

Town of Wareham
Conservation Commission – Minutes
March 6, 2024

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 6:00 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: Vice Chairperson, Kwame Bartie, Chairperson, Sandy Slavin was present via Zoom, Carol Malonson, Autumn Wood, Associates: Donna Cobert, and Joseph Stihl. **Absent:** Mr. Mercier, Jessica Parr and Ms. O'Neill

Conservation Administrator, Joshua Faherty was present.

PUBLIC HEARINGS: 6:00 PM

Notice of Intent (NOI)

1. **Susan Wolverton, 198 Great Neck Road – TBD** – Reduce lawn to create plant beds and plant native species in the lower area to create a wetland meadow.
- Ms. Malonson read the advertisement in for the record.

Marie Chieppo, ecological designer reviewed the area that is covered with European grass. She reviewed the proposal to create a wetland meadow of varying sizes to plant plugs of native wetland species. She stated they are not replacing, adding or removing any wetland material. She said they will be mowing what is currently there very low and either putting straw or leaf grass and then putting in the plants.

Ms. Chieppo reviewed a path they are proposing in the back area corner using gravel and metal edging. She stated they would be putting in a garden of native plants and non-native.

Mr. Stihl asked for the list of plants that would be used.

Ms. Wood asked about the future projects that may/may not be done in the future.

Rich Wolverton of 198 Great Neck Road stated that the original mapping was done by JC Engineering.

Ms. Colbert asked about treating the phragmites. Ms. Chieppo stated there were only about seven on the property and stated a plan would be put in place for minimal disturbance. Ms. Colbert also asked about the irrigation plan and what those entails. Ms. Chieppo reviewed that plan.

Ms. Slavin asked Mr. Faherty if the plan was on the viewpoint. Ms. Slavin asked what the water source is for this wetland. Mr. Faherty reviewed. Ms. Slavin asked if there was any saltwater coming in and both Mr. Faherty and Ms. Chieppo confirmed there was not. Ms. Slavin asked if the homeowner was putting in rain barrels and Mr. Wolverton stated they would be putting them in this summer.

Mr. Faherty stated he thought it was a good project and recommended approval with an order of conditions and a revised site plan for the path proposed at the back of the house. Ms. Chieppo stated the path was drawn on the plans, Mr. Faherty stated he would review. Mr. Faherty stated that a condition should state that they contact the Conservation board before the herbicides are done.

There was no public comment.

Ms. Wood motioned to close the hearing which was seconded by Ms. Malonson and passed unanimously via roll call vote. (4-0-0)

Motion to approve: Ms. Malonson motioned to grant the plan with a standard order of conditions with the special condition that the board be notified when they'll be doing the herbicides. Ms. Wood seconded the motion and it passed unanimously. (4-0-0)

2. Two Daniel Terrace RT, 11 Madison Street – NOI 46 – Reconstruction of an existing licensed pier located on the Wewantic River
Ms. Malonson read the advertisement in for the record.

Engineer, Dave Davignon was present for the applicant. Greg & Lisa Waite, Trustees of the property were also present. Mr. Davignon reviewed the project of the existing licensed pier that is dilapidated. He reviewed the proposal to remove the structure in its entirety and rebuild it as 3.4' wide, 117 linear feet long fixed structure excluding the gangway. He reported they do have a DEP file number.

Mr. Waite commented that they received a draft of the conditions and Mr. Faherty stated they had just received that afternoon.

Ms. Slavin asked about the depth of the water at the end of the float at low tide. Mr. Davignon stated approximately 4" of water at low tide. He explained the process of the float on the four stumps that are bolted there. Ms. Slavin was concerned if anything was tied on the float it would rest on the bottom in the mud. She asked for a stipulation that the barge only be used two hours after high tide. She also asked for a condition that no construction be done from June 4th to July 31st and no boats in the water at low tide.

Mr. Stihl asked how long the project is to be done and where the excavator will be located. Mr. Davignon responded. Ms. Wood asked about the shellfish removal and asked if there was a plan for the shellfish survey as of yet. Mr. Davignon stated they submitted the shellfish plan to the shellfish director of the town and haven't heard back as of yet. Ms. Malonson asked if the pilings that would be installed to what is there now; Mr. Davignon explained the sizes of the piles for this project. Mr. Bartie asked about power to their pier. Mr. Davignon stated they do show electricity being pulled from their home. Mr. Waite said they would most likely do solar lights.

