

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

**Date of Meeting: October 6, 2021**

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

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

### **II. ROLL CALL**

Members Present: Sandy Slavin, Chair  
Elissa Heard  
Ron Besse  
Carol Malonson  
Michael Mercier  
Kwame Bartie  
Denise Schulz  
David Pichette, Agent

Member Absent:

### **III. PRELIMINARY BUSINESS**

Review and approve minutes of 3-4-20

**MOTION: Mrs. Heard moved to approve the minutes of 3-4-20. Mr. Besse seconded.**

**VOTE: Approved (2-0-5)**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – TEC Associates**

The public hearing notice was read into the record.

Applicant requested a continuance of the hearing until the meeting of 10-20-21

**MOTION: Mrs. Heard moved to continue the public hearing for TEC Associates to 10-20-21. Mr. Besse seconded.**

**VOTE: Unanimous (7-0-0)**

**B. NOI – Quabbin Plaza Realty Trust, c/o G.A.F Engineering, Inc. SE76-2700**

The public hearing notice was read into the record.

Present before the ConCom: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Pichette described the project. A site inspection was made at 15 South Boulevard. The project involves the demolition of an existing dwelling and the reconstruction of a new dwelling within the buffer zone to a coastal bank. The existing dwelling is to be removed and the new dwelling will be constructed in the same general location which is ~50' from the top of the coastal bank which is the Onset Bluffs which is on the other side of the street from the subject lot. The site is relatively flat. The project is not in the buffer zone to any other resource areas. A DEP File # has been received. Mr. Pichette recommends the issuance of an Order of Conditions with the standard conditions.

Mr. Rogers states that the new dwelling will result in less impervious area than what currently exists. He also states that the project requires approval from the Zoning Board of Appeals (ZBA) and that an application has been submitted to the ZBA for the project.

Mrs. Heard asked about the size of the dwelling.

Mr. Rogers explains the layout of the site which will have a slightly larger house but less impervious area overall.

Abutter, Ms. Barbara Malois states she supports the project.

**MOTION: Mr. Besse moved to close the public hearing for Quabbin Plaza Realty Trust. Mrs. Heard seconded.**

**VOTE: Unanimous (7-0-0)**

**MOTION: Mr. Besse moved to grant an Order of Conditions for Quabbin Plaza Realty Trust w/ standard conditions. Mr. Bartie seconded.**

**VOTE: Unanimous (7-0-0)**

**C. Amended Order of Conditions – Tina Deangelis, c/o Lockwood Architects SE 76-2599**

The public hearing notice was read into the record. Mr. Mercier recuses himself and steps away from the hearing as he is an abutter.

Present before the ConCom: Bill Lockwood, Lockwood Architects

Mr. Pichette described the project. The proposal involves proposing a plan change to include the installation of utilities to the existing garage building that were not previously approved. This work is in the buffer zone to a coastal bank and within a coastal flood zone. The utilities, including electric and water, have already been installed, so this is an after the fact request. The installation of the utilities involved trenching to install the underground utilities. The utilities were installed within the existing lawn area. What is the water connected to? The installed utilities are outside the 30' No Activity Zone. What is the status of the interior of the structure? There should be no interior plumbing in the building, as there is no connection to the septic system. The proposed plan change represents work that likely would have been approved initially had it been presented. Fines should be issued for doing work prior getting the required approvals. Recommend a continuance to get comments from the Inspectional Services Department regarding the interior of the building. A letter was received from William Lockwood stating that there are no plumbing fixtures within the building.

Mr. Lockwood states that there are no plumbing fixtures within the building. The stack was put in in case plumbing was contemplated down the road.

Mr. Besse asked if this is the second after the fact filing on this project. Mr. Pichette states that it is the second after the fact request. Previously a driveway was put in without Conservation Commission approval.

Mr. Besse states that there have been a couple violations involving work being done without approval and that fines should be issued.

Commission discusses features that exist at the site that do not appear on the approved plan. Commission questions whether the garage is going to be used as living space.

Mr. Lockwood states that is not the case.

Property owner Russell Yule comments and states this is simply a garage, but done in a quality way. He states that it was always intended to have a driveway to the garage and that the utilities were inspected by the building inspectors. There is no intent to use it as living space.

**MOTION: Mr. Besse moved to close the public hearing for Tina Deangelis. Mrs. Heard seconded.**

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

Mr. Besse states fines should be issued. Fines are discussed. Commission recognizes two violations and that there should be a \$200.00 fine issued to both the contractor and the homeowner for each of the two violations.

**MOTION: Mr. Besse moves to issue a \$200.00 fine to both the contractor and the homeowner for each of the two violations. Mrs. Heard seconded.**

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

**MOTION: Mrs. Heard moved to grant the amendment to the Order of conditions to accept the revised plan for Tina Deangelis with the same conditions. Mrs. Schulz seconded.**

**VOTE: Unanimous (5-1-0)**

Mr. Mercier returns to the meeting.

