

Town of Wareham
Conservation Commission – Minutes
September 6, 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, Jessica Parr (via Zoom) Autumn Wood. Associate member Paulajean O'Neill was also present.

Absent: Denise Schulz, Kwame Bartie and Carol Malonson
Conservation Administrator, Joshua Faherty was also present.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. **Ellen McArdle, 6 Smith Avenue, Wareham MA** – to remove the old retaining wall around the perimeter of the property, install a new one of equal size, remove the existing pavement driveway, and replace it with a paver driveway

Mr. Faherty read the advertisement in for the record.

Mr. Mercier made a motion to continue to September 20, 2023, per the applicant's request and was seconded by Ms. Autumn Wood. The motion passed unanimously. (4-0-0)

2. **Victoria Grace, 6 Sea Street Wareham MA** – to install a shed within the 100 buffer to a coastal bank

Mr. Faherty read the advertisement in for the record.

Ms. Grace was present. She reviewed the project to install a shed approximately 35' from the seawall. She said it would be anchored.

Mr. Faherty reviewed his staff report and recommended approval as a Negative 2 and Negative 6.

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

Mr. Mercier made a motion to close the hearing and was seconded by Ms. Wood. The

Mr. Mercier made a motion to approve as a negative 2 and negative 6 and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0)

3. **Jeffrey Carboni, 3 Allen Avenue Wareham MA** – to install a fence along the existing patio and repair and renovate the existing deck

Mr. Faherty read the advertisement in for the record.

Present before the board, Mr. Westgate as well as Mr. Carboni.

Mr. Westgate reviewed the project as a small portion of fence around the deck and stated they are outside of the 35' no-touch zone. Mr. Carboni stated they are replacing the existing deck and stairs.

Mr. Faherty reviewed his staff report and shared plans of where the deck and fence would be put. He recommended approval as a Negative 2 and Negative 6, and stated there were no concerns for erosion.

Ms. Lhitz was present as an abutter and asked about the stairs on the deck. Mr. Carboni explained.

Mr. Mercier made a motion to close the hearing which was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

Ms. Wood made a motion to approve as a negative 2 and negative 6 determination which was seconded by Mr. Mercier. The motion passed unanimously. (4-0-0)

Notice of Intent (NOI)

1. **2 East Blvd LLC, 2 East Boulevard Onset MA** – Site grading and the installation of crushed stone to increase parking on the lot. Portions of the work are located within the buffer zone to a Coastal Bank and within Land Subject to Coastal Storm Flowage

Mr. Faherty read the advertisement in for the record.

Present before the board, Mr. Bill Madden from GAF Engineering was present along with Mr. John Cornish, of 2 East Blvd. LLC.

Mr. Madden stated he had made minor modification of the plans and asked if he could proceed to pass out the changes.

Ms. Slavin said they have a policy not to accept any revisions of plans after Monday prior to the meeting.

Mr. Madden explained what the revisions were, showing the no-work 35' buffer as well as the crushed stone revision. Mr. Madden reviewed the project was located at the old real estate office. He said they are proposing to add perimeter parking to the site, except the North property line. He said they would be removing some of the landscaping material, lawn area to replace with crushed stone driveway. A landscaped planter will be put on the property as well.

Mr. Faherty said his main concern was the work to be done within the 50' no work zone; he reviewed the by-law with the Commission members. He said most of the work it outside of the coastal bank.

Ms. Wood asked about the work proposed to the hydrant. Mr. Mercier asked about the site grading that would take place on the property. Mr. Madden further explained.

Ms. O'Neill asked about the parking, whether it was for general parking or just the gallery. Mr. Madden stated it would be for owner-occupied and the facilities in that area.

Ms. Slavin asked about the one-way of 11th Street. Mr. Madden said he has not gone before the Road Commission Committee as of yet. Ms. Slavin asked about a few trees removed outside of the 100' buffer. Within the 50' work zone, Ms. Slavin asked if it was paved or grass currently. Mr. Madden stated it was lawn of some sort.

Via Zoom, Howard Smith asked about the block wall that was proposed, if it was on town property.

Mr. Madden said there was no wall being proposed on town property. He further explained what was on the plans.

Len Gay was present and spoke about the fire hydrant. He asked for an ease of the congestion in the area.

Via Zoom, Ms. Salerno shared concerns about the tree removal that took place in June.

