

Town of Wareham
Conservation Commission – Minutes
November 15, 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, Autumn Wood, Jessica Parr, Paulajean O'Neill, and Joseph Stihl **Absent:** Denise Schulz and Michael Mercier

Conservation Administrator, Joshua Faherty was not present this evening.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. **Deborah Bourne, 75 Edgewater Drive, Wareham MA** – To install a new footing and slab for an increased overhanging roof in front of the existing building and construct more living space over an existing structure

Ms. Malonson read the advertisement for the record.

Corey Taylor was present for the applicant. He stated it was a new roof and more living space.

Ms. O'Neill asked if the property already existed in the 30' no-work zone and if it was grandfathered there. Ms. Slavin explained.

Ms. Slavin asked what was happening on the second floor. Mr. Taylor said extra living space.

There was no public comment.

Mr. Bartie read the comments from Mr. Faherty's staff report. He read it would be recommended to approve as a Negative three and Negative six and any construction debris in the resource area should be removed without harm to the vegetation.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Parr. The motion passed unanimously. (6-0-0)

Motion to approve: Ms. Malonson made the motion to approve as recommended with a Negative 3 and Negative 6 and the condition as listed above. The motion was seconded by Ms. Wood and passed unanimously. (6-0-0)

2. **Wareham Housing Authority, 57 Sandwich Road, Wareham, MA** – To construct 2 duplex structures for a total of 4 units, which is partially located within Land Subject to Coastal Storm Flowage, Zone AE (el.14)

Ms. Malonson read the advertisement for the record.

Brad Bertolo was present from JC Engineering for the applicant. Mr. Bertolo explained the project with two more duplex structures, off a driveway off the existing driveway. He said 50% of the work

area is within the flood zone with minor filling around the structures. All utilities are above and small crawl space is underneath.

Mr. Faherty's comments were to be approved with a Negative 3 and Negative 6.

Ms. Malonson asked if all four units were one-bedroom, Mr. Bertolo confirmed. There were no additional questions from members.

Ms. Slavin said this project was approved with CPC funds many years ago.

Wareham Housing Authority agent, Mr. Schulz said he will do minimal environmental impact and minimal water/sewage. He said there is a huge waiting list for seniors and they're happy to move this project forward.

Jackie Hickey, Executive Director of the Wareham Housing Authority thanked the Commission and looks forward to moving the project forward.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Wood. The motion passed unanimously. (6-0-0)

Motion to approve: Ms. Malonson made a motion to approve as a Negative 3 and Negative 6 which was seconded by Ms. Wood. The motion passed unanimously. (6-0-0).

3. Gerald and Kathleen Carney, 27 15th Street, Wareham, MA – To permit existing driveway expansion and firepits located within 30' No Activity Zone

Ms. Malonson read the advertisement for the record.

Mr. and Mrs. Carney were present. Mr. Carney stated they received a violation notice for the firepits and the buffer on the driveway expansion. He said they also received a violation for a vegetable garden that has since been removed.

Mr. Bartie read that Mr. Faherty's comments a fine for the unpermitted driveway expansion in 2022, would've been improved and the fire pits would have to be relocated outside of the 30' No Activity Zone (question mark) or an approval as a Negative 3 and moved out of the no activity zone.

There were no questions from board members. Ms. Slavin stated there would be a \$250 fine for the unpermitted driveway and an additional \$300 for the firepit as well as the firepits to move back. She explained they need to move the firepit back and get in touch with Mr. Faherty for the fine paperwork.

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

Motion to approve: Ms. Malonson made the motion to approve with a negative 3 and negative 6 and that the firepits will be moved out of the 30' no activity zone; \$200 for the driveway and \$300 for the firepit fines to be also issued. The motion was seconded by Ms. Wood and passed unanimously. (6-0-0)

NOTICE OF INTENT (NOI)

- 1. David & Lisa Macisaac, 126 Point Pleasant Circle, Wareham MA – To raze and reconstruct a single-family dwelling, deck, walkways and shed**

Ms. Malonson read the advertisement in for the record.

Brad Bertolo, JC Engineering was present to speak on behalf of the project. He reviewed the project, that the current house is serviced by a septic system that was permitted about seven years ago. He said there will be no change to that system. He explained the cottage would be removed along with concrete patios and decks. A new house will be constructed, proposing a number of walkways around the house and patios as well as decks. He said they will be adding a few retaining walls around the property, 2' and 4' that will terrace the property. He said they would like to construct a shed down by the pond, small retaining wall will be cut into the bank. He said one section of a walkway is in the 30' no work zone and rebuild a portion of those steps that is already existing. He said there will be removal of approximately six trees; four outside of the buffer zone and two within. He said there are a few that are leaning and proposing to flush cut and leave the stumps.

Mr. Bartie read Mr. Faherty's comments, to be approved with standard order of conditions with a few special conditions, the walkway not to be expanded; the dock to be stored properly, a permit for the dock was not found and the dock should be removed and installed properly with a permit.