**D. Wareham PV 1, LLC, c/o VHB SE76-2701**

The public hearing notice was read into the record.

Present before the ConCom: Christopher Wagner, VHB  
Sarah Ebough, VHB

Mr. Pichette described the project. The project involves the construction of a commercial solar array in the buffer zone to Bordering Vegetated Wetland, Isolated Vegetated Wetland, and within Riverfront Area. The site is accessed off of Charge Pond road next the Town Municipal Maintenance property. A 3.5 MW solar array is proposed on 12.1 acres and the total site is 22 acres. Some of the land is already cleared, but the project would require the clearing of additional acres of wooded land. The solar array would be surrounded by security fencing. A DEP File # has been received. The project needs to be reviewed by the Towns consulting engineer to determine if the project meets the required stormwater standards. Mr. Pichette recommends that the hearing be continued to wait for comments from the Towns consulting engineer.

Mr. Wagner describes the site and the proposed project. Mr. Wagner states the project would take up 12 acres of the property. Mr. Wagner states that battery storage would be part of the project.

Ms. Ebough describes proposed stormwater structures and clarifies that 11 acres of wooded land would need to be cleared.

Mr. Besse asks about the total alteration. Mr. Wagner states that this a 12 acre solar project. Mr. Pichette points out that ~20 acres are to be fenced in so this would be considered a ~20 acre solar project not a 12 acre project as the Commission looks at the area being fenced in, not just the area that the panels occupy.

Mrs Schulz asks about what will happen to the site after the solar project. Mr. Wagner states that there is a decommissioning plan.

Mrs Slavin asks about setback from Rte 25 and height of fence above the ground.

**MOTION: Mr. Besse moved to continue the public hearing for Wareham PV 1, LLC to 10-20-21. Mrs. Heard seconded.**

**VOTE: Unanimous (7-0-0)**

**E. Wendy S. Anderson, c/o Schneider, Davignon & Leone, Inc. SE76-2702**

The public hearing notice was read into the record.

Present before the ConCom: David Davignon, Schneider, Davignon & Leone, Inc.

Mr. Pichette described the project. A site inspection was made at 247 Great Neck Road. This application is in response to an enforcement order that was issued to the property owner for the unpermitted construction of a 220 stone wall and a 60' stone jetty on a coastal beach. The NOI is to remove the unpermitted structures and redistribute the stone on to the coastal beach where the stone was taken from to construct the wall. The site is also within the estimated habitat of rare and endangered species. Once the wall is removed, the beach will be restored and stabilized with jute netting and planting with beach grass. The work will be done with a rubber tired backhoe. Recommend timber mats be used on the beach where the machine will traverse. The work will have to be done during the lower tidal range. The machine will be stored in the upland area while its not in use. Access to the beach will be through an existing pathway on the left side of the house when looking toward the water that goes from the lawn area down to the beach. A DEP File # has been received. Comments from MA NHESP have not been received at this time. Mr. Pichette recommends the hearing be continued for comments from MA NHESP.

Mr. Davignon hands out photos of the site and describes the proposed project.

Mr. Besse discusses the issuance of fines.

**MOTION: Mr. Besse moved to continue the public hearing for Wendy Anderson to 10-20-21. Mr. Bartie seconded.**

**VOTE: Unanimous (7-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. NOI – Point Independence Yacht Club(PIYC), c/o G.A.F Engineering, Inc. SE76-2696**

Present before the ConCom: Bob Rogers, G.A.F Engineering, Inc.  
Paul Sullivan & Chris Kuppins, PIYC

Mr. Pichette described the project. A site inspection was made at PIYC. The project involves maintenance dredging in land under the ocean and within land containing shellfish, and

regrading the adjacent beach on a coastal beach and within a coastal flood zone. ~90 cubic yards of sand is to be dredged from around the end of the wooden bulkhead near the "B" dock. At the last meeting greater detail was requested regarding the existing and proposed grades on the beach. The engineer submitted a revised plan showing proposed contours and where sand would be distributed. The beach would be lowered ~1-1.5 feet long along the bulkhead. Mr. Pichette stated he spoke with Dave Menard, the Director of Municipal Maintenance, about moving sand further down the beach to fill in recent washouts on the beach. Mr. Pichette recommends continuing the hearing so he can meet Mr. Menard at the site to discuss the details. Mr. Pichette has no further questions regarding the dredging.

Discussion about continuing the hearing and the need to do the dredging before the winter due to the required time of year restriction from the MA DMF.

Abutter Doug Churchill comments and states he doesn't have a concern with the dredging and states existing drainage problems from the nearby streets also need to be addressed.

