

Town of Wareham
Conservation Commission – Minutes
July 19, 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 6:30 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, Michael Mercier, Kwame Bartie, Carol Malonson, and Jessica Parr. Associate member Paulajeane O'Neil was also present.

Absent: Denise Schulz and Autumn Wood

Conservation Administrator Joshua Faherty was also present.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. **Nicole Matthews, 48 Shore Avenue, Wareham, MA** – To raze and construct a new single-family dwelling, front porch, rear stoop, patio and paved driveway, and associated utilities and grading within Land Subject to Coastal Storm Flowage.

Mr. Bartie read the advertisement for the record.

Engineer Sam Lamele reviewed the project for a new building in a smaller footprint.

Ms. Slavin asked for dry wells.

Mr. Faherty recommended approval with a Negative 3 and Negative 6 with the standard order of conditions and 1-2 drywells for runoff.

Motion to approve: Ms. Malonson so moved the motion of Mr. Faherty's recommendation and conditions which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

2. **Onset Water District, 0 Red Brook Road, Wareham, MA** – Removal of overgrown vegetation on established trails and construction of bog board walkways.

Mr. Bartie read the advertisement in for the record.

Present, Emily Tramontano representing the Wareham Land Trust, reviewed the access point and what they want to do by instructing bog board walkways.

Mr. Faherty stated a RDA would last them three years and then they would be required to come back at that time. He had no further concerns about the project.

No question from Commission members. No public comment.

Mr. Mercier made a motion to close the public hearing which was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

Motion to approve: Mr. Faherty reviewed his staff recommendation, which was to approve with a Negative 2 and Negative 6. Mr. Mercier moved the motion as recommended and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

3. **Jonathan Sharkey, 19 Over Jordan Road, Wareham MA** - Replacement of concrete patio with pavers, installation of erosion controls

Mr. Bartie read the advertisement for the record.

Mr. and Mrs. Delaraco were present and described the project as replacing the concrete patio with pavers in the same footprint. They confirmed the larger apron was to remain.

There were no questions from board members. There was no public comment.

Mr. Mercier made a motion to close the public hearing which was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

Motion to approve: Mr. Faherty reviewed his staff recommendation to approve the project with a negative 2 and negative 6 determination. Ms. Malonson moved the staff recommendation for approval which was seconded by Mr. Mercier. The motion passed unanimously.

4. **Cromesett Park Imp Assoc, Inc. 3 Connehassett Road, Wareham MA** – Replenishment of sand on upland area.

Mr. Bartie read the advertisement for the record.

President, Marilyn Russell and Ms. Donna Foley, treasurer of the Cromesett Park Improvement Association were present. They reviewed the project to replenish sand in the upland area, not to be done until Spring 2024.

Mr. Faherty reported noticing tarps in the salt marsh when he did a site visit. He stated that those would need to be conditioned to be removed, as well as the laying of plywood within the salt marsh.

Ms. Slavin noted a blue float that can't be tied to a pole on top of the seagrass.

Mr. Mercier made a motion to close the public hearing and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0).

Motion to approve: Mr. Faherty reviewed his staff recommendations to approve the project with a negative 3 and negative 6, with the conditions that the grain size beach sand be comparable to what is existing, that the plywood and tarps be removed, and that the work be done between October and April. Also, for the blue float to be removed and moved to an area where it won't disturb the vegetation. Ms. Malonson moved the recommendation of approval as stated and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Notice of Intent (NOI)

1. **Anne Marie, Paul & Siobhan Donegan, 39 Jefferson Shores Road Wareham, MA** – Reconstruction and extension of a rock revetment replace existing walkway, removal of invasive species, and restoration of the coastal bank with native grasses and raise the existing revetment .5 feet

Mr. Bartie read the advertisement in for the record.

Present before the board, Roy Krawoski (Engineer), stated that the homeowners have recently inherited the home. He reviewed what has and has not been done to the property in the past to slow down erosion. He said the wall has started to fail. He reviewed what the project entailed.

Mr. Bartie asked about the walkway to the beach.

Ms. Parr asked about the process of the project. Mr. Krawoski reviewed.

Mr. Faherty recommended a continuance to receive an updated plan with the removal of the deck and the staircase to be moved to the western area.

Motion to continue: Ms. Malonson made a motion to continue until August 2, 2023, and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

CONTINUED PUBLIC HEARINGS:
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. (Continued to August 2, 2023)

Ms. Malonson made a motion to continue to August 2, 2023 and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

2. **John W. Cook, 25 Lazy Harbor Road, Wareham MA** – To construct a 25' x 29' detached garage located within Land Subject to Coastal Zone Flowage and 100' Buffer Zone to a BVW

Mr. Faherty explained they had continued to tonight as they were waiting for the DEP #. He said the DEP # was SE76-2803. Mr. Cook was also present.

Mr. Faherty's staff recommendation was to approve with the standard order of conditions.

