

December 18, 2014 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting. Michael Rausch, Bourne Enterprise is recording tonight.

Members excused: V. Chm. Martha Craig Rheinhardt

1)	<u>Applicant:</u> Harbor Homes <u>Representative:</u> Holmes and McGrath, Inc. <u>Project Address:</u> 72 Circuit Avenue, Pocasset <u>Proposed Project:</u> Renovate existing dwelling including reconstruction of two porches and installation of a chimney within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area	<u>File Number:</u> CC14-64
----	---	------------------------------------

No questions from the board.

Brendan Mullaney – most of the work is within the existing dwelling. There will be minimal excavation. The proposed project is not closer to the resource area than currently exists. No other concerns with the project.

No public comment.

Holmes moved and seconded by Weston a Negative Two Determination. Unanimous vote.

- 1

Mr. MacLean representing – applicant has received approval from the Board of Health. There is no change in number of bedrooms or additional square footage, but a new septic system was required.

No board comment.

Brendan Mullaney – this is a well-defined coastal bank. The new septic system will be an improvement over existing conditions and is moved back as far as the property lines allow. No other concerns with the project.

No public comment.

Holmes moved and seconded by Weston a Negative Two Determination. Unanimous vote.

- 3) **Applicant:** David & Ann Wallace **File Number:** CC14-66
 Representative: JC Engineering, Inc.
 Project Address: 83 Cedar Point Drive, Pocasset
 Proposed Project: Construct a garage and upgrade to new Title V septic system
 including all associated landscaping, grading, and appurtenances
 within an AE Flood Zone
 Hearing Under State Act Only

Chm. Gray recused himself from discussion and vote. The meeting was turned over to Holmes.

Mr. Mike Pimental representing – all proposed work is 150 FT from the coastal bank. Applicant is proposing replacing two cesspools; no grade changes

Brendan Mullaney – the proposed work is within the flood zone only. No other jurisdictional resources within 100 FT of the proposed work, will be an improvement over existing conditions. No other concerns with the project.

No board comment. No public comment.

Ligor moved and seconded by Weston a Negative Two Determination. Unanimous vote.

Chm. Gray back chairing meeting at this time.

7:10) Request to Amend Order of Conditions:

- 1) **Applicant:** Steve Cohen, CEA Group, Inc. **DEP File Number:** SE7-1849
 Representative: Falmouth Engineering, Inc.
 Project Address: 156 Leeward Road, Mashnee Island
 Proposed Project: Amend Order of Conditions to allow for construction of a
 swimming pool, driveway, and landscaping within a VE Flood
 Zone and within 100 feet of a Wetland Resource Area

Mr. Mike Borselli representing – work continues on the interior of the house. The existing house is constructed on piles because of the location in the flood zone. The driveway will be a crushed stone

driveway. There is some minor excavation as the pool is above and below partially grade due to ground water levels. Landscape design is currently under final design, review and consideration by the developers. There is a drywell proposed for discharge.

The depth of the pool is 6-8 FT. There is a main drain at the bottom of the pool. The pool is 18'x36' saltwater, gunite pool.

Theresa Sprague, Blueflax Design - described the plant species in a slightly different configuration than on the original plans. She welcomed any feedback from the board to incorporate into the plan. There is no fill involved in this project.

Brendan Mullaney – the applicant is willing to have the landscape plan submitted prior to the pool constructed and he will add as a condition to amended order. The project is in the buffer zone only. It is within the velocity flood zone. The grading has already caused drainage issues with the roadway which have been addressed to some degree and will be discussed and addressed permanently as the project moves forward. No other concerns with the project.

The pool is partially below grade but 4 FT portion above the grade. Siding is all breakaway walls.

No board comment. No public comment.

Holmes moved and seconded by Kiebala to close the public hearing. Unanimous vote.

Brendan Mullaney –The Amended Order of Conditions allows for construction of a swimming pool, driveway, and associated landscaping in accordance with a plan submitted by Falmouth Engineering, dated December 2, 2014 and accompanying letter and narrative, dated December 3, 2014. A detailed landscape plan must be submitted prior to installation of the pool.

