

Town of Wareham
Conservation Commission – Minutes
August 2, 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, Denise Schulz, Michael Mercier, Carol Malonson, and Jessica Parr. Associate member Paula Jo O’Neil was also present.

Absent: Autumn Wood, Kwame Bartie

Conservation Administrator, Joshua Faherty was also present.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. **Mildred Funnell, 24 Harding Avenue, Wareham MA** – To repair a cement patio and sea wall within the 100’ buffer to a Coastal Bank

Mr. Faherty read the advertisement for the record.

Jim Lovell was present. He reviewed the project and stated the wall is deteriorating and has cracks. He described how he would be repairing it.

Mr. Faherty reviewed his staff report.

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 recommended a Negative 3 and Negative 6 with conditions and was moved by Ms. Malonson to approve and seconded by Ms. Schulz. The motion passed unanimously. (5-0-0)

2. **Christopher Young, 104 Great Neck Road, Wareham MA** – To construct a shed within the 100’ buffer to a bordering vegetative wetland.

Mr. Faherty read the advertisement for the record.

Mr. Young was present and stated they had title issues on the houses. They said they emailed the Town and asked if there was a permit needed for the shed, and someone said they did not. However, Ms. Slavin explained that person didn’t realize how close to the water they were.

Mr. Faherty reviewed his staff report and said the shed was within the buffer. He recommended a Negative 3 and Negative 6 with one condition.

Ms. Schulz advised they cannot dump clippings into the wetlands.

Ms. Malonson made a motion to close

Motion to approve: Mr. Faherty recommended a Negative 3 and Negative 6 with one condition, that only minor vegetation be cut behind the shed. The motion was so moved by Ms. Schulz and seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

3. **Town of Wareham, North Water Street, Wareham MA** – To remove portions of two outfall structures located on the beach at North Water Street to eliminate the public safety hazards

Mr. Faherty read the advertisement for the record.

Alyssa Peck, of Weston & Sampson was present. She reviewed the project to remove the drainage on North Water Street and remove the structures out of the beach area.

Ms. Slavin stated she is a member of the Wareham Land Trust and has been working on this site and project for approximately six years.

Mr. Faherty reviewed his staff report. He shared his concerns that monthly monitoring should take place. He also stated there were some concerns of the structure that is underground. His recommendation was a Negative 3 and Negative 6 with a condition.

Ms. Schulz asked what would be put in their place.

Ms. Peck stated there would be stone underneath to eliminate erosion and isolate it to the general area, not in the water.

Mr. Mercier asked if a NOI would be filed in the future for the bigger project. Ms. Peck stated that is correct.

Ms. Slavin stated she wanted the signs to remain at the location.

President of the Wareham Land Trust, Ms. Pappalardo was present via Zoom and asked if Ms. Fleming's letter was received with their concerns, but they were in support of the project.

Mr. Faherty confirmed they received the letter, which is part of the record.

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

Motion to approve: Mr. Faherty recommended an approval as a Negative 2 and Negative 6, with the following conditions: all debris removed during the process and stone be large enough not to be washed away in tidal action, and condition of monitoring after the project is complete.

Mr. Mercier moved the motion to approve as stated and was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0).

4. **Lee Robinson, 2 Grove Street, Wareham MA** – To reconstruct the drive with a larger cobblestone apron at the end of the driveway. Add a layer of crushed shells to the driveway.

Mr. Faherty read the advertisement for the record.

Mr. Faherty stated this was an after-the-fact filing. He stated the driveway is located on North Water Street and stated this was reviewed while they were out at the previous address. He said he spoke to the owner, and they didn't realize they had to file. Mr. Faherty reviewed the cobblestone apron and

put down new shells for the driveway. His recommendation is a Negative 3 and Negative 6 determination. He charged them for the after-the-fact filing, double the fee. (\$150)

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

Motion to approve: Mr. Faherty made a recommendation to approve as a Negative 3 and Negative 6 with the addition of a fine that this was not permitted. Ms. Schulz moved the motion with a \$200 fine and was seconded by Mr. Mercier. The motion passed unanimously. (5-0-0).

