

WAREHAM CONSERVATION COMMISSION MEETING MINUTES

Wednesday November 17, 2021 6:30 PM via ZOOM MEETING

Call to order at 6:30 PM

Members Present: Sandy Slavin, chair, Ron Besse, Denise Schulz, Elissa Heard, Michael Mercier, David Pichette- Agent

Members Absent: Carol Malonson, Kwame Bartie

PUBLIC HEARINGS

RDA -Anne C Loring - 15 Munroe Parkway

Nelson Loring representing.

Mr Pichette read the project involves replacement of stairs to access the beach. Would consist of a 4'x4' platform with stairs going down to the existing concrete pad. It is similar in size to what previously existed. Work had been started without approval. David spoke with applicant, and paperwork has been submitted. Recommends approval of project with a Negative #2 determination.

Questions from Board- Ron Besse regarding fine for doing work prior to approval. Michael Mercier- confirming stairs will only go to the concrete pad, but no further.

Motion and 2nd to close. Approve: 5-0-0

Motion and 2nd to approve with negative determination #2, and discuss fine. Approved 5-0-0

Discussed and proposed \$200.00 fine as appropriate for starting work without permission. Approved: 5-0-0

RDA- James Bock 204 Blackmore Pond Road

To install ground mounted solar array.

Mr Pichette read to project. Project is to install a residential ground mounted solar array within the buffer zone to wetlands. An 11'x57' array is proposed approximately 85' from wetland. Will require installation of 10 12" sonic tubes to support the array. Recommends approval with Negative #3 determination.

Questions from Board: Ron Besse- Will there be any battery storage? Mr Bock- No. Will this be 40 panels? Answer - Yes

Denise Schulz- What will be inside the buffer zone? Mr Bock- Only 2 sonic tubes.

Questions from Audience- None

Motion and 2nd to close Approve: 5-0-0

Motion and 2nd to approve with Negative #3. Approve: 5-0-0

RDA- Gary Jonaitis 95 Shore Avenue

To construct garage.

Gary Jonaitis representing

Mr Pichette read project is the construction of a 24'x28' garage in a coastal flood zone. Project is not in the buffer zone of any other resource area. Site is relatively flat and no grade changes are proposed.

Recommends approval with a Neg#2.

Questions from Board- None

Questions from Audience- None

Motion and 2nd to close. Approve: 5-0-0

Motion and 2nd to approve with Neg#2. Approve: 5-0-0

NOI- Dana L Levy & Denise A Long c/o Braman Surveying LLC 80 Mayflower Ridge Road- SE76-2708

To construct single family dwelling, work shed and ground mounted solar array.

Request for continuance by Braman Surveying LLC until 12/1/21

Motion to continue until 12/1/21 and 2nd. Approve: 5-0-0

CONTINUED PUBLIC HEARINGS

RDA- TEC Associates- Railroad Corridor

Request from applicant for continuation until 12/1/21

Motion to continue and 2nd. Approve: 5-0-0

NOI- William and Jean Whalen 11 Gitchee Gume Road- SE76-2690

Bob Rogers GAF Engineering Inc representing.

Mr Pichette read to project. Application is in response to a violation involving the construction of a concrete block wall built on top of a coastal bank with no permits issued by the commission. The wall has a stone base layer and is approximately 43' in length. An enforcement order was issued and the applicant was told he would need to submit an application to address the restoration of the site. Recommendation is that the wall be removed, the bank be stabilized and restored in a way that is appropriate for the location.

Bob Rogers states GAF has been reintroduced to this project to address these issues in the past week.

Requests a continuance until 12/1/21 to come back with a restoration plan.

Motion and 2nd to continue until 12/1/21 Approve: 5-0-0

NOI- LSE Hydra, LLC c/o GAF Engineering Inc- 36, 44, 48 North Carver Road- SE76-2710

Bob Rogers GAF Engineering, Dan Hodson LSE Hydra LLC, Jeff Maisel LSE Hydra LLC, Brad Holmes ECR representing.

Mr Pichette read to project. It involves the building of a commercial solar array within a riverfront area, BVW, and in the buffer zone of BVW and inland bank. It is a 990kw solar array is proposed in the riverfront area of the Weweantic River. Three separate areas equaling approximately 9.7 acres are all within riverfront area. At last meeting an alternative site analysis was requested. It was received this afternoon, and Commission has not had adequate time to review it. Mr Pichette did look it over and had some issues with the project purpose that was stated. He also did a site visit and found violations regarding unpermitted clearing of land within the riverfront area and in the buffer zone to wetlands.