Abutter James Bigelow comments and expresses concerns with the redistribution of sand as part of the project.

**MOTION: Mrs. Heard moved to continue the public hearing for PIYC to 10-20-21. Mr. Besse seconded.**

**VOTE: Unanimous (7-0-0)**

**B. NOI – Miriam Demauro SE76-2699**

Present before the ConCom: Miriam & Russel Demauro

Mr. Pichette described the project. The project involves the removal of an existing garage and the construction of a new larger garage and new driveway in the buffer zone to a coastal bank. An existing garage is to be removed and a new 20x28' garage will be constructed just at the edge of the 30' No Activity Zone and partially within existing disturbed area. Haybales and silt fence will be installed between the work and the coastal bank. The hearing had been continued for the lack of a DEP File #. A DEP File # has now been received. Mr Pichette recommends the issuance of an Order of Conditions with the standard conditions with the added conditions for a pervious driveway and for a drywell to handle roof runoff from the larger garage structure.

**MOTION: Mr. Besse moved to close the public hearing for Miriam Demauro. Mr. Bartie seconded.**

**VOTE: Unanimous (7-0-0)**

**MOTION: Mr. Besse moved to grant an Order of Conditions for Miriam Demauro w/ standard conditions and the additional conditions for a pervious driveway and for drywells to be installed to handle runoff from the larger garage. Mr. Bartie seconded.**

**VOTE: Unanimous (7-0-0)**

**C. NOI – Scott Gray, c/o J.C. Engineering, Inc. SE76-2693**

The applicant has requested a continuance of the hearing to 10-20-21.

**MOTION: Mr. Besse moved to continue the public hearing for Scott Gray to 10-20-21. Mrs. Heard seconded.**

**VOTE: Unanimous (7-0-0)**

**D. NOI – Thomas Parenteau, c/o Cape & Islands Engineering, Inc. SE76-2691**

Present before the ConCom: Mark Dibb, Cape & Islands Engineering, Inc.

Mr. Pichette described the project. A site inspection was made at 17 Over Jordan Road Road. The project involves the construction of a pier, ramp, and float system within land under the ocean, within land containing shellfish, within salt marsh, within coastal beach, and within a coastal flood zone. A 172' pier, ramp, and float system is proposed out into Shellpoint Bay. The proposed pier would require 22 pilings to be installed. The proposed float is 200 sq ft in size. There is a question as to whether or not there would be adequate water depth at low tide. MA Division of Marine Fisheries commented and had concerns with impacts to shellfish. They stated that project would result in permanent impacts to shellfish habitat and associated fisheries access. They also comment on height of the pier over the salt marsh. A DEP File # has been received. Mr. Pichette states that the owner already has an approved pier in this area and the owners could use the permitted pier. A similar project was denied at this location previously. Mr. Pichette recommends the pier be denied based on comments from the MA DMF, impacts to shellfish habitat and to fisheries access.

Mr. Dibb presents information on the proposed pier and states that this proposal is shorter than the one that was previously denied. Mr. Dibb states a Chapter 91 License exists for the structure proposed already. Mr. Pichette disagrees and states that this is not correct, as the the license is no longer valid because a structure has not existed there for over 20 years.

Mr. Buckminster, Harbormaster, initially was opposed to the project but has since changed his view on the project.

Density of piers in the area is discussed.

**MOTION: Mr. Besse moved to close the public hearing for Thomas Parenteau. Mrs. Heard seconded.**

**VOTE: Unanimous (7-0-0)**

**MOTION: Mr. Besse moved to deny the project for Thomas Parenteau based on the comments from the MA DMF, and impacts to shellfish habitat and fisheries access, comment letter dated August 4, 2021. Mrs. Malonson seconded.**

**VOTE: Unanimous (7-0-0)**

**E. NOI – Scott & Laura Crisafulli, c/o J.C. Engineering, Inc. SE76-2642**

The applicant requested a continuance of the hearing to 10-20-21.

**MOTION: Mr. Besse moved to continue the public hearing for Scott & Laura Crisafulli to 10-20-21. Mrs. Heard seconded.**

**VOTE: Unanimous (7-0-0)**

**F. NOI - William & Jean Whalen, c/o G.A.F. Engineering, Inc. SE76-2690**

The applicant requested a continuance of the hearing to 10-20-21.

Discussion arises regarding the amount of continuances that have been granted on this project and should this continue. The applicant will be notified to attend the next meeting to provide a status update. Failure to appear will result in further enforcement action from the Commission.

