

**Conservation Commission Meeting  
Minutes  
October 18, 2022**

**Present:** Christopher Gerrior, Chairman  
Bendrix Bailey, Vice Chairman  
Matthew Bache  
William Clapp  
Mike Gifford  
Carl MacDermott

**Absent:** William Milka

Merilee Kelly, Conservation Agent  
Dawn DeMaggio, Board Administrator  
Lori Walsh, Recording Secretary

The meeting convened via Zoom video conference ID #842 1616 1117, Chairman Gerrior called the meeting to order at 7:00 p.m. and took attendance of Members, staff, applicants, and representatives. Chairman Gerrior read a message about remote participation and ground rules for the meeting. He stated the meeting was being recorded. Each presentation was limited to 10 minutes and 3 minutes were allowed for public comment. Chairman Gerrior stated that votes would be taken by roll call.

**Public Meetings**

**A Request for Determination of Applicability filed by Bayside Agricultural, Inc., 77 Charlotte Furnace Road, Wareham, MA. 02576, for property located at 0 Pierce Street.** The applicant seeks to construct a new 96' X 60' agricultural building with slab-on grade and frost wall construction. The building does not have water supply or septic system and is for agricultural storage only.

Richard Charon of Charon Associates was present and Peter Beadon was present from Bayside Agricultural to discuss the project. Mr. Charon said it is up to the Board if they want them to file an RDA.

Conservation Agent Kelly said she thinks it's a pretty simple project but she wanted to know what is going to be in the building. Mr. Charon said agricultural equipment will be in the building. Member Bailey asked if the purpose of the RDA is to say it is or is it not within the buffer and they are going to be disturbing soil. Mr. Charon said it's more to get a determination as to whether there's going to be an impact upon the resource areas. He said the language says impact so that means the Conservation Commission is at its discretion and the Agent is at its discretion to say whether there is an impact. Mr. Charon said if they have the various categories of approvals for what you can do under this and one that is 2A that says it is within 100 ft. within the buffer zone of an area subject to protection, however, the activity that is being proposed will not adversely affect the resource area. Mr. Charon said that is one of the provisions which you can allow work within the buffer zone under an RDA and he said again that determination is made by the Commission.

Member Bailey said he just wanted to know in case anyone asks about it.

Member Gifford asked if it is going to require a lot of excavation over there. Mr. Charon said they will be digging for the poles but not a lot of digging otherwise. Member Gifford said he read there is no water there.

Chairman Gerrior asked if there is going to be a slab or gravel. Mr. Charon said a slab. Member Bailey

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said that he just wanted to clarify that because they have other buffer zone issues going on and he doesn't want anybody to be left confused about why they might agree to this. Mr. Charon said it's a case by case and a decision they have to make as Commission Members.

Member Gifford said the Morton building that is pretty much a blank slate that they got there is pretty much going to require excavation in that area. Mr. Charon said no, they will be digging out just enough to drop the poles in so typically they will put them in a sonotube and put some concrete and backfill over it. They will do that for each of the poles and there is a little bit of grading to level it off, there's about a one-foot change in the elevation for the back of the building to the front and it's 96 feet long so there's about a foot change there and that will be leveled out so that it's evenly graded underneath the building. Member Gifford said that he believes he saw in the wetland that there is no intended water inlet and therefore no water outlet. Mr. Charon said there is no water supply and no sanitary, it's just a storage building.

Member Clapp said looking at Mr. Charon's diagram he sees the line which is 96 feet and in the back corner it says 98, so the elevation has changed but not dramatically and it's pretty much flat. He said it's pretty much gone from 98 to 96 and he just didn't know where the 97 might be on the diagram. Mr. Charon said that it's about halfway in between on the diagram and it's pretty much level out there. Member Clapp asked if the electricity is going to be tied into the pole. Mr. Charon asked Peter if he is going to bring a pole in with an overhead wire. Peter said yes, he is.