Have not received comments from the Town Engineer on this project yet. Have received a DEP file # with comments that information needs to be submitted regarding how this project meets requirements for redevelopment of previously developed riverfront area. Recommends continuation to 12/1/21 to review new information.

Linda Rinta – Owner states land was in 61A Agricultural and timber was harvested with no stumping for cord wood in winter of 2020 to pay bills.

Questions from Board- Ron Besse would like to know size of clear cut area

Michael Mercier- Will there be any short or long term impact on water supply from proposed underground electrical. Response- No

Comments from Audience- Patricia Wurtz has concerns about damage being done to the river by solar projects.

Board would like the following for next meeting.

Storm Water Report, DEP Response, Letter from Linda Rinta, Calculations of sq footage of degraded and undegraded land in riverfront area.

Motion to continue and 2nd until 12/1/21 Approve: 5-0-0

NOI- Debra Koshivas c/o JC Engineering Inc- 76 Pinehurst Drive- SE76-2709

Brad Bartolo JC Engineering Inc representing

Mr Pichette read to project. Project involves reconstruction of a sea wall and the construction of a deck in the buffer zone to coastal bank. Existing concrete wall is deteriorated and partially collapsed. Plan is to install a vinyl sheet pile wall. Stairs on the waterside of wall, and construction of a deck not previously approved have been added to the revised plan. A DEP file # has been received with no negative comments.

Brad Bartolo states the plan is to install vinyl sheet pile wall in front of existing wall to avoid expense of removing concrete wall.

Questions from Board- Denise Schulz- Due to the deterioration of existing wall it should be removed and new wall built in the same footprint.

Elissa Heard-Stairs should be inside wall not extended out into the river.

Sandy Slavin- Deck is 140 sq ft requiring 5 sonic tubes being placed is previously disturbed area. Stairs should be recessed not going out into marsh.

Questions from Audience- None.

Motion to continue until 12/1/21 and 2nd. Approve: 5-0-0

NOI- David Andrade c/o Field Engineering Co- 69 Great Neck Road SE76-2705

Applicant request to continue until 12/1/21

Motion to continue until 12/1/21 and 2nd. Approve: 5-0-0

NOI- Mark Connolly c/o Cape and Islands Engineering- Lot 1032B Shell Lane- SE76-2707

Mark Dibbs- Cape and Island Eng, Anthony Zuko- Applicant, Mark Connolly- Applicant and Brad Holmes- ECR representing.

Mr Pichette reads to project. Revised plan is to construct a 158' pier, ramp and float system in land under ocean, within saltmarsh, shellfish habitat, in land subject to coastal storm flowage and in a

velocity flood zone. Previous plan to reconstruct seawall pier system has been removed. New plan would require the installation of 20 10" pilings be done from a floating barge. Float does not appear to have 2' depth of water on either end at low tide. Also included is an 8' wide path from roadway to no activity zone, then a 4' wide path to pier. Some tree cutting has been done prior to any approvals. Eel grass study shows no eel grass in project area. Comments from Div of Marine Fisheries has concerns regarding shellfish and shellfish habitat, stating project would result in permanent loss of shellfish habitat. Harbor Master states that project would not impede navigation and also that area is used by commercial and recreational shell fishermen. A DEP file #. Based on comments from MA Div of Marine Fisheries, recommendation is that project not be approved.

Mark Dibb- Proposes flow through decking, elevating entire length and would be amenable to float stops to maintain 30" depth.

Brad Holmes- No eel grass in area. Low numbers of soft shell clams in low water area and moderate number of quahogs in 1.5' depth or deeper. There were no large or abundant numbers. Permanent loss would only occur at site of pilings, not elsewhere. Ramp and float would be seasonal only.

Questions from Board- Denise Schulz has reservations with number of docks in this area.

Ron Besse agrees and adds that permanent loss of habitat is very serious issue.

As is being consistent with regards to permitting. Elissa Heard agrees. Michael Mercier agrees.

Questions from Audience- Mr Shaunnacy, attorney for applicants would request continuance until 12/1/21 to do more homework on this matter.

Motion to continue until 12/1/21 and 2nd. Approved: 3-2-0

NOI- Frank Tramontozzi c/o Atlantic Coast Engineering- 31&33 Prospect Street- SE76-2706

Jed Hannon- Atlantic Coast Engineering representing.

