

## **CONSERVATION COMMISSION MINUTES**

**Thursday, January 9, 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, Peter Holmes, Betsy Kiebala, Paul Lelito, Rob Palumbo, Susan Weston, and alternate member Thomas Ligor.

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

#### **1) Applicant: William Kea**

File Number: CC14-01

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 19 Ram's Head Road, Cataumet

Proposed Project: Construct expansion to existing wooden deck and associated appurtenances within a VE Flood Zone

Barbara Frappier representing: proposing a deck expansion that will be constructed to meet all applicable building codes. Submitted updated site plan showing changes on the property including realigning the driveway, and some work on the house – all minor things. Filings have been done in the past for the work on the house.

No board comment.

Brendan Mullaney – proposed work is in the Flood Zone only, no other resource areas within 100 feet of property. Site plan on file should serve to bring property in compliance for some work that may have been completed without a permit. No other concerns with the project.

No public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative 2 Determination. Susan Weston abstained.

#### **2) Applicant: Audrey Greeley**

File Number: CC14-02

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 121 Salt Marsh Lane, Pocasset

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Barbara Frappier representing – property has salt marsh all around. Leaching field was placed in an area that was almost outside the 100 FT buffer. No other work is proposed.

No board comment.

Brendan Mullaney – proposed system is moved as far as resource area as lot allow. Upgrade will be a vast improvement over existing conditions. No other concerns with the project.

No public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative 2 Determination.

**3) Applicant: Michael & Margaret Dwyer**

File Number: CC14-03

Representative: Flaherty & Stefani, Inc.

Project Address: 73 Mashnee Road, Gray Gables

Proposed Project: Construct a shed/workshop within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Chm. Gray recused himself from discussion and vote. He turned the meeting over to V. Chm. Craig Rheinhardt.

Mark Flaherty representing – proposing to construct a shed/workshop. The only place to put the shed is 45 FT from the marsh towards the front of the property.

No board comment.

Brendan Mullaney – relatively simple project. Received approval from the ZBA. House within 2 FT of wetland. Commissions policy as long as new work not any closer than existing, then usually OK and in compliance. No other concerns with the project.

No public comment.

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the Commission unanimously voted to approve the project under a Negative 2 Determination.

**4) Applicant: David Black**

File Number: CC14-04

Representative: Bracken Engineering, Inc.

Project Address: 531 Circuit Avenue, Pocasset

Proposed Project: Construct a porch, relocate utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Zac Basinski representing – across the street we have a salt marsh, coastal bank and AE Flood Zone. Proposing a new porch and burying utilities. No proposed grade changes on the lot. Porch will be on sauna tubes. Running new underground electric.

No board comment. No public comment.

Brendan Mullaney – flat developed lot. Proposed project outside of 50 FT buffer zone. Utility work within buffer zone but is a replacement of existing. No concerns with the project.

On a motion made by Rob Palumbo and seconded by Betsy Kiebal, the Commission unanimously voted to approve the project under a Negative 2 Determination.

Chm. Gray returned to chair the meeting.

#### **5) Applicant: Jerome & Patricia Cura**

File Number: CC14-05

Representative: Paul Matos, G.A.F. Engineering, Inc.

Project Address: 30 Presidents Road, Gray Gables

Proposed Project: Construct two additions and install driveway, including associated grading and site work within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Paul Matos representing – additions to the existing home. In front 4x10 addition on 12” piers (2). Work on the back is closest to the isolated vegetation. Bulk of activity is on the side of the house. Deck will remain, but is primarily a garage addition which will be on a crawl space. 55 FT from adjacent wetland.

Lelito – asked about cutting of trees on the garage side. Applicant’s representative didn’t believe so, but they may have to remove a couple trees.

No board comment. No public comment.

Brendan Mullaney – small isolated wetland adjacent to lot. Working outside the 50 FT buffer zone to wetland, opposite side is flat developed lot. No concerns with the project.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative 2 Determination.

