CONSERVATION COMMISSION MINUTES
Thursday, January 21, 2010 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: , Co-Vice Chairmen Rob Palumbo and Paul Lelito, Peter Holmes, Martha Craig Rheinhardt, Susan Weston and alternate member Betsey Kiebala.

Excused Absence: Robert Gray and Jack Fiske

Call to Order: Vice-Chairman Paul Lelito called the meeting to order at 7:00 PM and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c.131, s.40 and the Bourne Wetland Protection Bylaw Article 3.7.

7:00) Requests for Determination of Applicability:

1) **Applicant:** John Draper **File Number:** CC10-02
Representative: Brett Ellis, Bousfield Sanitary Service
Project Address: 45 Harbor Drive, Pocasset
Proposed Project: Replace the failed cesspool within an AE Flood Zone.
(Hearing under the State Act only)

Brett Ellis presented project, an upgrade to a title five septic system. It is to be located as close to the road as possible at the top of the bank, away from the water. This is a flood zone issue only. House is pending sale. This house is not razed, over 12' above groundwater. Brendan states existing developed lot, AE flood zone only, and the closest resource area is approximately 120 ft. from proposed work. This is an improvement for the area and there are no erosion concerns. No public comment.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to approve the project under a Negative Two Determination.

2) **Applicant:** Richard Mastria **File Number:** CC10-03
Representative: Dan Aguiar, SITEC Engineering
Project Address: 38 Wianno Road, Mashnee Island
Proposed Project: Construct an addition to the existing single-family home within a VE Flood Zone and within a 100' of a Wetland Resource Area.

Dan Aguiar presented project. To construct addition to an existing 4 bedroom dwelling; this requires some second floor addition as well as a small portion of the first floor footprint to be all of it, the squaring off of a corner. Proposed, the footprint will be the same, instead of a half dormer on the second floor it will be a full dormer. Through these renovations this home will be reduced down to 3 bedrooms. Board of Health has given their approval based on the outcome of the Conservation Commission. Brendan states the small squaring off of the first floor and right now it is a deck. This will not be moving the structure closer, no concerns of the project. No board comments, no public comment.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to approve the project under a Negative Two Determination.

3) **Applicant:** Town of Bourne **File Number:** CC10-04
Representative: Robert Dawley
Project Address: 1 Academy Drive, Buzzards Bay
Proposed Project: Remove two underground fuel storage tanks and install one above ground fuel storage tank

Brendan stated for the record that they have notified all of the abutters and received everything back in the office. First 3 plans are the same just showing where the tanks are located in regards to the marina. Bob Dawley, Manager of Taylors Point Marina. We have two 10,000 tanks put in the ground in 1984, they will have to be replaced by 2017. Trying to stay ahead we are proposing take the tanks out and replace with one above ground 10,000 gallon tank to be compartmentalized with 2,500 gallons of diesel fuel and 7,500 gallons of gasoline. The reason for above ground is because of the high water table at the location and the safety factors. Comment from the board, "where is the tank going to be located?" – Bob, this will be located on top of where the current tanks are located. Brendan states this will have to meet all regulatory standards from the Fire Department and all others involved. Public comment made by Jim Mulvey. His inquiry was in regards to specifics to the installation of this above ground tank. Brendan reads the details required for installation from the "Request for Proposals".

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

1) **Applicant:** Town of Bourne **DEP File Number:** SE7-
Representative: Norm Hayes, BSC Group
Project Address: Off Circuit Ave., Pocasset (Hen Cove)
Proposed Project: Maintenance and improvement dredging within Hen Cove with beach nourishment along Circuit Ave beaches and Bassett's Island within AE and VE Flood Zones and within 100' of a Wetland Resource Area.

At the request of the project representative, this hearing has been continued until February 18, 2010.

2) **Applicant:** Elizabeth & Richard Munro **DEP File Number:** SE7-1747
Representative: Stephen Doyle, Doyle and Associates
Project Address: 15 Boulder Road, Pocasset
Proposed Project: Construct a new single-family dwelling within AE and VE Flood Zones and within 100' of a Wetland Resource area.

