

Town of Wareham  
Conservation Commission – Minutes  
November 1, 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, Kwame Bartie, Carol Malonson, Michael Mercier, Autumn Wood, Jessica Parr and Paulajean O'Neill. **Absent:** Denise Schulz

**Conservation Administrator**, Joshua Faherty was also present.

**PUBLIC HEARINGS: 6:30 PM**

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

1. **Peter DeFusco, 2244 Cranberry Highway, Wareham MA** – To demolish and remove the existing structures and restore the land with loam and seed.

Ms. Malonson read the advertisement for the record.

Eric Olson, of VHP was present for the applicant, who was Eversource.. He said they want to raze the structure and restore the land with loam and seed.

Mr. Faherty reviewed his staff report with a question to the applicant.

Mr. Bartie asked about saving a rose bush that is on-site. Mr. Mercier asked about any long-term plans with the property. Mr. Olson stated there are no plans as of right now.

Ms. Slavin asked about material being used for erosion control. She also asked where the disposed material was going. She also asked if there was permission from the Historical Commission about the removal of the home as it's more than 75+ years old.

There was no public comment.

Ms. Malonson made a motion to close the public hearing which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

Mr. Faherty recommended a -2 and -6. Ms. Malonson made a motion to grant as a -2 and -6 as was recommended and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

**NOTICE OF INTENT (NOI)**

1. **Jeffrey Johnson, 16 Widow's Cove Lane, Wareham MA** – Installation of a patio and fence within Land Subject to Coastal Storm Flowage and vegetation restoration on a Coastal Bank.

Ms. Malonson read the advertisement for the record. Brad Bertolo of JC Engineering was present along with Mr. Johnson.

Brad Bertolo was present. He reviewed the project. He explained the proposed patio to be constructed, is slightly in the Coastal Bank on right side of the property; he said with no grade changes. He said they would like a fence on the West side of the property, proposing to the top of the coastal bank which will be hand digging for fence posts.

Ms. Slavin asked what type of fence. Mr. Bertolo stated a 6' privacy fence.

Mr. Faherty reviewed his staff report and stated there was a violation that occurred when the plants, invasive or not were removed. He said its hard for the commission to know if they were invasive species. He explained the 30' no work zone needs to be determined tonight. He said the rest of the work on the site is approvable with an order of conditions.

Ms. Wood stated that within her time with the Commission, they have not allowed work in the 30' no activity zone and she is going to take that stand this evening.

Ms. O'Neill asked about a tree and also was concerned about work in the no-activity zone.

Ms. Slavin explained that no work in the 30' no activity zone, is just that and shouldn't be allowed. She recommended signage in that area. She stated she was disturbed by the plantings that were removed near the banking and stated she would like a fine. Ms. Slavin expressed concern about the 6'privacy fence.

Mr. Bertolo stated there was a privacy fence on the easement currently.

Mr. Faherty stated they received a letter and he read it for the record, and it will be a part of the minutes.

Mr. Bertolo said that there is all grass in the 30' no work area, he said they would be able to do shrubs and vegetation in the area instead of the fence in that area. He said it was previously altered in that area.

Susan Broderick was on via Zoom. Ms. Broderick stated she was concerned about the obstruction between the two yards. She said it would obstruct their view.

Mr. Johnson explained there was a concern for his dog and part of the fence is for privacy and to protect against the neighbors coming into their yard for name calling.

Mr. Bertolo stated they are asking for permission to install the fence and the type of fence is not a prevue of the Commission.

Mr. Faherty explained when the Commission previously approved work in the 30' no activity zone.

Mr. Faherty recommended no construction of the fence in the 30' no activity zone and the plants to be either determined tonight or in the field. The vegetation management that was done without a permit, should be fined \$200. Ms. Slavin stated she thought it was \$300. There was a discussion. Mr. Faherty explained that projects in the no activity zone the signage should be included, he said this area was already altered and doesn't make sense there but should be on the edge of the fences.

Ms. Slavin asked what they use for fertilizer on the green grass. Mr. Johnson said he gets something from Home Depot. Ms. Slavin suggested reading the order of conditions as it may impact what they are using.

Mr. Bartie made a motion to close the hearing and was seconded by Ms. Malonson. The motion passed unanimously.

Mr. Faherty reviewed a more formal approval for the commission. He recommended a fine of \$200, no construction of fence in the 30' no activity zone; plantings of native species will be allowed in the 30' no activity zone. plantings may be substituted with the approval of the conservation authority; and two signs on either side of the no activity zone.

**Motion to approve:** Ms. Malonson moved the recommendation to approval which was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0).

Mr. Johnson then asked if they could plant instead of the fence. Ms. Slavin said he'd have to come back to amend the order of conditions.

