

Town of Wareham  
Conservation Commission – Minutes  
June 7, 2023

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, Vice Chair Ms. Schulz, Clerk Kwame Bartie, and Carol Malonson

Associate Member: Autumn Wood

**Absent:** Jessica Parr and Michael Mercier

Conservation Administrator Joshua Faherty was also present.

It's crucial that we give recognition and respect to Mr. Bob White for his steadfast dedication and lengthy tenure at Wareham Cable Television.

**PUBLIC HEARINGS: 6:30 PM**

**Request for Determination of Applicability (RDA)**

1. **Town of Wareham, 123 Sandwich Road, Wareham MA** – To construct a parking lot and erect benches and signs along an already existing trail system

Mr. Faherty reviewed the project to propose a stone dust parking area with a little bit in the 100' buffer and a bit in the vegetated wetlands. He said they will also add existing trails. Ms. Slavin said the project had to go to Wareham Land Trust as part of the approval of the project. Mr. Faherty recommended a Negative 3 determination.

For the record, Ms. Slavin stated she was the Chair of the Open Space Committee, and they are the ones requesting funds for this project through the CPC. Ms. Malonson also stated she was a member of the Open Space Committee.

**Motion to close:** Ms. Schulz made a motion to close the hearing and was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0).

**Motion to approve:** Mr. Bartie made a motion to approve as a Negative 3 and that the project has to go to Wareham Land Trust as it is an alteration. The motion was seconded by Ms. Schulz and passed unanimously. (4-0-0).

2. **Stephen Sanford, 21 Elizabeth Lane, Wareham, MA** – To upgrade a failed cesspool within Land Subject to Coastal Storm Flowage

Mr. Bartie read the advertisement in for the record.

Mr. Bob Rogers reviewed the project to upgrade a failed cesspool, proposing sil fence at the slope.

Mr. Faherty recommended a Negative 3 determination.

**Motion to close the Public Hearing:** Ms. Schulz made a motion to close the public hearing and was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0)

**Motion to approve:** Ms. Malonson made a motion to approve with a negative 3 determination which was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0).

**Notice of Intents (NOI)**

1. **Todd and Maria Delgado, 3 Michael Drive, Wareham MA** – To construct a boardwalk and pier on Agawam Mill Pond

Mr. Dave Davignon was present on behalf of the applicants with the proposal to access Agawam Mill Pond with a boardwalk and a permanent docking facility. He stated they would need to file for a Chapter 91 waterways licensing as well.

Mr. Faherty reviewed his staff report and recommendations. He stated that the project meets Wareham's freshwater bylaws. He would recommend the fence be a certain height to allow wildlife and he recommended that the land resource signs be posted on the road.

Ms. Schulz asked if their bylaw permits a permanent dock in the wetlands. Mr. Faherty said it is allowed per bylaws.

Ms. Schulz asked about the chairs and boats/canoes in the area down the hill on Michael Drive. Mr. Delgado said that is of the neighbors.

Discussion on the fence.

**Present before the Commission via Zoom:** Tracy Williams, 138 Glen Charlie Road, stated she had serious concerns on the dock. She stated she had reviewed Massachusetts Bio-Map online and that the land/area is considered a "critical national landscape", she asked the Commission to review.

Mr. Faherty said he would review the BioMap. Mr. Davignon stated that the project does not fall within the National Heritage, and if it did, they would have to file through that organization.

Via Zoom, Michele Sabourin of 4 Diane Drive read from the proposal information she received that stated there may be dredging and/or fill; she said she would be opposed to either.

Mr. Davignon explained that the notice to the abutters was a boilerplate document and that they are not proposing any dredging or filling of the pond.

Delores Sawczuk wrote in the chat that she doesn't agree with fencing and that there should just be signage. She also stated that verbally once she was able to unmute. She also stated she had concerns about the wildlife in the area.

Ms. Schulz stated the regulation provided for 7" clearance under the fence for wildlife passage.

**Motion to close the Public Hearing:** Ms. Schulz made a motion to close the hearing which was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0).

**Motion to approve:** Ms. Schulz made a motion to approve the application with the standard order of conditions with an additional condition to include the Wildlife Signage posted as well as allowing the 7" above ground fencing, and that there be no fill and/or dredging to the pond be allowed. The motion was seconded by Ms. Malonson and passed unanimously. (4-0-0).

Ms. Williams said she owns the paddle boat that is tied to the tree, and she will remove it this weekend.

2. **David and Lisa Rycroft, 17 Oak Street, Wareham MA** – To replace a timber retaining wall and wooden fence with a stone and vinyl fence. All work is located within the buffer to a Coastal Bank and Coastal Beach.

Mr. Bartie read the advertisement in for the record.

Bob Rogers of GAF Engineering was present. He explained this was replacement work, along the property line with the neighbor. He said they are looking to put in a vinyl fence.

Mr. Faherty stated there was an existing fence and tree. He said the removal of the maple tree was a concern. He said the fence would be residing where the tree was taken down. There was confusion on whether the tree was taken down by the neighbors at 15 Oak Street but was on the 17 Oak Street property.

Mr. Rogers said he wouldn't agree to a fine and the tree replacement. Ms. Schulz explained her position that the fee was associated with work done without a permit.