Chairman Gerrior asked if they are going to have a slab or if they are going to keep the gravel. Mr. Charon said they will have a slab. He asked if they are going to put the poles in with concrete and back fill and then are they going to put the slab on top. Mr. Charon said they will put a slab and it will thicken up the edges a little bit. Chairman Gerrior said from what he saw, the left side area that they are close to the 100 foot buffer is from a manmade bog pond on the side and on the other side seems to also be a problem on manmade drainage pipes Mr. Charon said yes and from what he understands the overflow went into it and it was then covered up with a culvert several years back and this is the end of the culvert. You can see it out there it was clearly dug out and it's not natural terrain.

Clerk Bailey made a motion to issue a negative determination of applicability siting number 2.

Member Bache seconded the motion.

**Motion passes with a roll call vote of 6.**

**A Request for Determination of Applicability filed by Jacob Galary, 8 Tanner Lane, Fairhaven, MA. 02719 for property located at 213 Walnut Plain Road, Map 29, Lot 10D. The proposed work includes the replacement of a failing septic system on the property with a new one.**

George Ayoub, GP Engineering was present to talk about the new septic system. Existing three- bedroom single family dwelling with a failed septic system. They are proposing the presby system. Looking for negative determination.

Conservation Agent Kelly mentioned it shows 70' of silt sock going up one side and 100' of silt sock going across the other side. Mr. Ayoub asked if they have the October 14<sup>th</sup> revised plan. Conservation Agent Kelly said yes, they do and it shows there is going to be 170 feet of silt sock and asked Mr. Ayoub if this is true Mr. Ayoub said minor grading. He will be putting in the silt sock. Conservation Agent Kelly asked where the old system was. Mr. Ayoub said that he is 75 feet from the property line and more than 100 ft. from the wetland line. He said minor grading from approximately 12 feet from the 100- foot

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buffer line and he said he is definitely putting in the silt sock. Conservation Agent Kelly asked him where the old system is. Mr. Ayoub said you can see the circle next to the house next to the 50 foot where it says remove cesspool. He said it's next to the house behind the bulkhead.

Conservation Agent said she can see it.

Chairman Gerrior said that he sees that there is a cesspool and asked is there no leaching field right now so will this be new. Mr. Ayoub confirmed everything is new.

Clerk Bailey made a motion to issue a negative determination of applicability for 213 Walnut Plain Road. Member Bache seconded the motion.

**Motion passes with a roll call vote of 6.**

Chairman Gerrior said that they just issued a negative determination of applicability and they are going to do it for the same reason that the work is in our jurisdiction but will not alter the area. He asked the Board if they agree and they all said yes.

**For approval and signatures**

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September 20, 2022**

Clerk Bailey made a motion to approve the minutes for September 20, 2022.

Member Bache made a motion to approve.

**Motion passes with a roll call vote of 6.**

**Vouchers**

Fileguard, Monthly Storage, Invoice #81214, \$18.00

Staples, Agent Keyboard Replacement, \$24.99

Member Bailey made a motion to approve the voucher for \$18.00.

Member Bache seconded the motion.

**Motion passes with a roll call vote of 6.**

**Old Business**

**89 Box Turtle Drive -- Enforcement Order**

Chairman Gerrior said that it is still in limbo. He said that if he hears something from the Town Attorney, he will get back to the Board.

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**Conservation Agent Updates:**

Conservation Agent Kelly said that most of the houses that the Board has permitted are all done except there is one on Clapp Road that hasn't been started yet.

Chairman Gerrior said they got a letter from a gentleman from Rochester, Bradford and Ruth Corrcia and they are interested in possibly donating some of their land from Featherbed Lane and Snipatuit Road. Chairman Gerrior said they will put a packet together for the next meeting as he just received the letter today. Member Bailey said it's in the logging swamp which is actually between Featherbed Lane and Snipatuit Road. He said there is a lot of wet land back there. Member Gifford said tough terrain to get through.

Next meeting is November 1<sup>st</sup>.

**Adjournment:**

Member Bache made a motion to adjourn at 7:26 p.m.  
Member Clapp seconded the motion.

Date: \_\_\_\_\_

1 NOV 2022



Christopher Gerrior, Chairman

  
Lori Walsh, Recording Secretary