

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: May 19, 2021**

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 6:30pm.

### **II. ROLL CALL**

Members Present: Sandra Slavin, Chair

Elissa Heard

Ronald Besse

Carol Melanson

Kwame Brown

Michael Mercier

Denise Schultz (Associate Member)

Dave Pichette (Agent)

Members Absent: Mary Taggart

### **III. Preliminary Business**

#### **Tremont Nail Project Discussion**

Present before the Commission: Mr. Jason (unidentified due to technical difficulties).

A discussion was held regarding redevelopment of the current historic Tremont Nail Factory district by Elm Street. The vision ideally entails the creation of an open space region that will include spaces for retail, restaurants, office spaces and brewery type establishments with the goal of bringing the people of Wareham together, open space, and economic development. The Tremont Nail Factory is an historic site, thus a strong intent is to preserve as much of the historic design as possible.

The plan was presented by a project developer working on the design and shows 11 buildings around the area. Building #5 is mainly a brewpub restaurant that sits by the water. While the footprint would remain the same, repairs would likely be made to the façade. There would likely be the creation of a boardwalk and open space by the water. Using the water front, building #6 would have a kayak and ice cream stand. Building #7, while shown on the graph, was just going to be redesigned but unsure of how it would fit into overall use with the public, likely just a warehouse on the far side of the property. Building #11 would be the extension of the aforementioned boardwalk. Buildings #4 and #3 would be considered retail space. And building #1 would be considered mixed use, which will be mainly restaurant and/or office space.

The goal of the development team is to be back in front of committees by the end of the calendar year and hopefully start construction by early 2022.

### **IV. Public Hearings**

**A- George & Kerry Barrett, c/o J.C. Engineering, Inc. - 4 Verne Ave. – SE76**

The public hearing notice was read into the record.

Present before the Commission: Ms. Margaret Chakara, attorney

Mr. George Barrett, Homeowner

Mr. Brian Wallace, J.C. Engineering

Mr. Pichette presented the project as a proposal to construct a gravel road and a single-family dwelling at 4 Verne Avenue. It is located in a coastal zone as well as an isolated wetland in the Agawam Beach area. It is a proposed 38x52 foot dwelling with an additional 30x30 foot garage and septic system. In order to access the home, a gravel road from Arlington Road to the house is also in the plan. Many members of the Commission expressed difficulty finding Verne Ave. as the road was not properly staked, nor where the house would be constructed properly staked. Mr. Pichette felt revised plans needed to be submitted because the original plans did not accurately show the wetlands on the property. A state DEP file number was received, but their letter did also question why the wetlands were not accurately shown.

Mr. George Barrett first began speaking, and claimed he sent a plan that last showed a depression.

Next, Ms. Chakara began to speak. After researching the relevant local wetlands bylaws, her view of the definition of freshwater wetlands was the following: "includes, without limitations, those areas, in which saturations, and inundated conditions exist other than salt water marshes", and claimed this area wasn't. She went on to claim that the terminology of the law is not "wet" and "lands", it's "wetlands". And questioned how often water may appear on the land. Perhaps from other sources, or another structure in the area, like maybe across the street.

Finally, Mr. Wallace spoke (technically difficult to understand). He felt on the state level, was it an area subject to flooding. There is a low spot in the area, but it would take a long time in order to flood. The isolated land subject to flooding is only a quarter acre of a foot, which is a very small amount of land.

Before the Commission: Ms. Catherine Chambers, neighbor

Ms. Chambers is a resident of 130 Great Neck Road and her property abuts this proposed project's land. She was wondering how much the potential construction of would impact her land. When she first purchased her at 130 Great Neck Road, she was told the land at 4 Verne Ave. where wetlands exist, would never see construction on it.

Before the Commission: Ms. Sarah Constant, neighbor,

Ms. Constant resides at 21 Arlington Road and is concerned that the land is undeveloped and owned by the town, plus how access to the site would occur. She had some concerns about drainage on the site and that as the property shows up as wetlands on GIS, wildlife is back there. Therefore, that was why wetlands wasn't properly shown on the plans.

**Motion: Ms. Heard motioned to continue the hearing until 6/2/21. Mr. Besse seconded**

**VOTE: Unanimous (6-0-0)**

**B- Lou & Rob Andreotti, c/o GAF Engineering, Inc. – 11 Oak Hill Road – SE76-2680**

The public hearing notice was read into the record.

Present before the Commission: Mr. Bob Rogers, GAF Engineering

Mr. Pichette began speaking and said the project is at 11 Oak Hill Road and involves the construction of a retaining wall and parking area in the buffer zone of a coastal bank. A 15x40 foot parking area is in the proposal near the road while the retaining wall is 3 X 4 feet high. A permeable patio and walkway are also in the proposal, but it is in an area that a patio and walkway already exist, or in an area outside the 30 foot no activity zone. A DEP state file number has already been received.