Mr. Mercier made a motion to close the hearing and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0)

Mr. Faherty recommended the approval with the standard order of conditions; he recommended the no-activity zone be reduced to 45'.

Mr. Mercier moved the motion, and it was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

Abbreviated Notice of Resource Area Delineation (ANRAD)

1. **Off Tihonet Road, Wareham, MA** – confirming the boundary of Bordering Vegetative Wetland (BVW) Bank, and Isolated Wetlands (IVW), on Map 111, Lot 1000B Off Tihonet Road

Mr. Faherty reviewed the ANRAD.

Andrew Gorman was present for the applicant and asked to confirm the boundary of bordering vegetative bank and wetlands.

Mr. Faherty recommended a peer review to look at this large project. Discussion occurred.

Mr. Faherty read the letter from the Wareham Land Trust in for the record.

Mr. Mercier made a motion to continue to September 20, 2023 and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

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.

Mr. Mercier made a motion to continue to October 18, 2023 per the applicants' request and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0)

2. **Prime Engineering, 370 County Road, Wareham MA** – To construct a large-scale ground-mounted photovoltaic solar array.

Arron Reardon was present from Prime Engineering.

Ms. Parr, via Zoom stated she was not present previously for this hearing. Ms. Slavin confirmed this was the first time they are hearing this case.

Mr. Reardon reviewed the project for a solar-array on the property, that are leasing. They are looking to clear-cut 10 acres. He reviewed 2.76 acres, in solar field one; and 7.14 in solar field two. Mr. Reardon continued the review and then asked the Commission for their comments. He stated this was the preliminary plans thus far.

There were a few questions from the commission members.

Mr. Faherty recommended they use the peer reviewer that the Planning Board is using for their peer review. He recommends a continuance.

Mr. Mercier made a motion to continue to September 20, 2023 and that they request the same consultant that the Planning Board is currently using for this project. The motion was seconded by Ms. Wood and passed unanimously. (4-0-0)

ENFORCEMENT ORDERS

EXTENSION REQUESTS

1. Richard Murphy, 9 Glenview Circle, Wareham MA – SE076-2623

Mr. Faherty reviewed the extension request of Mr. Murphy for his current project for another year.

Ms. Wood made the motion to extend the request for SE 076-2623 for a year and was seconded by Mr. Mercier. The motion passed unanimously. (4-0-0).

CERTIFICATES OF COMPLIANCE REQUESTS

1. Amy Cassidy, 61 Oak Street, Wareham MA – SE076-1841

Ms. Cassidy was present and Mr. Madden, from GAF Engineering, was present. Mr. Faherty recommended an issue of the COC.

Mr. Mercier made the motion to issue the COC and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

2. Kenneth Nelson, 4 Shanley Way, Wareham MA – SE076-2721

Mr. Faherty recommended the issue of COC. He said he did a site visit and was done substantially to the order of conditions.

Mr. Mercier made the motion to issue the COC for Kenneth Nelson of 4 Shanley Way. Ms. Wood seconded the motion and it was passed unanimously. (4-0-0).

3. Horatio & Cynthia Melo, 12 Shell Lane, Wareham, MA – SE076-2752

Mr. Faherty reviewed this COC request. The project was never completed.

Mr. Mercier made the motion to approve the COC and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0)

4. Horatio & Cynthia Melo, 13 Shell Lane, Wareham MA – SE 076-2728

Mr. Faherty recommended the COC issuance.

Mr. Mercier moved the motion to issue the COC; Ms. Wood seconded, and the motion passed unanimously. (4-0-0).

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. Review and accept minutes – August 16, 2023

Mr. Mercier made the motion to accept the minutes of August 16, 2023, and was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

2. Bills, Appointments, Interviews & Reappointments:

\$460. For the MACC.

Mr. Mercier made the motion to pay the MACC \$460.00 which was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

Ms. Slavin stated there is usually a conference in October and encouraged members to attend. She asked members to reach out to Mr. Flaherty.

3. Discussion:

Mr. Faherty recommended the Commission discuss by-law changes for the Spring Town Meeting vs. this year, as he didn't see there would be enough time to continue discussion. Everyone agreed.

Mr. Mercier made the motion to adjourn and it was seconded by Ms. Wood. The motion passed unanimously. (4-0-0).

Date Signed: 10/5/23

Attest: Sandy Slavin

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 10/5/23

WAREHAM TOWN CLERK
2023 OCT 5 AM 10:54