Notice of Intent (NOI)

- 1. Wyatt Banks, 42 Thirteenth Street, Wareham MA – To raze an existing home and construct a new home within Land Subject to Coastal Flowage.**

Mr. Faherty read the advertisement in for the record.

Engineer, Will Connelly was present via Zoom. He reviewed the project in flood zone AE14. He explained the project to raze home and new home constructed with a deck and steps. He said they are proposing infiltration chambers for run-off in front and rear of the house.

Ms. Slavin asked about the water table in that area.

Mr. Faherty reported a new plan was received that day. He noted DEP is having issues with their numbers and there is no DEP number as of yet.

Ms. Schulz asked if there was any concern with the property next door. Mr. Faherty stated the neighbors to the West and behind the house were in favor of the project. Mr. Faherty recommended a continuance until they received the DEP number.

Mr. Mercier asked if the new home would be more back than the current. Mr. Connelly stated that it would be and there is no driveway shown.

There was no public comment.

Ms. Schulz made a motion to continue to August 16, 2023, and was seconded by Ms. Malonson. 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. Schulz made a motion to continue to September 6, 2023, per the applicant's request and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

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

Mr. Faherty stated the applicant has withdrawn their application.

Motion to accept withdrawal: Ms. Malonson made a motion to approve the withdrawal per the applicant's request which was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0)

3. **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

Engineer, Roy was present via Zoom. He said a few minor modifications has been added to the plan, they took out a small deck and moved the stairway from one end to the other.

Mr. Faherty stated that the commission had requested these changes at the last meeting and an abutter asked to move the stairway, which they did. He said the DEP did issue a number however it's the wrong number. He recommended continuing until they received that DEP number.

Ms. Schulz asked about the boulders they had spoken about moving.

Mr. Faherty reviewed what was discussed about the boulders, not to exceed the width of the wall that is presently in the area.

The engineer asked if any work could be done before the issuance of the Chapter 91 license. Mr. Faherty stated the construction of the riprap would need the Chapter 91 license.

Mr. Mercier made a motion to continue to August 16, 2023, and was seconded by Ms. Malonson. The motion passed unanimously. (5-0-0)

ENFORCEMENT ORDERS

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS

1. **Kristin Yankauskas. Eversource Energy, Existing Utility Easements Wareham MA** – SE076-2630

Chris A and Kristin Yankauskas (viz Zoom) were present to ask for the COC for this work that had been completed in 2021. He said it was a utility upgrade project.

Mr. Faherty recommended the COC be granted.

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

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. **Review and accept minutes** – July 19, 2023-Mr. Faherty hadn't sent the minutes out, they can review at next meeting.

1. **Bills, Appointments, Interviews & Reappointments:** Mr. Faherty requested to release 53G funds. He said that the consultant was paid for by the Town of Wareham, and through the applicant. He explained that the funds requested were more than anticipated just to make

sure it's covered. He explained there were remaining monies in three different projects and advised which projects it was for.

3 Apples Street – Gadbois 53G

Chrzanowcki – Pine Tree Dr 53G

Vlaco – Burgess Point Rd 53G

2.

Ms. Malonson made the motion to release the 53G Account Funds and it was seconded by Ms. Schulz. The motion passed unanimously. (5-0-0)

3. **Discussion:** Adopting an Administrative Review form and application fee (\$35.00). Mr. Faherty explained that he reduced some of the administrative tasks for review. He will forward to the members.

Mr. Faherty reviewed the changes to the Administrative Review form and the change of \$50.00 to \$35.00 fee. He reviewed the list and stated that he could email the commission members when he does make an administrative review under this adoption.

Ms. Slaving said she wasn't sure how they would notify the abutters of these minor 'administrative reviews.'

Ms. Schulz stated she did watch the previous meeting that she was absent from.

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

Date Signed: 9/21/23

Attest: SSS lwl

Sandy Slavin, Chairperson
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 SEP 21 AM 10:44