

# ***Conservation Commission Meeting Minutes***

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

June 28, 2018

## **I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on June 28, 2018. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allow the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded anyone in the audience who was recording, or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Robert Gray, Elise Leduc, Susan Weston (7:07), Melvin P. Holmes and Associate Member, Greg Berman.

**Excused Members:** Thomas Ligor, Rob Palumbo and Paul Szwed.

**Also Present:** Sam Haines, Carol Mitchell, Arthur Hallam III, Kathy Hallam, Peter Jaler, Joseph Soares, Michael Hallam, Kathleen Hallam and Riaa Maglio.

### **Request for Determination of Applicability:**

- 1) Applicant: Paul Archibald  
File Number: CC18-19

Representative: Peter Valeri  
357 Circuit Ave, Pocasset

To replace failed leaching system and replace with new pump tank and leaching field with an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

**(Under State Act Only)**

Peter Valeri addressed the members and described the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated the site is relatively flat and entirely landscaped. He spoke with the Board of Health agent who is aware of the accessory cottage and is awaiting the Commission's determination. Mr. Haines has no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Ms. Leduc seconded a Negative Two Determination.** With no discussion the motion carried. 4-0-0.

Chm. Gray announced at the request of the applicant, the Notice of Intent for Steven Cook is continued to July 12, 2018.

**Notice of Intent**

*Chm. Gray recused himself from discussion and vote. Ms. Leduc chaired the next two hearings.*

1) Applicant: Arthur Hallam III  
File Number: SE7-2022  
Representative: Bracken Engineering, Inc.  
2 Jefferson Road, Gray Gables

To raze and relocate an existing cottage, enlarge existing garage, rebuild existing shed and install a new Title 5 septic system; including landscaping, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, August 2017 Violation Photograph and DEP Wetlands Change Mapping.

Brendan Mullaney addressed the members. He described the existing lot and structures located on the property. Mr. Mullaney then discussed the proposed project.

Board Comment – None.

Mr. Haines asked why the proposed shed will not be moved out of the Flood Zone; especially since there appears to be sufficient space on the lot to do so. Mr. Mullaney stated the existing shed has been in its current location for so long that he felt it would be a greater disturbance to relocate it. Additionally, the existing shed has never experienced any flooding. Mr. Mullaney referred to the plan and discussed an alternative location on the site to move the proposed shed to.

Board Comment – Ms. Leduc asked if the existing sonotubes serving as the existing foundation will remain in place and if the proposed shed will be rebuilt on them, or are new footings being proposed. Mr. Mullaney stated they will be replaced to meet the current code.

Agent Comment – Mr. Haines stated all portions of the septic will be within the fifty-foot buffer of the Coastal Bank. According to the application, the new septic will decrease nitrogen by just over half; clearly an improvement over existing conditions. Mr. Haines did not identify any issues with the garage; which will be outside of the fifty-foot. Mr. Haines explained there had been some clearing on the Coastal Bank in August 2017 which was discussed with the homeowners under a violation; so he recommends the following condition; (1) this Order does not allow for any clearing or cutting of vegetation on the seaward facing Coastal Bank. Any work on that Bank will require an additional filing and any unpermitted clearing will result in enforcement action.

Ms. Leduc questioned whether the violation was rectified. Mr. Haines stated the area has been revegetated and the property owners have allowed the vegetation to regrow.

Mr. Berman asked if the retaining wall on the seaward side of the property will be removed. Mr. Mullaney stated it will remain untouched and he is willing to submit a revised plan if the Commission would like. Mr. Haines stated he would like a revised plan submitted.

Public Comment – None.

Ms. Leduc entertained a motion to close the public hearing. **Mr. Holmes moved, Ms. Weston seconded to close the public hearing.** With no discussion the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 5, 7, 9, 10, 11, 12, 15, 16,

18, 19, 27, 28, 29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 number; 4, 5, 6, 9 and Addition Special Condition (1) this Order does not allow for any clearing or cutting of vegetation on the seaward facing Coastal Bank. Any work on that Bank will require an additional filing and any unpermitted clearing will result in enforcement action.