#### **7:15) Notices of Intent:**

##### **1) Applicant: John & Lori Ricciuti**

DEP File Number: SE7-\_\_\_\_\_

Representative: David R. MacLean & Associates

Project Address: 40 Wenaumet Bluffs Drive, Pocasset

Proposed Project: Raze and rebuild existing dwelling, including landscaping, utilities, and appurtenances within an AE Flood Zone and within 100 feet a Wetland Resource Area 2

David MacLean representing – abutter cards were submitted for the file. Property came on the market, needing major renovation. Assessment made to the existing building, this building was in irreparable condition. Portions of the foundation are breached and failing. A lot of code violations. There is so much water and infiltration on the property. Storage area with concrete floor and water went throughout the house with a lot of black mold. It became apparent that the only real option was to raze the house and rebuild. The proposed structure is within the same basic space as the existing building. The existing foundation represents 1285 SF. Proposed foundation represents 1284 SF. Moved the foundation back 7 FT so front wall of the building is back to where originally built in the 1800s. Moved the steps to the other side of the porch - existing porch and steps are 17.5 FT on the top of the manmade coastal bank. Proposed is 24 FT to top of the manmade coastal bank. We kept the topography the same. The new house will have an open porch which will be the second house in the neighborhood to have an open porch. We have submitted application to the Board of Appeals for lot setbacks and lot coverage. Septic system will be an alternative system because of proximity to the wetland. David Martin is designing the system and has a preliminary layout and location for septic and will be going to the Board of Health in February. There is some expansion towards the street.

No board comment.

Brendan Mullaney – somewhat of standard raze and rebuild but they are trying to keep character and integrate into this neighborhood. House pulled back away from the manmade coastal bank (concrete seawall) and moved closer to the street. Septic will be a vast improvement over existing. No concerns with the project. He can put in conditions that final septic design approved by BOH. Final septic design will be submitted to the board.

Dight Crain, abutter – has no objections with the project except he is concerned with his view. He feels the view is an issue and the moon shaped structure is out of character with the neighborhood.

Chm. Gray – there is nothing in the board's purview regarding view, the board can only review the environmental aspects of the project as they relate to the Wetland Protection Act and Town Bylaw. As far as historic character, this is also not in the board's purview.

Brendan Mullaney – there has been scattered work on the seawalls and some repair work in the neighborhood.

Chm. Gray said at the applicant's request, the meeting will be continued to the next hearing 6/23/14. Weston requested write into conditions that septic plans must be submitted after approval by Board of Health.

Chm. Gray recused himself from discussion and vote and turned the meeting over to V. Chm. Craig Rheinhardt. Ligor also recused himself from discussion and vote.

**2) Applicant: Red Brook Homeowners Association, Inc.**

DEP File Number: SE7-\_\_\_\_\_

Representative: Bracken Engineering, Inc.

Project Address: Off Nairn Road, Red Brook Harbor, Cataumet

Proposed Project: Removal and reconstruction of existing licensed pier with a modified pile configuration within a VE Flood Zone and within a Wetland Resource Area

Zack Basinski representing –existing pier was originally built in 1928 and is licensed. Stayed until 1991 and Hurricane Bob destroyed, last 25 FT section destroyed. Homeowners got approval to repair from the Commission. At that time looking to extend and it was approved in 1992 and pier is in current configuration. In October the association looked at the condition of the pier. Based on a structural engineer's report, full replacement was recommended. We are in Velocity Flood Zone, elevation 18. Application was filed with Marine Fisheries with no response. Proposal is to replace and reconstruct and keep current footprint. Looking to install 10 pairs of piers – 11 FT on center which will go from 12" to 8". Work will be from the water. Proposed barge will be brought in. There will be no jetting of piles.

Paul Lelito – asked if possible to install mesh decking to stimulate growth and if applicant had considered. Mr. Basinski stated they could look into this.

No board comment. No public comment.

Brendan Mullaney – original license from 1928. Slight change in design over the years. Old A-frame piles currently exist – this is no longer industry standard and that is what necessitates the new configuration. It will reduce overall amount of piles. Where 4 piles are within the saltmarsh, it is a minor temporary disturbance. Overall standard reconstruction and meets all specifications. DMF has no comments on the project.

James Mulvey – length, width, height and growth would be his questions. Also questions what type of piles. Mr. Basinski states they will be southern yellow pine.

Barbara Frappier – suggested looking into setting a minimum requirement for the CCA pilings.

No further public comments.

At the applicant's request, the hearing will be continued to 1/23/14. Representative will look into grating options for deck and discuss with Association.