Ms. Parr asked about the trees being removed. Ms. O'Neill said she did a site-visit and asked also about the trees that looked very beautiful out there and wondered about why they were being taken down.

Mr. Stihl also asked about the trees that are being removed.

Ms. Parr asked if the trees that are within the 30' work zone if the project could happen with them remaining. Mr. Bertolo stated because there will be a tree guy present it might be cost-effective to do it all while he's there. Discussion about the trees. Mr. Bertolo stated that if the trees within the no 30' work zone were an issue they could take that off the table at this time. The commission's concerns were that the trees looked healthy and there was concern about removing them.

Ms. Parr said the trees within the 30' no activity zone need to stay there. Mr. Bertolo stated that the trees were too close to the proposed house.

Ms. Slavin confirmed what she was hearing that the two trees along the water edge are not to be removed and the other four are okay to be removed.

There was no public comment.

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

Motion to approve: Ms. Malonson made the motion to approve with the standard order of conditions, and special conditions that the cinder blocks on the retaining wall be removed, no expansion of the walkway in the 30' no work zone, the docks be removed and stored upland, and permitted correctly before being installed again and the two trees near the water stay. The motion was seconded by Ms. Parr and passed unanimously. (6-0-0)

2. Rodger Mello, 7 Donna Road, Wareham MA – To construct a single-family dwelling, driveway, utilities and associated grading

Ms. Malonson read the advertisement in for the record.

Brian Grady, GAF Engineering, Rodger Mello and Donna Mello were present.

Mr. Grady reviewed the project to construct a single-family dwelling, driveway, utilities and grading. He said this is the last lot in this older subdivision. He stated the leaching field is further away from the wetlands along with the house. He said there is a fair amount of grading to be done.

Mr. Faherty's comments would like to approve with standard order of conditions and if clearing to the 30' no work zone would need Wareham boundary signs.

There were no questions from committee members.

Ms. Slavin asked if there was any proposed drywells for the roof run-off. Mr. Grady confirmed they were on the plans.

Ms. Viveiros, abutter was present and she said there is a question of the property line, where they are proposing the leaching field. She stated they are in litigation with the contractor.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Parr. The motion passed unanimously.

Mr. Mello stated there were two sizeable pine trees that concern them.

Motion to approve: Ms. Malonson made a motion to approve the project with the standard order of conditions and the clearing to the 30' no work zone would need the Wareham boundary signs.

Ms. Parr asked if they should be concerned on the property lot if there is a setback issue if the litigation changes the location of the house. Ms. Slavin explained they would need to come back if they moved house to what was being approved tonight.

The motion was then seconded by Ms. Parr and passed unanimously. (6-0-0).

CONTINUED PUBLIC HEARINGS 6:45PM

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 December 20, 2023)

Mr. Bartie made a motion to continue to December 20, 2023 which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0)

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)

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. Slavin stated they received a peer review for this project.

Nate goshdarian, of LEC Environmental was present to review their summary on the Off Tihonet Road project. He stated what they were reviewing and what the wetland delineation concluded. He also reviewed their recommendation.

Andrew Gorman, Fields & Thomas was on via Zoom and said that they agreed with LEC Environmental summary and recommendations.

Mr. Faherty recommended that the wetland delineation be approved.

Ms. Malonson made a motion to close the public hearing which was seconded by Ms. Parr. The motion passed unanimously. (6-0-0)

Ms. Malonson made a motion to approve the project due to the resource area delineation which was seconded by Ms. Parr. The motion passed unanimously. (6-0-0)

ENFORCEMENT ORDERS

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS

1. **13 Sias Point Road, Wareham MA – SE 076-2108**

Mr. Bartie made the motion to approve per Mr. Faherty's comments which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

2. **15 Sias Point Road, Wareham, MA – SE 076-2237**

Mr. Bartie made a motion to approve per Mr. Faherty's recommendation which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0)

3. **44 Agawam Beach Road, Wareham, MA – SE076-2747**

Mr. Bartie made a motion to approve per Mr. Faherty's recommendation which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

4. **136 Minot Avenue, Wareham MA – SE076-2540**

Mr. Bartie made a motion to approve per Mr. Faherty's recommendation which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

5. **138 Minot Avenue, Wareham, MA – SE 076-2541**

Mr. Bartie made a motion to approve per Mr. Faherty's recommendation which was seconded by Ms. Malonson. The motion passed unanimously. (6-0-0).

AMENDED ORDER OF CONDITION REQUESTS

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. Review and accept minutes – November 1, 2023

Ms. Malonson made a motion to accept the minutes which were seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

2. Bills, Appointments, Interviews & Reappointments:

3. Administrative Approvals

Motion to adjourn: Ms. Malonson made a motion to adjourn the meeting at 7:30 p.m. which was seconded by Mr. Bartie. The motion passed unanimously. (6-0-0)

Date Signed: 1/3/24

Attest: SSSli

Sandy Slavin, Chairperson

WAREHAM CONSERVATION COMMISSION

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