Ms. Leduc entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

2) Applicant: Kristine Roper Coan  
File Number: SE7-2023  
Representative: Bracken Engineering, Inc.  
15 Lamont Road, Bourne

To raze and rebuild a single-family dwelling including landscaping, grading, utilities and appurtenances within an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

**(Under State Act Only)**

Brendan Mullaney addressed the members and discussed the proposed project. He provided a brief history on the original proposal and described the layout of the property.

Board Comment – Mr. Holmes opened a brief discussion regarding the site's elevation.

Agent Comment – Mr. Haines stated the site grades down toward the road but based on the distance of the wetland and the fact that there aren't any catch basins in that area, he doesn't see a risk to the Wetland Resource Area. He didn't identify any issues with the project.

Public Comment – None.

Ms. Leduc entertained a motion to close the public hearing. **Ms. Weston moved, Mr. Holmes seconded to close the public hearing.** With no discussion the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 7, 9, 10, 12, 15, 18, 19,

27, 28, 29. There are no Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 number.

Ms. Leduc entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Holmes moved, Ms. Leduc seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

*Chm. Gray returned to chair the meeting.*

Peter Valeri opened a brief discussion regarding filings for flood zone only issues with septic system repairs and whether the agent should be allowed to administratively approve such repairs.

**3) Applicant: Steve Cook**  
File # SE7-2003  
Representative: Civil Environmental Engineering  
165 Jefferson Road, Gray Gables

To raze the existing house; construct a new single-family residence; driveway; swimming pool and perform filling and grading and all usual appurtenances within a V Flood Zone and within 100 feet of a Wetland Resource Area.

**(At the request of the applicant, this filing has been continued until the July 12<sup>th</sup> Hearing)**

**Request for Certificate of Compliance:**

**1) Applicant: Bruce and Keri Wenzel**  
File Number: SE7-1722  
Representative:  
95 & 98 Tahanto Rd., Pocasset

To license and maintain existing pipe supported float and repair of seawall within an AE Flood Zone and within a Wetland Resource Area.

Materials Reviewed – Site Photographs, Aerial Photographs, and Order of Conditions.

Agent Comment – Mr. Haines performed a site inspection on June 28, 2018. He recommended issuing the Certificate of Compliance.

Chm. Gray entertained a motion. **Mr. Holmes moved, Ms. Leduc seconded to issue the Certificate of Compliance.** With no discussion, the motion carried. 5-0-0.

### **Other Business:**

- Vote excused absent members, if necessary – **Ms. Leduc moved, Ms. Weston seconded to excuse the absent members.** With no discussion, the motion carried. 5-0-0.

- Acceptance of Previous Meeting Minutes – Chm Gray entertained a motion to approve the minutes of the May 3, 2018 meeting. Mr. Haines noted one revision. **Mr. Holmes moved, Ms. Weston seconded to approve the minutes of the May 3, 2018 meeting as revised.** With no discussion, the motion carried. 5-0-0.

Approval of the minutes of the April 19, 2018 meeting – deferred.

Chm. Gray stated the next meetings will be held on July 12<sup>th</sup> and July 26<sup>th</sup>.

- Report of the Conservation Agent – Mr. Haines stated Mr. Holmes's and Ms. Weston's terms have expired. Ms. Weston stated she recently renewed her membership and Mr. Holmes stated he was recently reappointed.

Mr. Haines discussed an administrative approval he granted for a handicapped walk on Electric Avenue. He distributed photos of the walk. A discussion ensued. Chm. Gray asked if the members feel an after-the fact filing is needed or if the administrative approval can be ratified. **Ms. Leduc moved, Mr. Holmes seconded to ratify the administrative approval of the handicapped walk.** With no further discussion, the motion carried. 5-0-0.

Mr. Haines opened a discussion regarding the need to revise the Wetland bylaw language for storm water prevention.

- Public Comment Period on Non-Agenda Items – None.

- Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Ms. Leduc moved, Mr. Holmes seconded to adjourn.** With no discussion, the motion carried. 5-0-0. The meeting adjourned at 7:57 PM.