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

Present before the ConCom: Rick Charon, Charon & Associates

Mr. Charon stated the site will be staked. Approval by the BOH is expected.

MOTION: Ms. Malonson moved to continue the public hearing for Samuel O. Mello to February 3, 2021. Mr. Besse seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. RDA – Tom Parenteau, c/o Plymouth Solar Energy – 10 Over Jordan Road

The applicant has requested a continuance.

MOTION: Mr. Besse moved to continue the public hearing for Tom Parenteau to February 17, 2021. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Pennrose Properties, LLC, c/o Horsley Witten Group, Inc. – 4 Littleton Dr. – SE76-2655

The applicant has requested a continuance.

MOTION: Mr. Besse moved to continue the public hearing for Pennrose Properties, LLC to February 3, 2021. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

C. NOI – Borrego Solar Systems, Inc., c/o Beals & Thomas, Inc. – 140 Tihonet Road – SE76-2611

The applicant has requested a continuance.

MOTION: Mr. Besse moved to continue the public hearing for Borrego Solar Systems, Inc. to February 3, 2021. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

A. Scott Vajgrt – 34 Point Pleasant Circle

Present before the ConCom: Scott Vajgrt

Mr. Pichette discussed the violation which involved a wall & backfill placed w/ no permitting. He displayed pictures of said violation. He recommended this wall & backfill be removed.

Mr. Vajgrt discussed the safety issue he addressed w/ this wood wall & fill. Mr. Pichette discussed what was done & why it is a violation. Lengthy discussion ensued re: violation & how the ConCom should proceed.

MOTION: Mr. Besse moved to ratify the Enforcement Order for Scott Vajgrt & to issue a \$300.00 fine, to require full restoration of the disturbed area to its original condition by a date no later than July 1, 2021 & after said date if work not complete, a daily fine will incur. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

B. William Whalen – 11 Gitche Gumees Road

Present before the ConCom: James Lavalley, Contractor

Mr. Pichette discussed the violation which involved the installation of a block retaining wall on top of the coastal bank w/out approval & fill placed behind it. An outflow pipe was also installed which goes out onto the coastal bank.

Mr. Lavalley discussed the work he did. The ConCom clarified that the issue is no approvals/permits for the project. Mr. Pichette recommended the homeowner go through the proper permitting process for an NOI & no further work be done.

MOTION: Mr. Besse moved to ratify the Enforcement Order for William Whalen & to issue a \$300.00 fine, to hire an engineer by March 3, 2021 to file an NOI & if timeframe not met, the area to be brought back to its original state. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

VIII. CERTIFICATES OF COMPLIANCE

A. David L. Hanley – 280 Cromesett Road – SE76-1025

B. Michael Landers – 280 Cromesett Road – SE76-2647

The project involved the construction of a pier & violations.

MOTION: Mr. Besse moved to grant a Certificate of Compliance for David L. Hanley & Michael Landers – 280 Cromesett Rd. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion: Next meeting dates

B. Discussion: Appointments/Reappointments

C. Discussion: Conservation Restriction/Stewardship

D. Discussion: Bills

MOTION: Ms. Heard moved to approve payment of invoice from E.L. Morse Lumber in the amount of \$2139.55 for materials for the Westgate property. Ms. Malonson seconded.

VOTE: Unanimous (5-0-0)

X. ADJOURNMENT

MOTION: Mr. Besse moved to adjourn the meeting. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

Date signed: 8/18/2021 4-0-1

Attest: SSS (w)
Sandy Slavin, Chair
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 8/19/21