**MOTION: Mr. Besse moved to continue the public hearing for William & Jean Whalen to 10-20-21, with the applicant to be notified to attend the next meeting or further enforcement action will be taken. Mrs. Schulz seconded.**

**VOTE: Unanimous (7-0-0)**

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

Present before the ConCom: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Pichette described the project. A site inspection was made at 91 Edgewater Drive. The project involves the construction of a pier, ramp, and float within Land Under the Ocean, within Land Containing Shellfish, salt marsh and a coastal flood zone. The site is also within the estimated habitat of rare and endangered species. A 243' pier ramp and float system is proposed and this would require the installation of 28 pilings for the structure. The area is fairly shallow and the proposed float would barely be in 2 feet of water at low tide. The hearing had been continued because an initial eelgrass survey report indicated eelgrass in the location of the proposed pier and because there was a violation that involved the applicant starting to rebuild the existing pier that was there, and for other comments. Since that time Mr. Rogers stated that there isn't eelgrass there currently. The original consultant was asked to go back out and review the site again. The consultant, Environmental Consulting & Restoration, went back out and

reviewed the site again and didn't identify any eelgrass in this location at their recent review. Mr. Pichette stated that this is unusual to have an initial report identifying eelgrass and then not too much time later eelgrass is no longer present.

Mr. Rogers describes the consultants findings, the status of eelgrass, and the proposed project. Mr. Rogers states that float stops will be installed.

Discussion of continuing the hearing to review the recent information submitted.

Mrs. Schulz asks about the length of the pier and what would be removed seasonally.

Discussion about existing violation regarding the reconstruction of the existing pier.

**MOTION: Mr. Besse moved to continue the public hearing for Mario Signore to 10-20-21. Mrs. Malonson seconded.**

**VOTE: Unanimous (7-0-0)**

**H. NOI – Wareham MA 3, LLC, c/o Atlantic Design Engineers, Inc. SE76-2684**

The applicant has requested a continuance of the hearing to 10-20-21.

**MOTION: Mr. Besse moved to continue the public hearing for Wareham MA 3, LLC to 10-20-21. Mr. Bartie seconded.**

**VOTE: Unanimous (7-0-0)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

Anthony Antonellis – Old Onset Road

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

Mr. Pichette describes that the Commission recently approved the construction of a large single family dwelling at this location and an Order of Conditions was issued. Following this, the applicant had site work done that involved tree cutting beyond the approved limit of work for the project. Also, the applicant did not contact the Conservation Administrator to do the review of the erosion control and required preconstruction meeting prior to this work being done. Erosion control had not been installed. Mr. Pichette issued an enforcement order to cease and desist work at the site.

Mr. Pichette authorized a second contractor to come in to install the erosion control and clear some hazardous trees left by the first contractor. Haybales are now in place.

Mr. Grady describes the status of the site and stated that the haybales are now in place.

The Commission discusses fines. Commission discusses the circumstances and decides that work may continue once issued fines have been paid and once the haybale barrier has been inspected.

**MOTION: Mr. Besse moved to issue the applicant a \$100.00 fine for starting the work prior to inspection of the haybale barrier and a separate \$300.00 fine for doing work beyond the approved limit of work. Mrs. Schulz seconded.**

**VOTE: Unanimous (7-0-0)**

**MOTION: Mrs. Schulz moved to ratify the enforcement order issued to Anthony Antonellis. Mr. Besse seconded.**

**VOTE: Unanimous (7-0-0)**

#### **CERTIFICATES OF COMPLIANCE**

##### **A. Buzzards Bay Coalition – Station Street – SE76-2555**

Mr. Pichette states that this was the project to remove the Horseshoe Mill Dam. Mr. Pichette recommends the issuance of the Certificate of Compliance for the project.

**MOTION: Mrs. Heard moved to grant the Certificate of Compliance for the Buzzards Bay Coalition. Mr. Besse seconded.**

**VOTE: Unanimous (7-0-0)**

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

##### **A. Discussion: Russ Motto – 30 Twelfth Street**

Mr. Pichette describes that a violation occurred at this site where the applicant started the work without having the erosion control inspected. A \$100.00 fine was recommended.

**MOTION: Mr. Besse moved to issue the applicant a \$100.00 fine for starting the work prior to inspection of the haybale barrier. Mrs. Heard seconded.**

**VOTE: Unanimous (7-0-0)**

- B. Discussion: Appointments/Reappointments
- C. Discussion: Conservation Restriction/Stewardship
- D. Discussion: Bills

**IX. ADJOURNMENT**

**MOTION:** Mr. Besse moved to adjourn the meeting at 9:10 P.M. Mrs. Heard seconded.

**VOTE:** Unanimous (7-0-0)

**Date signed:** 4/25/22

**Attest:** S.S. Slavina S.O.U.

**Sandy Slavin, Chair**

**WAREHAM CONSERVATION COMMISSION**

**Date copy sent to Town Clerk:** 4/27/22