Mr. Faherty said he'd like to hear from MA DEF and the timeframe they asked for. He said they would require a high tide requirement; conditions should be any condition stated by the Department of Fisheries, and another condition should be no boat should be tied to the float or resource area.

Mr. Bartie asked for public comment, but there was none.

Ms. Wood made a motion to close the public hearing, which was seconded by Ms. Malonson and passed unanimously via roll call vote. (4-0-0)

Motion to approve: Ms. Malonson motioned to grant the NOI for 11 Madison Street with a timeline of no construction of the pier from June 1st to October 31st as well as a high tide restriction and final condition that no boats should stay tied up to the float or be in the resource area. The motion was seconded by Ms. Wood and passed unanimously. (4-0-0)

CONTINUED PUBLIC HEARINGS 6:45PM
Request for Determination of Applicability (RDA)

Notice of Intents (NOI)

1. **Prime Engineering, 370 County Road, Wareham MA** – To construct a large-scale ground-mounted photovoltaic solar array. (2809) (Continued to March 20, 2024)
2. **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 March 6, 2024)

Ms. Malonson motioned to continue Fearing Hill LLC to March 20, 2024, which was seconded by Ms. Wood and passed unanimously. (4-0-0)

3. **Russell McKinnon, 28 Nelson Street, Wareham MA** – Raze and existing house at 28 Nelson Street, increase the size of the dwelling by 280 sq ft, and create a 10-ft wide gravel drive (March 6, 2024)

Ms. Malonson motioned to continue 28 Nelson Street to March 20, 2024, which was seconded by Ms. Wood and passed unanimously. (4-0-0)

4. **Michael & Liana J. Dancey, 2 Seahorse Lane, NOI -42** – The applicant proposes to demolish a cottage, construct a single-family dwelling, install a septic system and associated utilities, construct a formal driveway, widen the existing gravel roadway and to fill and grade partially within the 100ft buffer of a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage, Flood Zone VE (el.20) (March 6, 2024 Continued)

Mr. Dave Davignon was present for the applicant. He reviewed the project as requested by Mr. Faherty for a roof runoff system. Mr. Davignon stated he submitted a revised plan for the roof runoff system; and they had met with BOH to submit a new plan dated February 28, 2024 with the board of health changes. He said they are still looking to continue the hearing as they still need to go to the Planning Board at the end of March for confirmation of the roadway to be adequate with them.

Mr. Faherty showed the revised plan on the screen. He said he believed things were satisfactory with the updated changes on the new plans dated February 28, 2024.

Motion to continue: Ms. Malonson motioned to continue per the applicant's request to April 3, 2024, which was seconded by Ms. Wood and passed unanimously. (4-0-0)

5. **Ronald & Susan J. Schmidt, 15 Narrows Road – NOI -41** – The applicant proposes to demolish a cottage, construct a single-family dwelling, install associated utilities to construct a formal driveway, and fill and grade within the 100' buffer zone of various coastal resources areas and within Land Subject to Coastal Storm Flowage, Flood Zone VE (el. 17) (March 6, 2024)

Mr. Davignon was present for the applicant, along with Mr. & Mrs. Schmidt. He reviewed the revised plans, submitted February 21st and he reviewed the changes. Mr. Faherty stated he did receive the plans via email, but not sure the Commission saw the new plans.

Mr. Davignon reviewed the changes made to the plans. He stated the entire project was shrunk and there was a 30' buffer zone from the no activity zone. He explained where the erosion control would

be outside of the 30' buffer zone. He explained the change in the parked driveway, widening of the driveway slightly. He stated they had to relocate the runoff system to the West of the house. He is proposing three cedar trees. He also stated they would be removing the walkway to the beach.

Mr. Faherty stated the new plans proposed are overall better than what the Commission was looking for. He said they hit a lot of the concerns that the Commission had.

Ms. Cobert liked that they added the plantings for the slope for the stabilization. She said she still has concerns of the sea rising and the basic location of the project.

Mr. Bartie asked about the walkway to the beach. Mr. Davignon stated they are removing it completely by hand, so there'll be nothing in the 30' no work zone. Ms. Wood asked what trees were being removed and Mr. Davignon described.