Ligor moved and seconded by Holmes to approve the Amended Order of Conditions. Unanimous vote.

Notices of Intent:

- | | | |
|---------------------------------|--|---|
| 1) <u>Applicant:</u> | Stephen Paulus | <u>DEP File Number:</u> SE7-1913 |
| <u>Representative:</u> | Thompson Farland, Inc. | |
| <u>Project Address:</u> | 75 Eel Pond Road, Monument Beach | |
| <u>Proposed Project:</u> | Raze and rebuild an existing single family dwelling and install a new Title V septic system including associated grading, landscaping, utilities, and appurtenances within 100 feet of a Wetland Resource Area | |
| | (Continued from December 4, 2014) | |

The proposed project is to raze and rebuild the existing family dwelling. This hearing was continued for a File Number only.

Kiebala moved and seconded by Homes to close public hearing. Unanimous vote.

Brendan Mullaney – No comments with submitted from the DEP with regard to the project.

Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 140 1,2,3,5,6,9,10,12,13,16-24 and Special Conditions pursuant to the bylaw 3,4,6,7,8,9. Special Conditions 20,24 and Bylaw Condition 4,6 to continue in perpetuity.

Kiebala moved and seconded by Holmes move the Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

At this time Palumbo arrived at the meeting at 7:28 pm.

- 2) **Applicant:** MassDOT Rail and Transit **DEP File Number:** SE7-1912
 Representative: Lars Carlson, Jacobs Engineering Group
 Project Address: Off Sandwich Road within Railroad Right of Way adjacent to
 Bourne Bridge
 Proposed Project: Construct a 4,000 square foot rail station platform, relocate
 existing rail crossing, and reconstruct access drive including all
 appurtenances within an AE Flood Zone and within 100 feet of a
 Wetland Resource Area
 (Continued from December 4, 2014)

Lars Carlson representing – applicant is filing only under State Wetlands Act. Mass DOT believes they are immune from local bylaws.

A 12/12/14 letter from General Counsel for the MassDOT was read into record stating the designs meet both State and local requirements.

Brendan Mullaney – Regarding the issue of the Bylaw, Town Counsel stated the board must take into consideration all information and can move forward at their discretion.

Chm. Gray – feels the bylaw is in effect and Town Counsel hasn't changed his opinion; he feels the board has enough legal authority to move forward. The bylaw has its own filing fees and this board doesn't have the authority to waive the fees but can reference a fee under the bylaw. We are proceeding with bylaw in effect. One question with respect to the platform was why this was not relocated from the the area under the bridge to the Gallo ice Arena.

Lars Carlson, we couldn't go in that direction because it would result in more actual impacts to vegetated wetlands. He gave copy of the State wetlands map. Chairman Gray said he doesn't see any significant wetlands near the parking and asked Mr. Carlson to explain. Brian Maroney, MassDOT - said there needs to be a passing area for the entire area in order for the station to function. The rail needs to be double tracked to accommodate this. This is not a sufficient area to add without impacting more than 5,00square feet of BVW. There are wetlands between the bridge and the platform where we need to put the passing side. They looked at the double track snaked through the wetlands and determined there was not enough room without causing major impact to the wetlands - just east of the current station site.

No further board comments.

Mr. Jerry Ellis, here as an individual citizen – asks that they consider relocating the project. His concern is the disruption of the quality of life. The object is to meet the law under Conservation and not impact the quality of life. Moving traffic down and away from this area is ideal, this project is a disservice to the town of Bourne. When the bridge is painted or maintenance is done, this area will be covered by paint and in turn there will be another area to move the traffic and put an impact on the Village of Bourne.

Mr. Carlson explained the parking lot holds 45 spaces. The station will still be locked at night and trash and dumping is going to be prevented. The parking area will not be any more open to the public than there is now.

Mr. Jim Mulvey – asked about the hours. It is an evening train service. It will remain open as they normally do and last train comes through in the evening and at which point will close. The initial presentation has been given by the Cape Flyer train.

