

Town of Bourne  
Conservation Commission  
Meeting Minutes  
9.15.2022

**I. Call to Order 6:30 P.M.**

Chm. Robert Gray called to order the meeting of the Conservation Commission at 6:30 P.M. conducted in person and via remote access on Thursday September 15, 2022, held in the Bourne Veteran's Community Building, 239 Main Street Buzzards Bay, MA 02532. 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. Chapter 131 Section 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Chm. Gray asked if a member of the public wishes to comment they will first clearly state their full name for the record.

Chm. Gray also reviewed the 5-5-5 Rule which allows the applicant or representative to make a five minute presentation to the Commission Members, Commission Members will then take five minutes to seek additional information if necessary, and then the public will be allowed five minutes for comment. If the matter is more complex, more time will be allotted.

Mr. Gray asked if anyone was recording at this time, other than the Conservation Department.

**Members Present:** Bob Gray, Greg Berman, Thomas Ligor, Rob Palumbo and Paul Szwed

**Excused members:** Susan Weston and Peter Holmes

**Others in attendance:** Stephanie Fitch, Nate Goshgarian, Earl Lantery, Steve Nelson, Jean Deluca, Diane Kilduff, Paul Gately

**Present by remote access:** Don Munroe, Richard Selby

**Continued Hearings**

1. **DEP File Number:** SE7-2208  
**Applicant:** The Long Point Trust  
**Representative:** Brian T. Madden, LEC Environmental  
**Project Address:** 176 Scraggy Neck Road, Cataumet  
**Proposed Project:** Proposed demo of existing dwelling and construction a new dwelling with associated appurtenances, including a new driveway, attached garage, decks, upgraded septic system, utilities, regrading, storm water management, lawn/landscaping, and restoration/mitigation plantings. This project is located in an AE flood zone and within 100 ft. of a wetland resource area. **Continued to 10.06.2022.**
2. **DEP File Number:** SE7-2172  
**Applicant:** Cape Club Building, Inc.  
**Representative:** Cape & Islands Engineering, Inc.  
**Project Address:** 96 Megansett Road, Cataumet  
**Proposed Project:** Construction, licensing and maintenance of an access ramp leading to a walkway, Pier, Ramp and Float in the waters of Squeteague Harbor. Additionally, perform dredging to regain water depth adequate for boating access to and from the proposed float pier at 96 Megansett Road. **Continued to 11.03.2022.**

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Town of Bourne  
Conservation Commission  
Meeting Minutes  
9.15.2022

**Request for Determination**

1. File Number: CC22-30

Applicant: Boston Gas Company

Representative: LEC Environmental Consultants, Inc.

Project Address: Right-of-way, Phillips Road, Sagamore Beach

Proposed Project: Installation of a high pressure, two-inch pipeline extension approximately 85 ft. in length within the paved footprint of Phillips Road and along Sand Castle Drive. This project is within 100 ft. of a wetland resource area, and within the AE and V flood zones.

Nate Goshgarian of LEC Environmental Consultants, Inc. represented the project on behalf of the client Boston Gas Company. Mr. Goshgarian went over the location, scope and identified the wetland resource areas affected by the project. He explained on the plan how the project footprint is bisected between two towns, Bourne is to the west and the town of Sandwich is to the East. He said the project scope that resides in Bourne is dramatically reduced. The project involves the installation of a natural gas pipeline that will be tied into the main line, this line runs down Phillips Road and extends 85 ft. to the northeast and then banks 90 degrees to the northwest and ties into the second residence on the left, which is 3 Sand Castle Drive, Sandwich. The method of installation is by trench and will have to be excavated, the trench is roughly 3 ft. wide and 4 ft. deep. All of the soil from the excavation will be stockpiled next to the project footprint, and then immediately backfilled upon completion. The estimated duration for the project is about one day, the entire amount of impervious that is affected temporality within Bourne is 105 sq. ft.

Agent comment: Ms. Fitch did not see it having adverse effects on the coastal beach or the barrier beach system beyond what currently exists. She has no issues with the project.

No public comment.

Motion made by Mr. Palumbo for a Negative Two Determination, seconded by Mr. Ligor. All in favor. **Motion carried. 5-0-0.**

2. File Number: CC22-31

Applicant: Karen West

Representative: Earl Lantery, Lantery Associates

Project Address: 26 Massasoit Ave, Bourne

Proposed Project: Replace the cesspool with two tight tanks in front of the existing cottage. This project is within 100 ft. of a wetland resource area and in an AE flood zone.

Earl Lantery, P.E. represented the applicant Karen West. The project originally proposed a denitrification system to try and reduce the size of the leaching area. Mr. Lantery could not fit that in within the site, so he consulted with the applicant and she was fine with making it a tight tank design. The tight tanks are going in front of the cottage as shown on the plan. The deck will have to be removed and returned or replaced. The tight tank is a 2,000 gallon continuous pour. The pump chamber is a 1,500 gallon tank, also H-20 and continuous pour. The edge of the pump chamber is within 92 ft. of the resource area as they flagged it, and will be asking for a variance by the Board of Health. Mr. Lantery said they are not putting any effluent into the ground.



