

## **CONSERVATION COMMISSION MINUTES**

**Thursday, February 20, 2014 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall**

Chm. Gray called 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.

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.

Members present: Chm. Bob Gray, V. Chm. Martha Craig Rheinhardt, Betsy Kiebal, Paul Lelito and Susan Weston. Alternate member Thomas Ligor also present.

Members excused: Peter Holmes and Rob Palumbo

### **7:00) Requests for Determination of Applicability:**

**1) Applicant:** David Sampson

**File Number:** CC14-06

**Representative:** SAME

**Project Address:** 429 Barlows Landing Road, Pocasset

**Proposed Project:** Rebuild existing porch and basement entrance and construct new deck within an AE Flood Zone

**Hearing Under State Act Only**

Brendan Mullaney – at the request of the applicant, this hearing will be continued.

### **7:05) Notices of Intent:**

**1) Applicant:** R.W. Joy Construction, Inc.

**DEP File Number:** SE7-1886

**Representative:** Warwick & Associates, Inc.

**Project Address:** 10 Cleveland Circle, Gray Gables

**Proposed Project:** Construct single family dwelling, including Title V septic system, utility installation, and all associated clearing, grading, landscaping and appurtenances within an AE Flood Zone

**Hearing Under State Act Only**

Barbara Frappier representing: applicant looking to build a 3-bedroom house with a Title V septic mounded and contained in a concrete wall and 3 FT above grade. The lot is vegetated and will be mostly cleared. The landscaping will focus on high habitat value. Applicant will limit the amount of work around the perimeter due to the size of the lot and the proximity of abutting properties.

Brendan Mullaney – this lot is in flood zone only and there are no other resource areas within 100 feet. This is one of the lots sold as tax title property at the last town auction. This lot is relatively flat and is no real concerns with erosion control. No other concerns with the project.

No further board comment. No public comment.

Lelito moved and seconded by Weston to close public hearing. Unanimous vote.

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1-6,9,12,13 and 16-24 Special Conditions 20, 24 continue in perpetuity.

Weston moved and seconded by Kiebala to Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

**2) Applicant:** Ladd Homes LLC

**DEP File Number:** SE7-1885

**Representative:** SAME

**Project Address:** 26 Shore Road, Bourne Village

**Proposed Project:** Construct single family home with attached garage, Title V septic system, utility installation, and all associated clearing, grading, and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

**(Continued from February 6, 2014)**

Jack Vaccaro representing: required plan changes have been made and submitted. The area in question is 65,000 SF of land. There is an isolated freshwater wetland to the west of the property and a small wetland adjacent to the shoulder of the railroad to the northwest corner of the property. Applicant will use hay bales for the west side of the construction area. A gravel driveway will be constructed off Shore Road and the septic will be located as far on eastern portion of the property as allowed.

Brendan Mullaney – visited the site with Chm. Gray and it was snow covered. Both agreed with the flagging on the first day for the V-100 series flags. However, they observed another area that warranted further investigation and appeared to be a small vegetated wetland. He requested to revise the plan and flag. He recommends adding a condition stating a 50 FT buffer remain in its natural state in perpetuity. No other regulatory restrictions can be put on project based on the resource areas.

No further board comment. No public comment.

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

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1-6,9,10,12,13,16-24 and Special Conditions 4,5,6,7,8,9 to the bylaw and Special Condition a 50 FT buffer from vegetated wetlands designated a ‘no touch’ area as shown on the plan of record dated 2/20/14 and to remain in perpetuity. The Commission will request applicant come in for compliance.

Kiebala moved and second by Weston to Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

**Other Business:**

► Joint meeting with Board of Selectmen & Planning Board - Tuesday, February 25, 2014, 6:15 PM to discuss the possible sale, retention or transfer of tax title properties is postponed tentatively to 3/11/14 per Brendan Mullaney.

Brendan Mullaney – due to a possible conflict, he may reschedule the meetings for in April and May for the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays rather than the 1<sup>st</sup> and 3<sup>rd</sup>. There are 5 Thursdays in May so this shouldn’t be a problem – discussion among members regarding schedules and possible conflicts.

► Vote – Excuse Absent Members, if necessary  
Lelito moved and seconded by Kiebala to excuse absent members Holmes and Palumbo. Unanimous vote.

► Approval of Minutes – December 19, 2013 & January 9, 2014  
Lelito moved and seconded by Kiebala to approve minutes of 12/19/13 as submitted. Unanimous vote.

Weston moved and seconded by Kiebala to approve minutes of 1/9/14 as submitted. Unanimous vote.

- Any other business that may legally come before the Commission
- Report of the Conservation Agent
- Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Adjourn**

Lelito moved and seconded by Weston to adjourn. Meeting adjourned at 7:35 pm. Unanimous vote.

Respectfully submitted,

Lisa Groezinger, sec.