

Town of Wareham
Conservation Commission – Minutes
December 20, 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, Jessica Parr, Autumn Wood, Paulajean O'Neill, Associates: Donna Cobert, and Joseph Still.

Absent: Joseph Stihl

Conservation Administrator, Joshua Faherty was present.

PUBLIC HEARINGS: 6:30 PM

Request for Determination of Applicability (RDA)

1. Charles Callan, 110 Sandwich Road, Wareham MA – proposed dwelling addition with garage attached to the apartment

Ms. Malonson read the advertisement in for the record.

Frank Westgate was present for the project. Mr. Westgate reviewed the proposed addition with the garage attachment. He said there will be a wraparound deck and that everything is outside of the 30' no work zone. A new septic tank is proposed as well.

Mr. Faherty asked if the house was currently on septic. He stated he had no concerns for the projects. He stated he spoke to the homeowner's wife on site about a few things in the yard and that has since been rectified.

Commission member, Ms. Cobert asked about the septic system, however Mr. Faherty stated that the Board of Health would hear to approve the septic system. There were no further questions. There was no public comment.

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

Motion to grant: Ms. Malonson made the motion to accept the project with a Negative 3 and a Negative 5, which was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0).

2. Nicholas Berggren, 30 East Central Street, Wareham MA – To permit the expansion of a stoop and stairway

From JC Engineering, Brad Bertolo was present. He reviewed the project, as this started with a COC request first. He reviewed the stoop and stairway to the house and said this was an after-the-fact filing.

Mr. Faherty reviewed his staff report. He confirmed the RDA in front of them was an after the fact filing, as something the commission would've approved. His recommendation is a Negative 3 and Negative 5 as well as issuing the Certificate of Compliance. Ms. Slavin asked if a sign should go out to the property for the no work 30' zone.

There was no public comment. Ms. Slavin stated they are looking at a \$200 fine as well as a \$300 fine for the shed, as it would not been granted.

Mr. Berggren stated he has owned the house for a year and half and didn't put the shed up as it was already up. Ms. Slavin explained that due diligence was not followed by his attorney or the real estate agent as they didn't read or notify the order of conditions.

Mr. Faherty said that as the homeowner he would be on the hook for the fine for the shed.

Ms. Parr stated there may be information on the closing documents for the order of conditions.

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

Motion to grant: Mr. Mercier a motion to grant the RDA with a negative 3 and negative 5, as well as the fine for \$200 fine for after the fact filing of the stoop and stairway as well as a \$300 fine for the shed; the motion was seconded by Ms. Malonson and passed unanimously. (7-0-0)

3. Two Daniel Terrace RT, 11 Madison Street, Wareham MA – Build a staircase off the existing landing egress from the secondary floor for an emergency exit

Adam Belcher, owner of 11 Madison Street was present. He said they recently bought the property and a landing exists in the back of the home and needs a secondary floor for an emergency exit.

Mr. Faherty reviewed his staff report. He recommended a Negative 3 and Negative 5 approval.

Mr. Belcher said they would move forward with the dock professionally engineered.

There were no questions from commission members.

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

Motion to grant: Ms. Malonson made a motion to approve as a Negative 3 and Negative 5 which was seconded by Ms. Parr. The motion passed unanimously. (7-0-0)

NOTICE OF INTENT (NOI)

1. Kim Evelyn, 9 Maple Avenue, Wareham MA – To raise the existing dwelling above the FEMA flood elevation

Ms. Malonson read the advertisement in for the record.

Jed Hannon, Atlantic Coast Engineering was present for the applicant via Zoom. Mr. Hannon reviewed the project. He said the homeowners made numerous improvements that exceeded the 50% threshold. AE 16 flood zone and VE 19; single family with an accessory structure is on site. Proposing to install concrete square piers from the footings spread throughout the home to elevate the house up for FEMA and building code compliance.

Mr. Faherty reviewed his staff report. He asked if all the construction would be done from Maple Ave., Mr. Hannon agreed. Discussion on how the applicant would go through the property to raise the home. Mr. Faherty stated they would not be able to increase the footprint of the deck as it would be in the 30' no activity zone.

Mr. Hannon understood. Mr. Faherty reviewed clearing of the vegetation done at the site of the East on the property. He said it is located behind the shed therefore a fine would be coming.

Mr. Mercier asked about any concerns about the historical impact of the home.

Ms. Slavin asked how many feet the house is being raised. Mr. Hannon said the proposed finish is 23.0'. He said they're going up about 12'. Ms. Slavin asked about the deck and if that will be raised up. Mr. Hannon said it would be as well as any equipment around the house also needs to be raised.

Ms. Parr asked for clarification on how the modification was done but the resident was never notified of the regulation.

Mr. Hannon stated that work was always permitted but they did it in phases and didn't realize they exceeded the 50%, which triggered the regulation.

Ms. Slavin shared her concerns about the spacing. She asked about the material under the proposed decks. Mr. Hannon said it would be sonic tubes. He said there would be ¾" stone underneath.

Mr. Faherty recommended a revised plan be sent in before an order of conditions is made.

Motion to continue: Mr. Mercier made a motion to continue to January 3, 2024, which was seconded by Mr. Bartie. The motion passed unanimously. (7-0-0).