**Motion to close the Public Hearing:** Ms. Schulz moved to close the hearing and was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0).

**Motion to approve:** Ms. Schulz made a motion to accept the project with the standard order of conditions and a fine for work done prior to the approval of \$200. An added condition was made that Mr. Faherty has a discussion with both property owners regarding the replacement of the tree that was cut down. The motion was seconded by Ms. Malonson and passed unanimously. (4-0-0).

3. **Tina DeAngelis, 21-23 Bayberry Road, Wareham MA** – To construct a gazebo and porch

Mr. Lockwood was present before the Commission. He reviewed the project for a gazebo porch constructed on existing crushed stone.

Mr. Faherty reviewed his recommendations with approval.

There were no questions from members. No public comments.

**Motion to close:** Ms. Schulz made a motion to close the hearing which was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0)

**Motion to approve:** Ms. Schulz made a motion to approve with the standard order of conditions which was seconded by Ms. Malonson. The motion was passed unanimously. (4-0-0).

4. **Petyon Estates, off Squirrel Island Road, Wareham, MA** – To construct a paved road to access a 2-lot subdivision

Brad Bertolo, of JC Engineering, was present on behalf of the applicant. Mr. Bertolo reviewed the proposal to construct a roadway that leads to a hammerhead turnaround. He stated a portion is located in the wetland area. He advised the project has gone through the Planning Board and has been peer-reviewed for drainage.

Mr. Faherty reviewed his staff report and recommendations for approval.

No questions from Commission members. No public comments.

**Motion to close the Public Hearing:** Ms. Schulz made a motion to close the public hearing which was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0).

**Motion to approve:** Ms. Malonson made a motion to accept the project with the standard order of conditions and was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0).

### **CONTINUED PUBLIC HEARINGS: 6:45 PM**

#### **Request for Determination of Applicability (RDA)**

##### **Notice of Intent (NOI)**

1. **Luz Maria Corkery, 10, 14, and 16 River Terrace, Wareham, MA** – To repair the foundation of the boat house and repair/improve the erosion control structures across three properties.

Mr. Faherty stated he has received revised plans and that they'd be prepared to present on June 21, 2023.

Ms. Malonson made a motion to continue the hearing per the applicants' request to June 21, 2023, and was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0)

2. **Pinehurst Beach Association, Beach Road off of Pinehurst Drive, Wareham, MA** –

Mr. Faherty stated he is going to meet with the association, and they have also requested a continuance.

Ms. Schulz motioned to continue, per the applicants request to June 21, 2023, and was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0).

3. **Jonathan and Vanessa Sharkey, 19 Over Jordan Road, Wareham, MA** –

Mr. Faherty stated the eel grass survey has been received and the applicants have asked for a continuance.

Mr. Bartie made a motion to continue, per the applicant's request to June 21, 2023, and was seconded by Ms. Schulz. The motion passed unanimously. (4-0-0).

### **ENFORCEMENT ORDERS**

### **EXTENSION REQUESTS**

### **CERTIFICATES OF COMPLIANCE REQUESTS**

### **OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS**

1. **Discussion:** Shell Lane drainage issues

Mr. Dermody and his sister were present. Mr. Dermody stated he did send photos to Mr. Faherty today. Photos were put on the screen for viewing. Mr. Dermody explained two new homes in the area that are seasonal, his house is seasonal. He said he was before the Commission to ask for any information or ideas to help with the drainage issues in the area.

Discussion pursued.

Via Zoom, Cynthia Mello of 12 Shell Lane, posted a few pictures of the flooding in the road.

2. **Discussion:** Schedule for Fines: Ms. Schulz reviewed what she put together in a chart for the schedule of fines. Commission members reviewed and discussed.

With the change, as discussed, Ms. Malonson made a motion to add the schedule of fines to the Commission website, and it was seconded by Ms. Schulz. The motion passed unanimously. (4-0-0).

3. **Discussion: Formation of Minutes:** Commission members discussed how the minutes should be formatted.

Mr. Faherty stated he had a discussion with Town Counsel who said it didn't matter how other boards were doing their minutes, and the way the Recording Secretary is providing minutes was appropriate. Mr. Faherty stated he also had a discussion with the recording secretary, who stated she has been doing minutes for several years for a variety of Towns; he stated she did agree to try and provide less detail where appropriate.

4. **Review and accept Minutes:** May 3, 2023, and May 17, 2023. Ms. Schulz made a motion to accept the minutes as presented and it was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0).

5. **Bills, Appointments, Interviews, and Reappointments**

Ms. O'Neil was present to be interviewed for a position on the Commission.

Ms. Malonson made a motion to recommend the appointment of Ms. Paulajeane O'Neil to the Conservation Commission as an Associates Member which was seconded by Ms. Schulz. The motion passed unanimously.

**New business:** Discussion on notification when pesticides are used in/or around a Solar Field. Discussion on bluffs in Onset. Mr. Faherty reviewed the cutting of the trees that was done. Allowing Mr. Faherty to move forward with the clean-up of the Bluffs and the removal of the slash.

Date Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: \_\_\_\_\_

WAREHAM TOWN CLERK  
2023 JUN 22 AM 8:35