Mr. Rogers didn't have much to add to Mr. Pichette's comments. He just thanked Mr. Pichette for taking the time to visit him and the Andreottis at the site to go over the plans.

**Motion: Ms. Heard motioned to close the hearing. Mr. Besse seconded**

**VOTE: Unanimous (6-0-0)**

**Motion: Ms. Heard motioned to accept the project as accepted, with the Standard Order of Conditions of the parking lot surface must remain pervious. Mr. Besse seconded.**

**VOTE: Unanimous (6-0-0)**

**C – NOI – Anthony & Ann Antonellis, c/o GAF Engineering, Inc. – Old Onset Road – SE76-**

The public hearing notice was read into the record.

Present before the Commission: Mr. Brian Grady, GAF Engineering

Mr. Pichette began speaking and described the project as the construction of a new single family dwelling off of Old Onset Road, Lot B. It is a 70X40 foot dwelling, which is also 57 feet away from wetlands and 36 feet away from a coastal bank. A septic system was proposed for the 8-bedroom house, which did raise some concerns why size of the septic system was proposed for the house (in other words, is it a single family or two-family home?). Also, a 14-foot-wide paved road, which would provide access to the house is proposed, which would be called "Antonellis Way". Finally, haybales and silt fencing is proposed between the construction and any resources areas to protect wildlife.

A DEP file number was received from the state. However, the state also raised concerns regarding the size of the septic system and the size of the home.

Mr. Grady began to speak. He addressed the size of the home as a single-family home, which would have adopted children.

Members of the Commission had a difficult time finding the site of the proposed location, and it was suggested that an extra two weeks be provided before a decision be made.

**Motion: Mr. Besse motioned to continue the hearing until 6/2/21. Mr. Mercier seconded.**

**VOTE: Unanimous (6-0-0)**

**D- NOI- Mario Signore, c/o G.A.F. Engineering, Inc. – 91 Edgewater Drive – SE76-2679**

The public hearing notice was read into the record.

Present before the Commission: Mr. Bob Rogers, GAF Engineering

The project involves the construction of a 243-foot pier, ramp, and floats in land under the ocean at 91 Edgewater Drive. Mr. Pichette went on to describe the project as an area containing very shallow water, typically having 2-feet of water at low tide. Also, 28 pilings would be installed with the system. No eelgrass study was submitted. And finally, the area does contain rare and endangered species, including shellfish. While a state DEP file number was received, concerns about the water depth was raised. It was recommended the project be postponed until 7/21/21, part of that reason was for time for an eelgrass study needed to be complete.

Mr. Rogers spoke, and did not disagree with any of Mr. Pichette's comments. He claimed he was still awaiting comments from NHESP as well. But he had no problem waiting.

**Motion: Mr. Besse motioned to continue the hearing until 7/21/21. Mr. Mercier seconded.**

**VOTE: Unanimous (6-0-0)**

**E – Tom Parenteau, c/o Cape & Islands Engineering – 19 Over Jordan Road – SE76-2678**

The public hearing notice was read into the record.

Present before the Commission: Mr. Mark Dade, Cape & Islands Engineering

Mr. Pichette began to speak and disclosed the project's location as an upgrade to a septic system at 19 Over Jordan Road. The new system would be a title 5, nitrogen reducing system and be approximately 85-feet away from coastal bank, 27 feet away from the sea wall, but that is the furthest location possible on the property. Erosion control measures would be put in place, but it was recommended that haybales be used. The possibilities of de-watering were raised as well.

Mr. Dade did speak and stated that minimal de-watering could be a possibility with the tank.

**Motion: Mr. Besse motioned to close the hearing. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**Motion: Mr. Besse motioned to accepted the project with the Standard Order of Conditions of haybales be used as well as de-watering if necessary. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**V. Continued Hearings**

**A – NOI, Edward & Susan Cabral, c/o Alpha Survey Group, LLC – 4 Point Road SE76-2674**

Applicant requested a continuance until 6/2/2021.

Present before the commission: Mr. John Peterson, Alpha Engineering.

Mr. Peterson spoke briefly and stated that the applicant was not able to have the plans submitted on time and thus wanted to request a continuance until 6/2/2021.

**Motion: Mr. Besse motioned to accept a continuance until 6/2/2021. Ms. Heard second.**

**VOTE: Unanimous (6-0-0)**

**B – NOI, Samuel O. Mello – 9 Farrell Court – SE76-2654**

Present before the Commission: Mr. Rick Sharon, Sharon & Associates Engineering

Mr. Pichette stated that the plan originally proposed the addition of a second floor and a new septic system to a house at 9 Farrell Court. However, when the Board of Health did not approve the addition of a septic system, the applicant decided to change that portion of the project and now will only add the 2<sup>nd</sup> floor addition to the home, which will not expand to the upstairs' footprint.