Mr Pichette reads to project. The project is for an extension to an existing pier. The current pier is 144' long and 6' wide. The extension would be 60' long and 4' wide, for a total length of 204'. Extension would require the installation of 10 12" pilings for the pier and 5 12" pilings for the float.

Harbor Master states the pier would not be a hazard to navigation and that there is not significant shellfish resources in that area. DEP file# has been received.

Jed Hannon- Brad Holmes from ECR conducted an eel grass survey showing there is no eel grass in the area. Extension is necessary because of sedimentation build up over the years. Extension will give them the depth needed at any tide.

Questions from Board- Will the dredging project at Point Independence Yacht Club help with the sedimentation so extension is not needed?

Mr Pichette states that it will not help as it is too far away and too small an area being dredged.

Sandy- Other than the installation of the pilings, is there any other type of work to be done? Jed

Hannon- No

Michael Mercier- I have concerns about another large dock in the area.

Ron Besse- Will there be any problem for the other large dock being able to get out? What will the distance be between the two? Jed Hannon- No, there will be approximately 80' between them.

Elissa Heard- How big are the boats going to be at this dock? Jed Hannon- Owners current boat is 25'

Mr Pichette- Has MA Division of Marine Fisheries received the revised plans and made any comments?

Jed Hannon- Yes, revised plan has been sent but we have not received their comments yet.

Mr Pichette- We would need to receive any comments from them before making a final decision.

Sandy Slavin- What is the water depth under the current float at mean low tide? Jed Hannon- 2'

Sandy Slavin- What will it be under proposed? Jed Hannon- An additional 2 ½' so a total of 4 ½'

Questions from Audience- None

Motion and 2nd to continue until 12/1/21 Approve: 5-0-0

NOI- Scott & Laura Crisafulli c/o JC Engineering Inc-9 Lydias Island Road- SE76-2642

Request to continue until 12/1/21

Motion and 2nd to continue. Approve: 5-0-0

NOI- Wareham MA 3 LLC- c/o Atlantic Design Engineers Inc- 91 & 101 Fearing Hill Road- SE76-2684

Request to continue until 12/15/21

Motion and 2nd to continue. Approve: 5-0-0

NOI- Wareham PV 1 LLC c/o VHB- 0 Route 25- SE76-2701

Request to continue until 12/1/21

Motion and 2nd to continue Approve: 5-0-0

Enforcement Orders

Dockhouse LLC- 28 Winship Avenue

Mr Bill Clemy representing

Mr Pichette reads to matter. Violation was for pilings being installed without approval. Enforcement order was issued to address matter. At the last meeting this Commission requested that a representative attend this meeting for an update on where things stand.

Bill Clemy- States they are having trouble with availability of an engineer to help with this matter and submit an NOI. Two pilings were installed in May of 2021 for the purpose of tying off the bow and stern lines to prevent boat from slamming off the dock. Even though it is in a no wake zone, the boat is being banged against dock regularly. Pilings were installed in an attempt to protect both boat and dock from damage.

Ron Besse- Fines will be included for you and the installer when you come back before us with an NOI and an engineer. Would like this for 12/15/21 meeting.

Certificates of Compliance

Diane Gustafson- 15 Canady Street

Motion and 2nd to approve issuance. Approve: 5-0-0

Lou & Robin Andreotti- Oak Hill Road

Motion and 2nd to approve issuance. Approve: 5-0-0

David Pillsbury- 28 Shangri-La Boulevard

Motion and 2nd to approve issuance. Approve: 5-0-0

Other Business and Discussions

Discussion- Appeal- McNay, Colin & Anne 49 Warren Point Road

Mr Pichette reads that project came about due to a violation regarding some cutting work that was done in the buffer zone to a coastal bank in August 2019. Application was submitted and included some work to be done on house. There is an ongoing appeal regarding the language contained in the Order of Conditions. Town Counsel recommended discussion with applicant to address this issue.

Sandy Slavin had a meeting with the applicant and was able to get clarification as to what language needs to be changed. Mr Pichette will consult the Town Attorney to see if the language can be amended administratively, or do we have to hold a public hearing. Continued until 12/1/21. Put minutes on the Agenda for 12/1/21 meeting

ADJOURNMENT:

MOTION MADE AND SECONDED TO ADJOURN THE MEETING AT 9:12>>> VOTE 5-0-0

Date Approved: 4/6/22

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

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

5-0-1