Steve Doyle, this project is located the south side of Scraggy Neck island, 3 acres of vacant area. Proposing to construct a single family dwelling and would be an elevated structure, no closer than 103' at the closest corner to the existing wetland. The majority of this project is outside of the buffer zone and any disturbance will be replanted. Title 5 septic will be installed. Velocity zones are noted on plans as to how this is to be constructed accordingly. Brendan states site now is vacant, there was a portion of the property that has been flagged in the past but not relative to this project. He states that he agrees with the wetland line as flagged and that there is a clear transition from salt marsh to upland in one portion of the site and a clearly defined Coastal Dune on the southwestern portion of the property. He also states that the project as proposed is much further from the Wetland Resource Areas on the property than it could be as allowed under the Bylaw.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: All general conditions, special conditions, pursuant to M.G.L. chapters 131, section 40, numbers 1-6, 9,10,12,13,16-24 and special conditions pursuant to the Town of Bourne Wetland Protection Bylaw numbers 4,6,7,8 and 9, special conditions 20 and 24 and bylaw conditions 4 and 6 shall continue in perpetuity.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to move the Draft Order to Final.

Certificates of Compliance:

1) **Applicant**: William Keating **DEP File Number**: SE7-1686
Representative: Don Bracken, Jr., Bracken Engineering, Inc.
Project Address: 10 Briarwood Lane, Pocasset
Proposed Project: Construct addition and deck to existing house and associated grading and landscaping within a Wetland Resource Area (Coastal Bank), within 100' of a Wetland Resource Area and within an AE Flood Zone, upgrade septic system with associated grading within 100' of a Wetland Resource Area.

Brendan conducted a site visit and found subject address in substantial compliance with the plan on record.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission voted unanimously to grant the Certificate of Compliance.

2) **Applicant**: Evelyn Wall **DEP File Number**: SE7-1681
Representative: Don Bracken, Bracken Engineering
Project Address: 99 Lewis Point Road, Buzzards Bay
Proposed Project: Addition to existing house, construction of a septic system and reconstruction of wooden stairs within AE and VE Flood Zones and within 100' of a Wetland Resource Area.

Brendan conducted a site visit and found subject address in substantial compliance with the plan on record.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission voted unanimously to grant the Certificate of Compliance.

3) **Applicant:** Hunter Scott **DEP File Number:** SE7-1708
Representative: Don Bracken, Bracken Engineering
Project Address: 290 Barlows Landing Road, Pocasset
Proposed Project: Construct barn / workshop with gravel drive, underground utilities, rain drain system, and associated grading within an AE Flood Zone and within 100' of a Wetland Resource Area.

Brendan conducted a site visit and found subject address in substantial compliance with the plan on record.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission voted unanimously to grant the Certificate of Compliance.

Request to Extend Order of Conditions

1) **Applicant:** Scraggy Neck Recreation Association **DEP File Number:** SE7-1491
Representative: Lorraine Cutone, President
Project Address: Off Seal Lane, Cataumet
Proposed Project: Perform beach nourishment within a Coastal beach.

Brendan: this project was originally approved in 2004 and the Commission granted an order of conditions allowing 500 cubic yards of sand to nourish Southwest Beach. In 2004, 250 cubic yards were brought in and in 2005 an additional 125 cubic yards were brought in. Since then, the state of the beach has continued to benefit from this work and no additional sand has been brought in since 2005. This order is to set to expire on 3/4/2010 and the applicant would like to extend this so that in the future if they need to bring in the additional 125 cubic yards which were allotted under the existing permit. The extension request is for an additional 3 years, so that this permit will extend till 3/4/2013.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission voted unanimously to extend the Order of Conditions.

Other Business:

Approval of minutes – December 17, 2009
On a motion made Martha Craig Rheinhardt and seconded by Susan Weston, the Commission voted to approve the draft minutes as final. Robert Palumbo and Peter Holmes abstained.

Approval of minutes – January 7, 2010

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission voted to approve the draft minutes as final. Peter Holmes and Martha Craig Rheinhardt abstained.

Informal Discussion – Raised Walkway over Salt Marsh – 34 Benedict Road, Gray Gables -

At the request of the proponent, this matter has been continued until **February 18, 2010**.

On a motion made by Susan Weston and seconded by Rob Palumbo, the Commission unanimously voted to adjourn. The meeting adjourned at 8:05 pm.

Respectfully Submitted,
Kimberly Griffin
Secretary