However, a revised plan was submitted for the first floor. This plan showed enclosing the deck and slightly expanding the footprint in some areas. All expansions and work will be done outside the 30 foot no activity zone.

Mr. Sharon spoke on behalf of the applicant and stated that there were some slight changes to the original plan. The applicant did not want to expand beyond 2-bedrooms, but that wouldn't likely be the case here due to the creation of straight walls as opposed to roof lines, but the applicant preferred the look of roof lines. Plus, a second floor will have more heating space. And essentially, they felt having a small bump-out in the front would give them a better-looking house.

**Motion: Mr. Besse motioned to close the hearing. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**Motion: Mr. Besse motioned to approve the project with standard of condition. Ms. Melanson seconded.**

**VOTE: Unanimous (6-0-0)**

**C – NOI Randall Riva, c/o G.A.F Engineering, Inc. – 10 Captain Collins Drive – SE76-2676**

Present before the Commission: Mr. Bob Rogers, GAF Engineering

Mr. Pichette showed the revised plans and proposed project to occur at 10 Captain Collins Drive in the Point Independence area. It involves the constructions of decks inside the buffer zone of a coastal bank of a beach, as well as a coastal flood zone. A 14x24 foot deck is proposed, approximately 18 feet from the top of the coastal bank, which contains a sea wall. A proposed set of stairs would be 10 feet from the top of the wall; which is within the 30 foot no activity zone. Also proposed is the expansion of an existing deck, which is within the 30 foot no activity zone. The installation of 13 sonotubes would be placed in these decks. A stairway is proposed for inside the house for access to the 2<sup>nd</sup> floor, to a balcony, which is outside the 30 foot no activity zone.

There was some discussion about the concrete between the grass and seawall, and removing it in a revised plan, but a new plan does reflect it. There was also a question of whether the plan was submitted to the ZBA, which it had not. A state DEP file now has now been received.

Mr. Rogers spoke to address the items, and claimed two reasons the project was continued from the last meeting, one was to give Commission members a chance to visit the site and the other to address the issues inside the 30 foot no activity zone. The applicant was willing to remove 400 feet of concrete padding, and stairs originally proposed on the deck. Areas under the deck would still remain pervious. Also, the reason the applicant is looking to enclose the deck is due to the family's history of Melanoma, and they can still enjoy the deck without being in sun light when possible. Finally, they have yet to file with the ZBA and thus are looking for a continuance on the project.

**Motion: Mr. Besse motioned to continue the hearing until 6/2/21. Ms. Melanson seconded.**

**VOTE: Unanimous (6-0-0)**

**VI. Extension Requests**

**VII. Enforcement Orders**

**A – Jill Ann Wright – 55 Edgewater Drive**

Before the Commission: Ms. Jill Wright and Mr. Michael Wright, owners

The violations occurred at 55 Edgewater Drive, which is a private property. Improper landscaping activity occurred including wall work within the buffer zone to a salt marsh and coastal bank, which is why the notice was sent. Also, a float to a pier is on the property, but it is hard to distinguish whether it is the Wright's or those who reside next to them.

Mr. and Mrs. Wright spoke and said they recently purchased the property, but addressed that landscaping hadn't been done in quite some time. A stairway was deteriorating on the property. So, they had some landscaping companies visit and assess the site, and claim a new stairway, replace wooden wall with stone, and replace a stone driveway with a cobble drive way be complete. The float is owned by the Wrights. The Wrights claimed none of the companies thought of obtaining approval. Nice & Green Landscaping out of Easton was the company that performed the work.

The Commission felt that while they had no problems with the work, the main issue was obtaining initial approval. This would be mainly so the Commission would have an idea of what kind of materials would be used, or how any pilings may be put into place, etc. Thus, an application needed to be submitted. Before any fines would be issued to the homeowners or Nice & Green Landscaping, it was decided that Mr. Pichette would first have to meet with Mr. and Mrs. Wright at 55 Edgewater Drive to review plans more in detail.

**B –Russell Kriehn – 24 & 28 Old Glen Charlie Road**

Before the Commission: Mr. Russell Kriehn, owner

Mr. Pichette said the violations occurred at 24 and 28 Old Glen Charlie Road. The work was done in the buffer zone of a wetland that involved vegetation removal, clean-up of storm damaged trees, and the placement of a storage container in the buffer zone of a wetland. Mr. Pichette met with the property owner at the site to review work done and the main issue was the storm container not in a proper location, as well as animals by the edge of the water.