Chm. Gray back chairing the meeting, Tom Ligor returns to meeting.

**Certificates of Compliance:**

**1) Applicant: Edward & Valerie Hickey**

DEP File Number: SE7-1665

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 80 Captain's Row, Mashnee Island

Proposed Project: Construct an addition and renovate existing dwelling, rebuild and relocate beach stairs, remove paved driveway and install new gravel driveway, plant 8 cedars and buffer plantings, install drywells, repair seawall, replace front steps, remove deck, install stone patio and second story deck, including associated grading landscaping, utilities, and other appurtenances within an AE Flood Zone, within a VE Flood Zone and within 100' of a Wetland Resource Area.

Brendan Mullaney – site visit was conducted and some deviations. Set of beach access stairs close to property line and were removed and reconstructed more towards the center of the property. Difference was there was a landing about the middle of the stairs. Old beach access path not planted or blocked off. Mitigation buffer planting is not as approved covers less than minimum of 600 SF. Buffer planting on coastal bank pruned and not allow to grow to maturity.

Lelito – configuration is different but on the same location? Brendan states no, stairs are in different location

Ms. Frappier – with all the stone it was hard to place the footings for the steps. One aspect will not be done to clean off and repair of the revetment. Mr. Hickey said none of the vegetation has been trimmed or cut or not aware there was prohibition to do so. The only outstanding issue was the mitigation doesn't go end to end as proposed (approximately 40 linear feet).

Discussion held on variations from the original plan. Mitigation was supposed to be 600 SF and is 410 SF.

Mr. Hickey – addressed the plantings by stating when the stairs were took down, in September. The problem is a fence is in the way and doesn't know where to plant. Applicant has until 2017. He will plant and put in fence. Same plantings and will extend the edge.

Kiebala moved and seconded by Weston to hold issue of compliance pending mitigation plantings. Kiebala and Weston withdrew their motions. More discussion revolves around whether the board granted permission to move the steps to the center of the lot. Cannot find plans or record of approval. Weston and Holmes state they remember the request to move the stairs.

Applicant will plant the areas in the spring and come back before the board soon after. At applicant's request, the hearing will be continued to 6/5/14.

**2) Applicant: Thomas LeBlanc**

DEP File Number: SE7- 1773

Representative: John Churchill, PE, PLS, JC Engineering, Inc.

Project Address: 45-47 Cove Lane, Pocasset

Proposed Project: Construct dwelling, garage, septic system, in-ground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney – minor deviations. Small drainage adjacent to the roadway Japanese knot weed spread with loam. Not having water issues. Put in some wet mix seed mix in the spring. Minor issue. Shell driveway expanded into grass and now pervious driveway. Second deck added which didn't touch the ground. Septic system approved by the Board of Health for installation of pump chamber. Small retaining wall in front was added to stabilize the grade. Stairs to access deck were not constructed but relocated within the footprint of the deck. Trees spread were massed together between the two driveways. Shows pictures of the entire project site to board members. Substantial compliance to the project in his opinion, unless outstanding questions from the board he recommends granting the certificate.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to grant Certificate of Compliance.

**3) Applicant: Linda Gudas**

DEP File Number: SE7-1812

Representative: Bracken Engineering, Inc.

Project Address: 2 Hill Street, Pocasset

Proposed Project: Raze and rebuild single family dwelling and install new septic system, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney – site visit was conducted and found to be in compliance.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Commission unanimously voted to grant Certificate of Compliance.

Palumbo moved and seconded by Weston to grant Certificate of Compliance. Unanimous vote.

**Other Business:**

► Reissue of Order of Conditions File SE7-1874 and Certificate of Compliance File SE7-1707

Brendan Mullaney – same project. One compliance and one OOC. They were not picked up and destroyed. Talked to the representative and will get fresh copies to record at the Registry. Same date of issuance.

► Vote – Excuse Absent Members, if necessary

► Approval of Minutes – November 21, 2013

Lelito moved and seconded by Kiebala to approve minutes of 11/21/13 as submitted. Unanimous vote. Weston abstained.

► 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**

Kiebala moved and seconded by Craig Rheinhardt to adjourn. Meeting adjourned at 8:45 PM. Unanimous vote.

Respectfully submitted,

Lisa Groezginer, sec.