

Town of Wareham
Conservation Commission – Minutes
February 7, 2024

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

The following record pertains to a meeting held by the Wareham Conservation Commission at 6:00 PM local time. A video recording of this meeting is available for viewing. The record of the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

PRELIMINARY BUSINESS

Present: Chairperson, Sandy Slavin, Kwame Bartie, Carol Malonson, Michael Mercier, Autumn Wood, Paulajean O'Neill, Associate Members: Donna Cobert, and Joseph Stihl, Ms. Denise Schulz was also present.

Absent: Jessica Parr

Conservation Administrator, Joshua Faherty was present.

PUBLIC HEARINGS: 6:00 PM

Request for Determination of Applicability (RDA)

1. **Diamond Cut Developments, LLC, 6 & 8 Acorn Street RDA-34** Construction of a two-family dwelling on a vacant, wooded property.

Ms. Malonson read the advertisement for the record.

Brad Bertolo with JC Engineering was present via Zoom. Mr. Bertolo reviewed the project of a two-family dwelling on a vacant lot. He said a portion of the property is in a flood zone.

Mr. Faherty had no comments.

Ms. Colbert asked if the house was going to be elevated. Mr. Bertolo said there will be a full basement below grade, but it does not need to be elevated. He reviewed current grades, and the low point will be brought up to 15.5.

Ms. Schulz asked about the common wall that needs to be connected in the two-family. Mr. Bertolo stated it was a building department question.

There was no public comment.

Mr. Faherty recommended a negative 3 and a negative 5.

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

Motion to approve: Ms. Malonson made a motion to accept the project with a determination of a negative 3 and negative 5; which was seconded by Mr. Mercier and passed unanimously. (6-0-0)

2. **United States Postal Service, 25 Tobey Road RDA-35** Improve existing parking lot conditions, and construct new asphalt paved parking lots for electric carrier vehicles and employee parking

Ms. Malonson read the advertisement in for the record.

2. **Micheal & Liana J. Dancey, 2 Seahorse Lane NOI-42** The applicant proposes to demolish a cottage, construct a single-family dwelling, install a septic system and associated utilities, construct a formal driveway, widen the existing gravel roadway and to fill and grade partially within the 100 ft buffer of a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage, Flood Zone VE (el.20).

Ms. Malonson read the advertisement in for the record.

Engineer, David Davignon was present along with the applicants and owners of the property.

Mr. Davignon reviewed the project for the redevelopment of their property to demolish an existing cottage and construct a single-family dwelling in the same general footprint and slight expansion to the West. He says it will be in a V zone, elevation 20. He explained the gravel road will be widened 20' wide. He stated they are proposing to remove the existing shed. They are proposing hay bales or rings of waddles if necessary. They were proposing a crushed stone gravel driveway. He said they received a DEP file number with no comments.

Mr. Faherty asked if they could put a dry well on the property; Mr. Davignon agreed. Mr. Faherty asked about when they would be complete with the zoning board.

Mr. Davignon said they would be asking for a two-week continuance. They are waiting for the Planning Board and were hoping for ConCom approval before the Zoning Board.

Ms. O'Neill asked if the new dwelling was going to be closer to the road. She asked about the little walkway in the marsh area. Mr. Davignon stated that was the abutting property.

Ms. Wood asked where the stage and storing of materials would be on the property. Mr. Davignon explained the lot where the septic is proposed. They'll use that side for stockpile and once footings are in, the septic will have to go in last.

Ms. Slavin asked if there would be use under the house. Mr. Davignon said they are proposing a concrete slab under the house, and it would be car storage. Discussion if there would be breakaway walls installed. Mr. Dancey stated they discussed it.

There was no public comment.

Mr. Dancey stated they hope to do a lot of gardening in the area, he stated the plan would be to use rain barrels and asked if the dry well was necessary. Mr. Faherty stated they would still like to see drywells.

Motion to continue: Mr. Mercier made a motion to continue to February 21, 2024, per the applicant's request which was seconded by Ms. Malonson and passed unanimously. (6-0-0).

