

CONSERVATION COMMISSION MINUTES

January 8, 2015 ~ 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. Gray, Rob Palumbo, Betsy Kiebala, Susan Weston (7:17 pm) and Thomas Ligor. Also present is Paul Szwed.

Members excused: V. Chm. Martha Craig Rheinhardt and Peter Holmes

Requests for Determination of Applicability

1 – Scott Okun

CC15-01

Lot 6A Bassetts Island

Upgrade to new Title V septic system within AE and VE Flood Zones and within 100 FT of a Wetland Resource Area

Steven Doyle representing – proposing a new septic system with infiltration chambers, no aggregates. Almost all of the lot is in an AE zone. Seek to remove ramp for access and put excess fill in a small depression on the site.

No questions from the board.

Brendan Mullaney – difficult to access site; timber ramp to allow machine on Bassetts Island. Improvement over existing conditions. No other concerns with the project.

No public comment.

Palumbo moved and seconded by Kiebala a Negative Two Determination. Unanimous vote.

2 – Peter Goodney

CC15-02

6 River Road, Pocasset

**Construct an addition to existing dwelling within an AE Flood Zone
Hearing Under State Act Only**

Mr. Goodney representing – seeking to add addition to a cottage.

Brendan Mullaney – this was brought into the flood zone since the change in maps in July 2014. Cottage is over 200 feet from the riverfront and over 100 feet from closest resource area. No other concerns with the project.

No board comment.

No public comment.

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

Notices of Intent

1 - Mass Maritime Academy

SE7-1908

Stanley Humphries, LEC Environmental Consultants

101 Academy Drive, Buzzards Bay

**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 FT of a Wetland Resource Area
(Continued from 12/18/14)**

Paul Szwed recused himself from discussion and possible vote.

Chm. Gray -counsel to the authority and Town Counsel responded and his position hasn't changed. 131-40 applies and the Bylaw applies – he wants the board to move forward

Edward Adelman (Mass State College Building Authority) representing – he asked if it would be appropriate if his attorney speak with Town Counsel.

Stan Humphries - Three issues the board wanted additional information – shellfish, dredge material disposal and planting plan. Mr. Humphries said the DMF would be involved in identifying a company that is experienced in transplanting shellfish. Mr. Mullen would like to see shellfish sampled within 1 month of doing the dredging. They would like to re-use the material and come to the conclusion would still use location and take some offsite either by truck or by barge. Revised the plan to accommodate keeping a majority of a tree line. At this point identified two discharge points. Graphic rendering of where the pier would be and associated with the shellfish bed.

Chm. Gray – asked about accommodating the DMF – there is the issue of either 25 meters or 25 FT the pier is from the wetland.

Palumbo – asked about the pile depth. It won't be deeper than 50 FT. Steel pipe piles and concrete pile cap and concrete deck will be used.

In the planting plan, snow fencing will be used to stabilize vegetation. Wildlife will not be adversely affected and it seems there will be more opportunities for wildlife. Chm. Gray had Brendan Mullaney contact the representatives for more information in regards to potential species using the area. Chm. Gray raised issue with diamond back terrapin liking to nest in that area. Even if this is not a mapped area, he would like to see being conditioned by Natural Heritage. Chm. Gray suggested a qualified wildlife biologist to check the area before the snow comes.

Chm. Gray – raised issue of a path going through the salt marsh which is detrimental to the vegetation. He would like to see a proposed walkway over the entire salt marsh as part of this application. It would have to meet the requirements set by Army Corps and DEP. Mr. Adelman said that could be done.

Chm. Gray – the board needs to decide tonight whether we need an engineering consultant. The two issues he has goes back to pier regulations; as written we don't allow for a pier in a Velocity Flood zone and if we enforce that issue, we would be interfering with the governmental mandate the Academy has. He feels comfortable with an independent engineer review of this structure being in a velocity zone - would like to have reassurance the structure is designed for heavy ice. Mr. Adelman is willing to accommodate the hiring of an engineer and look into issues of the board's concerns. Mr. Adelman offered going up to \$10,000 for consultatation.

Chm. Gray – the only issue is the engineering of the design of the pier. All other issues the board is well versed and has plenty of expertise to handle.

Kiebala moved and seconded by Ligor in order to formalize, invoke the consultancy clause and Brendan Mullaney to draw up documentation to go out to bid. Unanimous vote.

Kiebala asked about dredge material and how it would get to Sandwich if a mixture of till and sand. Mr. Humphries said there is an area that will be tested and we don't believe it is contaminated. There is a possibility of 3,400 cubic yards will go into a landfill capping.

Mr. Humphries – for disposal and dewatering, they reviewed two areas to be looked at by the DNR and/or DMF.

Chm. Gray – asked if there are eel grass beds at the second pipe. Mr. Humphries is not aware of any eel grass. Chm. Gray has issues of the dewatering concept and the ability of the basins to work properly.

Brendan Mullaney – suggested to look at the large filter bag or something to put on the top side of the pipe. There must be technology available to filter out.

Brendan Mullaney and Mr. Humphries will determine a site visit date and time.

Chm. Gray – suggested communication with Sandwich and Wareham for the dredge material and if there is any way to find the cost difference bringing the dredge material to Sandwich by barge vs. trucking. Sandwich may pay for some of the costs to remove.

Chm. Gray – we will also need a list of who has worked on this project so there is no conflict with choosing a review consultant.

This hearing is continued to the 1/22/15 meeting. A site visit, including tide ranges for an outgoing tide for the beds will be discussed with the DNR.

Approval of Minutes

Ligor moved and seconded by Palumbo to approve minutes of 12/4/14 as written. Unanimous vote.

Excuse Absent Members

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

Public comment

None.

Brendan Mullaney – handed out two letters regarding Hideaway Village proposing to build dingy docks. Nothing has been filed.

Adjourn

Palumbo moved and seconded by Ligor to adjourn. Meeting adjourned at 8:16 pm. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.