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)

Ms. Malonson made a motion to withdraw per the applicant's request which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

2. **Prime Engineering, 370 County Road, Wareham MA** – To construct a large-scale ground-mounted photovoltaic solar array. (2809) (Continued to December 20, 2023)

Ms. Malonson motioned to continue to January 17, 2024, which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

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 January 3, 2024)

4. **NSTAR Electric Company, DBA Eversource, 37 Doty Street Wareham MA**
To construct various outdoor gravel training areas and a material storage area. Upgrade an existing on-site grassed water quality swale and detention basin; this will include brush removal, new drainage structures, and subsurface utilities, demolition of existing parking islands and light poles, grading and resizing of detention basin and grassed water quality swale and landscaping.

Mr. Faherty reviewed the last meeting and the concerns of the commission.
Peter DeFusco, Eric Olsen and with Eversource and Charles Russell

Mr. DeFusco reviewed the project for Eversource and what the property would be used for. He explained tier-two reporting. He said there may be gas, oil and would appropriately be locked up on the property. He said they have a contingency plan for any spillage.

Mr. Faherty reviewed his staff report. He said there were concerns for the stormwater permit that is reviewed by the Planning Board. He reviewed the permit to what Mr. Madden spoke about at the last meeting. Mr. Faherty stated he would be comfortable moving forward with the order of conditions.

Ms. O'Neill stated she would be more comforted with how the material would be stored first off, not after the fact when a spillage may occur.

Ms. Cobert asked where the potential for spillage is on the property. Mr. DeFusco stated anywhere where there is a transformer. He said it would stay located in the rock trap area.

Mr. Faherty recommended the issuance of an order of conditions.

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

Mr. Mercier made a motion to issue a standard order of conditions which was seconded by Ms. Malonson. The motion passed with one abstaining. (6-0-1)

ENFORCEMENT ORDERS

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS

1. Nicholas Berggren, 30 East Central Avenue, Wareham MA – SE076-2606

Mr. Bertolo reviewed the shed that was on the property that was not allowed at first it has been removed.

Mr. Faherty recommended issuing the COC.

Ms. Malonson made the motion to issue the Certificate of Compliance, SE076-2606 which was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0)

AMENDED ORDER OF CONDITION REQUESTS

1. Danny Warren, 59 Main Street, Wareham MA – To square off additions to the existing building, construct a marina office and pavilion, place a 5'x40 conex box, and install a dumpster enclosure

Mr. Faherty stated he met with Mr. Warren at the site and there was a revision of the plans that had to be added. He said they are requesting a continuance to January 17, 2024.

Ms. Malonson made a motion to continue to January 17, 2024 and was seconded by Mr. Mercier. The motion passed unanimously. (7-0-0).

ENFORCEMENT ORDERS

1. Depot Auto, 447 Onset Avenue, Wareham MA – Wetlands Violation

Attorney Perry was present for the applicant. He reviewed the operating managers of the LLC and who owns what.

Mr. Faherty reviewed the enforcement order that was issued for wetlands violation in the rear of the property; he said the property owner put crushed stone for plow equipment to be stored there. He

said it was clearly marked that it was a wetland.

Attorney Perry said he wasn't sure what was going on. Mr. Faherty explained that a plan was needed, a plan to restore the area. He said they would be issuing fines.

Ms. Slavin said they were scheduled for the October 18, 2023 meeting and they never showed up.

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. Review and accept minutes – December 6, 2023

Ms. Malonson amended for the time of adjournment at the last meeting to 8:30 p.m. Mr. Faherty stated he would make that amendment.

2. Bills, Appointments, Interviews & Reappointments:

3. Administrative Approvals

4. Sawyer Property – Conservation Restriction Review and Recommendation to Select Board

Elise Leduc-Fleming, Executive Director of the Wareham Land Trust was present via Zoom. She discussed the conservation restriction review for the Sawyer Property. She said they can take the template and make it specific to this property. Ms. Malonson asked about the properties around this area, and if they all have the same "CR's". Ms. Leduc-Fleming stated that not all properties have a conservation restriction in the area.

Mr. Faherty recommended that they make a recommendation to the Select Board to support the Conservation Restriction and the Commission is the holder of the CR.

Ms. Leduc-Fleming asked if they could wait for the minor changes so that the document would be cleaner. Ms. Slavin stated that would be fine and they can do that at their next meeting.

5. Discussion of early start time for Conservation Commission Meetings

Ms. Wood stated that she would like to see if the board is applicable to meet at an earlier time as their meetings are pretty lengthy. She recommends a 5:30 p.m. start. Ms. Slavin said they would have to ask WCTV if they can support that time. Ms. O'Neill stated that she would be in favor of an earlier time.

From WCTV, Jonathan Day stated they would be fine with a schedule of 5:30 or 6:00 p.m.

Effective January 17, 2024 the meetings will be held at 6:00 p.m.

Mr. Bartie made a motion to adjourn at 8:08 p.m. which was seconded by Ms. Malonson. The motion passed unanimously. (7-0-0).

Date Signed: 1/3/24

Attest: Sandy Slavin
Sandy Slavin, Chairperson
WAREHAM CONSERVATION COMMISSION

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