Town of Bourne  
Conservation Commission  
Meeting Minutes  
9.15.2022

Agent comment: Ms. Fitch said she is happy to see the location furthest away from the resource area that they could manage on the property. She spoke to the Health Department and they approve of the upgrade, and she had no issues with the project as proposed.

No public comment.

Motion made by Mr. Palumbo for a Negative Two Determination, seconded by Mr. Ligor.  
All in favor. **Motion carried. 5-0-0.**

3. File Number: CC22-35

Applicant: Kristin Seastrand

Representative: Stephen B Nelson

Project Address: 4 Wenaumet Bluffs Drive, Bourne

Proposed Project: To repair and upgrade the septic system. This project is within 100 ft. of a wetland resource area and 200 ft. of a riverfront.

Stephen Nelson represented on behalf of the applicant Kristin Seastrand. Mr. Nelson explained the resource areas to the property, he explained that there was a plan to upgrade years ago that never got done. The property is now up for sale and the buyer Kristin Seastrand has stepped up to have the septic repaired. In order to keep the mortgage commitment, they needed to have something approved to be able to purchase the property. This is why they are calling it phase one. July 21<sup>st</sup> the system failed a Title 5 inspection and on August 11<sup>th</sup> Mr. Nelson did a soil evaluation and a perc test. They dug down 10 ft. and at that time they were not able to determine high ground water. The way the regulations read, the Health Agent has suggested they install a monitoring well to determine high ground water table during high tide. They would like to come back and confirm the water table and to do a denitrification system, with the new SAS leach field to meet the Board of Health requirements. The Board of Health approved the plans for phase one, which is to pump out and replace the old septic tank and replace it with a 2,000 gallon two compartment H-20 concrete tight tank. They plan to install an alarm and put the alarm panel on the front corner of the house and that alarm will ring when the tank reaches close to capacity. At which they'll call to have it pumped out, there is no discharge it will be pumped out. After the purchase of the house, Mr. Nelson will work with the Conservation and Health Departments to come up with a fully functioning septic system for phase two. Erosion controls will be maintained until vegetation is established and pea stone driveway will be restored to its present condition.

Agent comment: Ms. Fitch noted that they are also in the AE flood zone, and would like to see that added on the site plan. Otherwise the project is an improvement over existing conditions and with appropriate erosion controls, Ms. Fitch had no issues with the project as proposed.

Member comment: Mr. Berman asked if phase two would pose any risk with high ground water affecting the tight tank. Mr. Nelson said they went over that at the Board of Health meeting. He said they are 10 ft. above river level, and that the engineer Warwick Associates did a good job of establishing low water/high water and that they are well above ground water and explained at high tide they dug down 10 ft. and found no evidence of ground water. Mr. Berman responded that he was ok with those numbers.

Town of Bourne  
Conservation Commission  
Meeting Minutes  
9.15.2022

Public comment: Diane Kilduff an abutter asked if there was a leach pit and Mr. Nelson responded that this proposed project is for just a tight tank and they will come back to the Commission for phase two.

Motion made by Mr. Ligor for a Negative Two Determination, seconded by Mr. Palumbo. All in favor. **Motion carried. 5-0-0.**

**Notice of Intent**

**1. DEP File Number: SE7-2217**

Applicant: Richard W. Selby

Representative: Coastal Engineering Co., Inc.

Project Address: 134 Wings Neck Road, Pocasset

Proposed Project: Proposed dune restoration and beach nourishment. Located within a V flood zone and wetland resource areas.

Don Munroe from Coastal Engineering presented on behalf of the applicant. He shared his screen and identified the wetland resource areas. Mr. Munroe further explained the proposed dune restoration, and proposed vegetation to mitigate minor flooding and supply natural sediment to maintain the beach. Mr. Munroe explained the site plan and explained the erosion that took place over time. Mr. Munroe addressed questions from Ms. Fitch regarding the grain size analyses of the sediment which they have not done yet. Mr. Munroe said he wanted to see how the Commission felt about the project and asked if that is part of the order of conditions or if the Commission wants the grain analyses beforehand. He explained they will sample two locations on the beach to match the grain and will show the location of the sample areas on the plan. They will use a local contractor to supply the material. Ms. Fitch also asked for the resource areas to be added to the plan.

Agent comment: Ms. Fitch encouraged the Commission members to do a site visit. She also did not notice any flagging at the time of her site visit and she stated it's a heavily vegetative low lying dune and would be helpful to have flagging that delineates the dune's inland limit as well as the saltmarsh. Ms. Fitch asked Mr. Munroe to clarify the title of the project, "Proposed Dune Restoration and Beach Nourishment" after re reading and hearing the presentation, she questioned if it's more of a dune restoration and sacrificial to nourishing the beach. Mr. Munroe said that's primarily correct but a portion of that dune is on designated coastal beach and there isn't a significant toe there now. So they classified it as partial beach nourishment, because the sand will be on the beach. Ms. Fitch asked if there will be any work below mean high water. Mr. Munroe answered no. Ms. Fitch asked about the highest high tide line. Mr. Munroe said they are still above the highest high tide line. She asked if they had a rate of erosion. Mr. Munroe said when they looked at the groins they did not have CZM transects so they don't have a rate of erosion, but they have looked at the licensed plan which the groins are licensed by Chapter 91. Based on the 1993 plan there has been periodic loss which seems like not a lot of erosion, but the dune mound has seemed to be reduced in height based on the topography of the Chapter 91 license. Ms. Fitch asked to consider more of a variety of plantings other than the beach grass as proposed.