3. **Ronald & Susan J. Schmidt, 15 Narrows Road NOI-41** The applicant proposes to demolish a cottage, construct a single-family dwelling, install associated utilities to construct a formal driveway, and fill and grade within the 100 ft buffer zone of various coastal resources areas and within Land Subject to Coastal Storm Flowage, Flood Zone VE (el.17)

Ms. Malonson read the advertisement in for the record.

Mr. Dave Davignon was present along with the owners, Mr. and Mrs. Schmidt. Mr. Davignon reviewed the project to demolish a cottage and construct a single-family dwelling. He explained

Mr. Mercier made a motion to continue to February 21, 2024 which was seconded by Mr. Bartie and passed unanimously. (6-0-0)

3. **Russell McKinnon, 28 Nelson Street, Wareham MA** – Raze and existing house at 28 Nelson Street, increase the size of the dwelling by 280 sq ft, and create a 10-ft wide gravel drive

Jason Youngquist, Outback Engineering was present and reviewed the project. Mr. Youngquist reviewed their updated plan dated January 26, 2024. Mr. Youngquist said they pulled the home closer to the

Mr. Faherty proposed the gravel driveway is within the 30' no activity zone. The location of the house pushed it to the east. He said he believed there would be impervious increase.

Mr. Bartie asked for signs to identify the edge of wetland resources. Mr. Faherty stated what is there currently vs expansion. Mr. Mercier said it doesn't seem like much was pushed away from the wetland.

Ms. Cobert stated the whole project is in wetlands and has concerns.

Ms. Schulz referred to a letter they received and asked if they verified existing, of what was shared by the applicant and what the assessor's assessment is.

Mr. Faherty reported they have received additional comments from the public.

Ms. Schulz shared concerns that they don't have the area to replicate the resource area. She shared concerns regarding the water run-off to abutters as well.

Mr. Stihl stated he was also concerned about the property being in the wetlands.

Mr. Faherty read a comment from the Zoom hearing. He also read concerned comments from Samantha and Paul Roy, dated January 29, 2024.¹

He also read a second letter from Erik Boyer, the Director of Field Operations for the Wildlands Trust who owns an abutting property, Caron Marshland Preserve which abuts the site of the proposed project.²

There were no additional public comments.

Mr. Faherty stated they can deny just based on the driveway and also that there is work in the 30' no work zone. He said the applicant would need to go to the Zoning Board as well.

Mr. Youngquist said they did move it closer to the road from the previous meeting's comments, and perhaps they can move it even closer, further north, and cut down the size of the driveway. Ms. Slavin asked for an updated plan.

Motion to continue: Mr. Mercier made a motion to continue to February 21, 2024, which was seconded by Mr. Bartie and passed unanimously. (6-0-0)

¹ Letter from Samantha & Paul Roy, abutter. (dated 1/16/24)

² Letter from Erik Boyer, Director of Field Operations for the Wildlands Trust. (dated 2/6/24)

He reviewed what happened at the wall and how it will be repaired to stabilize until they can get in to rehabilitate the dam. He said they have a contractor willing to do the work on February 9, 2024.

Mr. Faherty stated they still need to come back to filing under the local bylaw. He recommended thirty days for the emergency certificate.

Ms. Malonson motioned to approve the emergency certificate and not require a local filing for this emergency repair. The motion was seconded by Mr. Bartie and passed unanimously. (6-0-0)

5. Bylaw Revision Update

Mr. Faherty said he met with the consultant that afternoon to review the revisions of the bylaw and wetland regulations coming down from the state.

6. Workshop – Permits – Request for Determination (RDA) and Determination of Applicability (DOA).

Ms. Malonson made a motion to adjourn, which was seconded by Mr. Bartie and passed unanimously. (6-0-0)

Date Signed: 3/26/24

Attest: SSS Slu

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 3/26/24

5-0-0
accepted
2/21/24