Mr. John Raye raised issue of a lot of parties involved. Mr. Carlson said the train and operation is owned by the MBTA's commuter rail. The service run is at the request of the Cape Cod Regional Transit Authority. MassDOT owns the real estate and the property and is taking the lead. The Cape Flyer is a branding of the train service – not commuter – one train on Friday, on Saturday and on Sunday.

Chm. Gray said as a conservation board, the bylaw is in effect, and will be issuing decisions under both the State and the bylaw. We are exercising our right of the bylaw.

Discussion on the fee. Brendan Mullaney said the board can hold permit until the fee has been paid as a special condition. The applicants didn't make an application under the bylaw.

Chm. Gray explained whatever the decision the board makes under Chapter 131, Section 40 is an appealable decisions to the State DEP. One can appeal this board's decision within 10 business days with the DEP. He doesn't see anything gained to appeal to the DEP but said anyone is allowed to do so.

Ligor moved and seconded by Palumbo to close the public hearing. Unanimous vote.

Brendan Mullaney – Draft Order of Conditions: All General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1,2,3,5,9,10,12,13,14,16-24 and Special Conditions to the bylaw 4,7,8,9 and one Special Condition ASC-1) In accordance with the filing fee requirements established under the Town of Bourne Wetland Protection Bylaw (Article 3.7), the filing fee of \$500 must be paid prior to the start of the project. This requirement may potentially be waived if the Bourne Conservation Commission receives information verifying that the Bylaw and/or the Bylaw filing fee are not applicable to this project.

Kiebala moved and seconded by Ligor to move the Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

- 3) **Applicant:** MassDOT Rail and Transit **DEP File Number:** SE7-1911
 Representative: Lars Carlson, Jacobs Engineering Group
 Project Address: Within Railroad Right of Way on north and south side of Cape
 Cod Canal Vertical Lift Railroad Bridge

(Continued from December 4, 2014)

No board comments.

John Carol – asked if new siding would be used and what the M points are. The siding is referred to Buttermilk in which a switch will be moved to the north. On the south side, a crossover will be moved to the south side of the bridge between Academy Drive and Cohasset Narrows bridge.

No further public comments.

Brendan Mullaney – Draft Order of Conditions: All General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1,2,3,5,9,10,12,13,14,16-24 and Special Conditions to the bylaw 4,7,8,9 and one Special Condition ASC-1) In accordance with the filing fee requirements established under the Town of Bourne Wetland Protection Bylaw (Article 3.7), the filing fee of \$500 must be paid prior to the start of the project. This requirement may potentially be waived if the Bourne Conservation Commission receives information verifying that the Bylaw and/or the Bylaw filing fee are not applicable to this project.

4) **Applicant:** Mass. Maritime Academy **DEP File Number:** SE7-1908
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct a waterfront protection project including a pile supported concrete pier, associated dredging and reuse of dredged material, and all associated facilities, utilities, and appurtenances within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from December 4, 2014)

Certificate of Compliance:

- 1) **Applicant:** Mass. Maritime Academy **DEP File Number:** SE7-1878
 Representative: JC Engineering, Inc.
 Project Address: 101 Academy Drive, Buzzards Bay
 Proposed Project: Construct addition to existing building, including stormwater
 management facility improvements and associated site work within
 an AE Flood Zone

Brendan Mullaney – a site visit was conducted, the project meets compliance and recommends to grant.

Ligor moved and seconded by Holmes to approve Certificate of Compliance. Unanimous vote.

Approval of Minutes

Holmes moved and seconded by Palumbo to approve minutes of 11/6/14 as written. Unanimous vote.
Weston abstained.

Kiebala moved and seconded by Weston to approve minutes of 11/20/14 as written. Unanimous vote.

Excuse Absent Members

Holmes moved and seconded by Kiebala to excuse Martha Craig-Rheinhardt. Unanimous vote.

Meeting calendar

Brendan Mullaney handed out the 2015 Hearing Schedule to the board.

Public comment

Mr. Jerry Ellis thanked the board for holding the MassDOT hearing for the public.

Adjourn

Palumbo moved and seconded by to adjourn. Meeting adjourned at 8:35 pm. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.