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

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

1. **Michelle Wright, 5 Cottage Street, Wareham MA** – To construct an 8x10 shed (rescinded)

Ms. Malonson made a motion to accept the rescinding of 5 Cottage Street and was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0)

#### **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. (2773) (continued December 20, 2023)
2. **Prime Engineering, 370 County Road, Wareham MA** – To construct a large-scale ground-mounted photovoltaic solar array. (2809) (Continued to November 15, 2023)
3. **Fearing Hill, LLC & County Road 2004 Realty Trust, Hidden Trails, off County Road, Wareham MA** – To construct roadways, utilities and stormwater management systems associated with a proposed residential 56-lot cluster subdivision (2815) (continued to December 6, 2023)

Mr. Mercier made a motion to continue to December 6, 2023 per the applicants' request and was seconded by Ms. Malonson. The motion passed unanimously. (7-0-0)

#### **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 (2811)(continued November 15, 2023)

Ms. Malonson made a motion to continue to November 15, 2023 per the applicants request and was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0)

2. **Manual Demiranda, 2711 Cranberry Highway, Wareham MA** – To confirm the boundary of the Bordering Vegetated Wetlands (BVW)

Ms. Malonson read the advertisement in for the record. Brian Grady, of GAF Engineering, was present. He said they were looking to confirm the boundary of the BVW. Mr. Faherty reviewed his walk-through of the property and he recommended approval.

There were no questions from the commission members. There was no public comment.

**Motion to approve:** Ms. Malonson made a motion to approve the applicant and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

### **ENFORCEMENT ORDERS**

### **EXTENSION REQUESTS**

#### **1. 150 Tihonet Road, Wareham MA – SE 076-2613**

A representative from New Leaf Energy was present on Zoom. Mr. Faherty stated he reviewed the by-laws with Town Counsel and the recommendation was to issue a one-year extension. He stated they did receive a few letters requesting to deny the extension, he said that doesn't make sense because none of the bylaws have changed since this has been approved.

He said their extension request is because of the delays from the utility company.

There were no questions from the Commission members. Ms. Slavin stated they would submit a letter into the minutes that were received; the first five pages.

**Motion to extend:** Ms. Malonson made a motion to extend the request for a one-year period which was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0)

#### **2. 27 Charge Pond Road, Wareham MA – SE 076-2612 – 1 year extension**

#### **3. 49 Warren Point Road, Wareham MA – SE 076-2552 – 1 year extension**

Mr. Faherty recommended a one-year extension.

**Motion to extend:** Ms. Malonson made a motion to extend for one year and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

### **CERTIFICATES OF COMPLIANCE REQUESTS**

#### **1. 90-92 Minot Avenue, Wareham MA – SE 076-2649**

Mr. Faherty reviewed all COC's and stated they should all be approved.

Ms. Malonson made a motion to grant the COC which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

#### **2. 67 Parkwood Drive, Wareham MA – SE 076-1472**

Ms. Malonson made a motion to grant the COC which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

#### **3. 71 Parkwood Drive, Wareham MA – SE 076-1471**

Ms. Malonson made the motion to grant the COC which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

#### **4. 71 Parkwood Drive, Wareham MA – SE 076-1923**

Ms. Malonson made the motion to grant the COC which was seconded by Mr. Mercier. The motion

passed unanimously. (7-0-0)

## **AMENDED ORDER OF CONDITION REQUESTS**

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

### **1. Mike Marzullo – Project Discussion**

Via Zoom, which was inaudible, Mr. Faherty asked him to leave the zoom and sign back on. Mr. Faherty stated the project was located in the Swift Beach area of town, specifically Murphy Street. He reviewed a paper street where a subdivision was approved at one time and owned by Mr. Marzullo. He said the whole area is marsh along the tree line, coastal beach and BVW. He said there is destruction from Columbia Street to the beach area.

Mike Marzullo was present via zoom. He reviewed the lots that he owned via screen share. He explained there is a dumping ground from people who live on Barn Street. From pavers to trees he said. He showed where the 30' no activity zone is. He wanted to put a split rail fence in the area with a sign that says no dumping.

Mr. Faherty said if it was in the 30' no activity zone, the Commission would likely deny it. Mr. Faherty reviewed why he believed Mr. Marzullo was in front of the Commission, to discuss his property where people are dumping debris on his property and to gain in-sight on what can be done.

Ms. Slavin asked if they could put up a string of posts with the signage, 'no activity zone'.

Mr. Faherty said the holes would be in a saltmarsh, which they wouldn't want to do.

### **2. Review and accept minutes – October 18, 2023**

Mr. Bartie made a motion to accept and was seconded by Ms. Malonson. The motion passed unanimously. (7-0-0)

### **3. Bills, Appointments, Interviews & Reappointments:**

Ms. Donna Cobert was present for an interview to become a Commission member. She asked about how long they have to learn about the properties. Ms. Slavin said they receive a packet Thursday before the meeting. A brief discussion on site visits was had.

**Motion to recommend:** Ms. Malonson made a motion to recommend Ms. Kobare as an associate to the Conservation Committee which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

Joe Stihl was present.

**Motion to recommend:** Ms. Malonson made a motion to recommend Mr. Stihl as an associate to the Conservation Commission which was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0).

### **4. Administrative Approvals**

Mr. Faherty reviewed two administrative approvals he had made. One at 79 Oak Street and the other, he couldn't remember the address.

**Motion to adjourn:** Ms. Malonson made a motion to adjourn the meeting at 7:57p.m. which was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0)

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

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

**Sandy Slavin, Chairperson**

**WAREHAM CONSERVATION COMMISSION**

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

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There was no public comment.

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**Date Signed:** 1/3/24

**Attest:** SSS

**Sandy Slavin, Chairperson**

**WAREHAM CONSERVATION COMMISSION**

**Date copy sent to Town Clerk:** 1/4/24