Ms. Slavin asked about the raising of the 18" in driveway and if something would be retained for the height of the soil. Mr. Davignon stated there would be 2:1 slope. Ms. Slavin confirmed there would be no pavers/patio walkway to the beach, which was confirmed.

Ms. Schmidt said that there would be kayaks and/or outside furniture in the winter that may be stored under the home. Ms. Slavin said they would need to be tied to something.

Mr. Bartie asked for public comment, but there was none.

Mr. Faherty stated that the plants on the east side need to be on the plan as to how they will be planted. He said he'd like to see revised plans with those additions. Mr. Faherty recommended a continuance for a revised plan.

Motion to continue: Ms. Malonson made a motion to continue 15 Narrows Road until March 20, 2024, so they can see a revised plan. The motion was seconded by Ms. Wood and passed unanimously. (4-0-0)

6. Hamilton Beach Association, Inc., 0 Worrall Avenue – NOI 44 – Beach Nourishment on the east end of Hamilton Beach, 1-17 Reynolds Avenue (continued to March 6, 2024)

Mr. Paster was present for the Hamilton Beach Association. Mr. Faherty stated that the Commission was pretty comfortable after receiving the DFM letter. He said there are some limitations to when the project could be done and when the snow fences should be installed. He recommended two conditions, followed by DFM letter and only rubber-matted track equipment be on the beach.

Ms. Malonson motioned to close the public hearing which Ms. Wood seconded. The motion passed unanimously. (4-0-0)

Motion to approve: Ms. Malonson motioned to approve the beach nourishment with the special conditions to follow any conditions recommended by the DFM letter, which entails the time of year restriction, authorization duration of five years as stated in the DFM letter; after five years they need to refile. The applicant shall contact the DFM after five years to what they are doing. The special condition is they will only use rubber-matted track equipment on the beach. Ms. Wood seconded the motion and it passed unanimously. (4-0-0)

EXTENSION REQUESTS

CERTIFICATES OF COMPLIANCE REQUESTS
AMENDED ORDER OF CONDITION REQUESTS

ENFORCEMENT ORDERS

1. **Canedy Street LLC, 4 Canedy Street, Wareham MA** – Construction of retaining walls and grading within 100 buffer to a Coastal Bank and Salt Marsh

Glen Uhler was present of 4 Canedy Street. Mr. Faherty reviewed the enforcement order and violations and stated they needed to start the filing plan. Mr. Faherty stated the Commission can set a timeframe for that to be complete. He said he issued a cease and desist and no work can be done until they come before the Commission. He did state he'd like to see erosion control put up immediately and to call him as soon as it's done so he can review.

OTHER BUSINESS/DISCUSSION AND/OR VOTE/BILLS

1. Review and accept minutes – February 21, 2024

Mr. Faherty stated he didn't send out the minutes, so they can review them at their next meeting.

2. Bills, Appointments, Interviews & Reappointments:

3. Administrative Approvals

4. Bylaw Revision Update

5. Workshop – Permits- Determination of Applicability (DOA)

6. Vote to Close and return funds for 53G Account – 12 Pine Tree Drive

Ms. Slavin asked how much is left in the funds. Mr. Faherty stated very little. He said at most is \$100 and one account is \$5.00.

Ms. Slavin motioned to close out 12 Pine Tree Drive account, which was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0)

7. Vote to Close and return funds for 53G Account – 72B Burgess Point Road

Ms. Slavin motioned to close out 72B Burgess Point Road which was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0)

8. Vote to Close and return funds for 53G Account – 3 Apple Street

Ms. Slavin motioned to close out 3 Apple Street which was seconded by Mr. Bartie. The motion passed unanimously. (4-0-0)

9. Vote to approve reimbursements for training of \$866.25

Ms. Slavin motioned to reimburse the \$866.25 which was seconded by Ms. Malonson. The motion passed unanimously. (4-0-0)

Ms. Slavin announced that everyone should be aware of 40A to allow solar projects and storage without approval from the various towns. She told members they need to be aware of it, as it could be taken out of their hands.

Ms. Malonson motioned to adjourn, which was seconded by Ms. Wood. The motion passed unanimously. (4-0-0)

Date Signed: SSS Lewin

Attest: 3/26/24

Sandy Slavin, Chairperson
WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 3/26/24

accepted
3/26/24
note 50-0