Ms. Malonson made a motion to close the public hearing which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Motion to approve: Ms. Malonson made a motion to approve with the standard order of conditions which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

3. **Church of Jesus Christ of Latter Day Saints, 317 & 341 Onset Avenue, Onset MA** – To install a permanent pier and seasonal ramp and float

Present before the board, Brian Wallace, JC Engineering. Michael Cook, Church of Jesus Christ.

Mr. Faherty stated they have received a DEP # and he forwarded the Harbormaster's recommendation letter to the commission members.

Mr. Wallace reviewed the changes to the plans based on feedback from members of the community to the proposed pier. He said they shifted it 20' over to the west on the shoreline. He said the overall increase was to about 6'.

Mr. Faherty read the Harbormaster email into the record.

Mr. Wallace stated they are proposing to bring a barge in with the pier construction parts and equipment. He said the pier would be used by members of the church campgrounds and again, no motorboats would be permitted to use the area.

Further discussion about the storage of kayaks in the area.

There were no questions from commission members and no public comments.

Mr. Faherty reviewed the project that it was in a shellfish habitat area, within a cove (and that historically the Commission has not seen docks in this area. He said if they are going to approve, he would recommend a condition that no boats be stored at the coastal bank.

Mr. Mercier stated he was not a fan of the project as it will be located in a shellfish habitat area, and he agrees with the harbormaster that this could open a floodgate of more piers in that area.

Mr. Wallace reviewed what projects have been approved in the past in different shellfish habitat areas. Ms. Slavin wanted to hear from Ms. Schulz who was not at tonight's meeting and would prefer to have a full board.

Mr. Cooke said they are trying to make less impact on the area by building the dock.

Ms. Malonson made a motion to continue to August 2, 2023 and was seconded by Ms. Parr. The motion passed unanimously. (5-0-0).

4. Kevin Coady, 7 Bridge View Lane, Wareham, MA – To bring an existing pier into compliance with original approvals and license

Brian Wallace was present for applicant and advised the DEP #: SE76-2085.

Mr. Mercier made a motion to close the public hearing and was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

Mr. Faherty recommended approval with the standard order of conditions and any conditions put forth by the DFM. Ms. Malonson moved the staff recommendation for approval with the standard order of conditions and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

ENFORCEMENT ORDERS

- 1. Richard and Kathleen Papineau, 4 Pond Street, Wareham, MA – Violation of cutting vegetation within jurisdiction area**

Mr. Faherty reviewed the violation at this address. He explained there were previous violations that were handled under the previous conservation agent. Mr. Faherty stated he did a site visit and noticed one tree removed. He said in further talking to the homeowners, that 1 Pond Street changed the layout of their driveway (unpermitted) and that was why the tree came down. He said that the enforcement order should be against that address.

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS

- 1. Stephen Waclawik and Kathleen Wolcott, 28 North Boulevard, Onset MA – SE076-1048**

Mr. Faherty did a site visit and recommended the issuance of a Certificate of Compliance.

Mr. Mercier made a motion to issue the COC which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

2. Kevin Perkins, 31 Old Woods Road, Wareham MA SE076-2744

Mr. Faherty did a site visit and recommended the issuance of a Certificate of Compliance.

Ms. Schulz made a motion to issue the COC which was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

3. Kenneth Deluze, 104 Great Neck Road, Wareham MA– SE076-2587

Mr. Faherty recommended the issuance of COC.

Mr. Mercier made a motion to grant the COC which was seconded by Mr. Bartie. The motion passed unanimously. (5-0-0).

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. Review and accept minutes - June 21, 2023 and July 5, 2023

With minor modifications presented by Ms. Schulz and Ms. Slavin, Ms. Malonson made a motion to accept the minutes and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

2. Bills, Appointments, Interviews & Reappointments

3. Discussion: NECWA – Mini Turtle Gardens

Carol Carson, Danielle Marston were present to discuss the New England Coastal Wildlife Alliance (NECWA) in collaboration with Mass Audubon in protecting the nests of marsh turtles in the Wareham area. They explained their venture to create smaller sandpit areas, called “mini turtle gardens” on private and Town properties to help keep the turtles from wandering far and wide to the nest.

Mr. Faherty recommended that the Commission make an exception of the endangered species in the 30’ no work zone. He asked for administrative approval to work with them to help find properties to help with the mini turtle gardens.

They recommended Smith Avenue. Discussion on different properties in Town that might be a good area. Commission members agreed to allow Mr. Faherty to administratively review this project.

Carol Malonson made a motion to allow Mr. Faherty to take the lead administratively with Municipal Maintenance, the Town Administrator and private entites to work with the people for mini turtle gardens. The motion was seconded by Mr. Bartie and passed unanimously. (5-0-0).

Date Signed: 9/21/23

Attest: SSS

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 SEP 21 AM 10:44