Mr. Kriehn took time to speak. He claimed a microburst hit the area and damaged approximately six trees on his property. Thus, the trees had to be trimmed, cut, etc. As far as the storage unit, his shed was damaged in the microburst and he needed a place to store his items. Mr. Kriehn also stated that he spoke to the town's building inspector and claimed he was told that since he has a lot with a foundation that was grandfathered, and because of the grandfathered land he could place the storage unit anywhere on the property. In regards to the animals, he just wanted the animals to have access to the water and do no harm. But the Commission was concerned about the animals' waste getting into the water.

In the end the owner was willing to move the animals back 100 or so feet away from the water's edge. Also, it was decided that Mr. Pichette, the town's building inspector, and Mr. Kriehn would all meet to see where a better possible spot on the land would be to place the storage container.

#### **C – Edmund Carlton – 2 Burgess Point Road**

Present before the Commission: Mr. Edmund Carlton, owner

The property owner, according to Mr. Pichette, cleared an area of vegetation along a pond, to place inside a 30-foot no activity zone, so he could place benches along the water's edge, which probably should not have been placed. It is rather small, about 12ftX18 feet, of vegetated area.

Mr. Carlton spoke. He agreed about replanting and started thinking about likely planting a dozen blueberry bushes. The committed to planting soil and plants compatible for the region.

**Motion: Mr. Besse motioned to have a \$100 fine be issued due to landscape destruction, and replanting new vegetation be ordered. Mr. Mercier seconded.**

**VOTE: Unanimous (6-0-0)**

#### **D – Lawrence Pink – 33 East Boulevard**

The owner was not present before the Commission, so the issue had to wait until the next meeting, 6/2/21.

#### **E – Robert Lomp – 10 Wareham Lake Shores Drive**

The owner was not present before the Commission and requested a continuance until the next meeting, 6/2/21.

Mr. Pichette did speak to the owner before the meeting and was able to discuss why the violations are being issued from the Commission. The owner had some alterations to vegetation, his shed and fence along Glen Charlie Pond. Mr. Lomp will be expected to meet with the Commission on 6/2/21.

**VOTE: Unanimous (4-0-0)**

### **VIII. Certification Compliance**

#### **A – Rose Cherubini – 21 & 19 Over Jordan Road – SE76-2295**

Mr. Pichette introduced the project as a Partial Certificate of Compliance for at 21 & 19 Over Jordan Road. There was an order of conditions issued for the reconstruction of an entire wall which

encompasses 21 & 19 Over Jordan Road. It was submitted by property owner at 21 Over Jordan Road, but part of the wall goes into 19 Over Jordan Road. The piece at 19 Over Jordan Road fell onto their land, and the piece attached on the land of 21 Over Jordan Road is part of their land. Therefore, a Partial Certificate Issue of Compliance is being requested for 19 Over Jordan Road, so they can sell the property and have the paperwork in order, and then eventually the owners of 21 Over Jordan Road would come in to obtain their portion of the certificate. A Partial Certificate Order of Compliance can be granted, although be a paperwork headache. The dilemma is if, or when 21 Over Jordan Road would want or need to obtain their portion certificate in the future.

**Motion: Mr. Besse motioned to issue a Partial Certificate Order of Compliance for 21 & 19 Over Jordan Road. Ms. Melanson seconded.**

**VOTE: Unanimous (6-0-0)**

**B – Lisa Bindas – 91 Maple Springs Road – SE76-1902**

The property owner had requested a Standard Order of Condition to construct a dock at the site, which was never completed. So, they are now looking to clean-up the paperwork as the property owner is looking to sell the home. Mr. Pichette recommended to issuance of the Certificate, just checking off that the previous one was invalid.

**Motion: Mr. Besse motioned to issue a Certificate Order of Compliance for 91 Maple Springs Road. Ms. Heard seconded.**

**VOTE: Unanimous (6-0-0)**

**IX. Any Other Business / Discussion And/Or Vote**

Discussion about the piers of Burgess Point, which Mr. Pichette did not get a chance to visit shortly started. Apparently, someone placed new pylons onto a pier a few days earlier.

And there was discussion about an upcoming meeting at Thionet Road. The question was whether it was going to be via Zoom or in-person, as well as the date and time. The date is scheduled for 6/2/21 and for 10:30, and for information would be sent when known.

**X. Adjournment**

**Motion: Ms. Heard motioned to adjourn the meeting at 8:45pm. Mr. Besse seconded.**

**VOTE: Unanimous (6-0-0)**

Date signed: 4/14/22

Attest: S. S. Slavin

6-0-0

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 4/12/22