Member comment: Chm. Gray added to Ms. Fitch's request, to also flag the seaward toe of the dune and the landward toe of the back due, where it interfaces with the saltmarsh. Chm. Gray agreed with Ms. Fitch on flagging the saltmarsh so that the Commission can double check the plan vs. what is out in the field. Chm. Gray asked Mr. Munroe to clarify an oversight why the saltmarsh



Town of Bourne  
Conservation Commission  
Meeting Minutes  
9.15.2022

was not included on the list of resource areas on "existing and proposed beach section view". Chm. Gray said on the landward side of the dune there should be some recognition of the saltmarsh resource area there. Mr. Munroe said it appears there is a layer that got turned off and he showed where the label will go on the plan. The second comment from Chm. Gray was on the site plan - barrier beach coastal dune- "existing beach section view A", extends much more landward than the same area on "proposed beach section view B". Chm. Gray said the figures need to be brought into sync there. Mr. Munroe said he missed that during the review and saw exactly what was pointed out and will correct it.

Mr. Ligor noticed on the plan a proposed foot path that is going to cut across this dune, once it becomes well established with vegetation is there a way to get around it to get to the beach, without cutting through it. Mr. Munroe said they would prefer to put a mobi mat over the dune, and they can show that on the plan in detail what that looks like, he explained in reference to mobi mats used on other Cape Cod dune locations, they do not cause depression or trampling like a foot path and it's seasonal. Mr. Ligor asked what species of beach grass will be planted there. Mr. Munroe replied North American Beach Grass but would be open to other suggestions.

Mr. Berman said he would like to do a site visit and see where the proposed dune edges will be. He also said it's probably not all dune grass and to check out the other types of vegetation. Also to check mean high water, he would like to get out there shortly after staking. Mr. Berman also mentioned that this property has been before the Commission before and if there is any old topography to show if the beach is lower. Mr. Munroe said he did look through the old plans and found that the only plan showing elevation was the 1993 Chapter 91 license plan. Mr. Berman asked if this was a new topography survey that was done. Mr. Munroe replied yes. Mr. Berman had concerns about the compatibility and potential storms that would affect the resource areas. Chm. Gray asked Mr. Munroe if he had looked back at previous plans to see if the path across the dune was ever permitted. Mr. Munroe said there is an open order from 2018 that will expire in January 2023, he used google image aerals which there is semblance of a path all the way back to 1995, he did not know if there was a permit obtained for the path in 1995. Ms. Fitch added that she has a plan of the topography for the coastal dune from 2018 that she can share. Mr. Munroe says he will address the requests made by the Commission and have the area staked before the next site visit.

No public comment.

*Continued until October 6<sup>th</sup>, 2022 at the request of the applicant.*

**Request to Extend Order of Conditions**

1. DEP File Number: SE7-2094  
Applicant: Mass DOT Highway Division  
Representative: TranSystems  
Project Address: Belmont Circle, Buzzards Bay  
Proposed Project: Proposed improvements to be completed as part of this project include adding a shared use path along the outside of the rotary with lighting and providing traffic control at three pedestrian crossings. Within 100 ft. of a wetland resource area.

Agent comment: Ms. Fitch read the request to extend the order of conditions for one additional year and identified the resource area for the Commission.

Town of Bourne  
Conservation Commission  
Meeting Minutes  
9.15.2022

Motion made by Mr. Ligor to grant the extension for one year, seconded by Mr. Szwed.  
All in favor. **Motion carried 5-0-0.**

**Discussion/business**

Resign signature page for 13 Kendall Rae Place SE7-1984.

Ms. Fitch explained that the original order of conditions was sent to the first project manager, and the order was never recorded at the registry of deeds. The new project manager only has a copy of the original and the registry of deeds requires original signatures to record.

Motion made by Mr. Gray to allow the Commission to resign signature page for SE7-1984 in 2017, seconded by Mr. Berman. All in favor. **Motion carried 5-0-0.**

**Report of the Conservation Commission**

The next hybrid meeting will take place in room 1 of the Bourne Veteran's Community Building.

**Vote to excuse absent members**

Motion made by Mr. Szwed to excuse absent members, seconded by Mr. Ligor.  
All in favor. **Motion carried 5-0-0.**

*The Commission continued general discussion.*

**I. Adjournment 7:44 P.M.**

Motion made by Mr. Palumbo to adjourn and seconded by Mr. Ligor.  
All in favor. **Motion carried 5-0-0.**

Minutes typed by: Amalia Amado- Secretary II  
Audio recorded by: Stephanie Fitch- Conservation Agent  
Recorded by: Zoom