

## **CONSERVATION COMMISSION MINUTES**

**Thursday, June 5, 2014 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall**

Members present: Chm. Bob Gray, Peter Holmes, Betsy Kiebala, Rob Palumbo, Susan Weston, and alternate member Thomas Ligor

Members excused: V. Chm. Martha Craig Rheinhardt, Paul Lelito

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.

### **Requests for Determination of Applicability:**

#### **1. Catherine Scalzo**

File Number – CC14-23 - 13A Thompson Road, Buzzards Bay (Hideaway Village)

To Construct a deck within a VE Flood Zone, within 100 FT of a Wetland Resource Area and within the 200 FT Riverfront Area.

Brendan Mullaeny – the applicant could not make it tonight but has turned in appropriate paperwork. Project is to construct a deck. Flat, developed lot, no concerns with the project. The Hideaway Village Condo Association has signed off on this project.

No board comment. No public comment.

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

#### **2. National Grid**

File Number – CC14-24 – 56 Academy Drive, Buzzards Bay

To install gas service connection within a VE Flood Zone and within 100 FT of a Wetland Resource Area

Mr. Todd Palmatier, Coastal Engineering Co representing – the flood zone will be reclassified into an A zone. Applicant is seeking to connect to a gas main in the street using both the plow method (the mole method under the retaining wall and walkway). All work can be done in one day and will be restored to existing conditions. No grade changes.

Brendan Mullaney – this is a simple gas installation, a flat lot and no concerns with the project.

No board comment. No public comment.

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

### **3. Robert & Marieann Munro**

File Number – CC14-25 – 197 Phillips Road, Sagamore Beach

Upgrade to new Title V septic system within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

Linda Pinto, Oceanside Septic representing – she handed out minor revised plans to the board. This is an upgrade due to a failed cess pool system. The top of a coastal bank and across Phillips Road are wetlands. Applicant is asking for variance to the deck from the Board of Health which is 3-4 FT in the front and 1.5 FT in the back.

Chm. Gray – asked if the top of the bank is the top of the dune. Brendan Mullaney responded yes, there is a coastal dune out in front of the property.

Brendan Mullaney – the whole area is classified as a coastal dune. The dwelling is actually in Sandwich and the septic is on the Bourne side. The applicant needs to resolve the dune line as it is going to transition from a coastal dune to a residential area.

Chm. Gray – comfortable with the plan as long as it is labeled as dune. Brendan Mullaney – suggesting adding a note on the plan as part of the motion made.

No board comment. No public comment.

Holmes moved and seconded by Kiebala a Negative Two Determination with the condition the issue of the bank is clarified on the plans and labeled as coastal dune. Unanimous vote. Weston abstained.

### **Notices of Intent**

#### **1. Osvaldo LiDonni**

DEP File Number SE7-1899 – 8 Wright Lane, Buzzards Bay

Raze and rebuild existing dwelling, including landscaping, utilities and appurtenances within a VE Flood Zone.

JC Engineering, Inc.

Chm. Gray recused himself from discussion and vote. Palumbo chairing the meeting.

Brad Bertolo, JC Engineering -The project entails demolition of the existing dwelling. The site is located in the VE 17 flood zone, pending changes in mid July to an AE 16 flood zone. Applicant is using a foundation frost wall vs. piers or pilings. The coastal bank is 157 FT away, off the parking lot of the marina. There will be some connecting to utilities and minor fill.

Brendan Mullaney – this area is next to the town marina at Taylor's Point. The closest resource area is armored bank greater than 100 FT from the project site. On 7/16/14 the new flood

maps go into effect. Property is on town sewer - no septic issues. Standard tear down and rebuild, no concerns with the project.

No board comment.

Mr. Mulvey – asked about run off. Run off into the marina area is an issue with drainage. Applicants representative said they plan to keep as much runoff onto the property.

No further public comment.

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

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1,2,3,5,9, 12,13,16-24 and Special Conditions 7,8,9 to the bylaw.

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

Chm. Gray back to chair the meeting at this time.

## **2. Mass Maritime Academy**

DEP File Number SE7-1894 – 101 Academy Drive, Buzzards Bay

Construct an addition to existing dining facility, including new patio, stormwater management facility, sidewalks and landscaping within AE and VE Flood Zones and within 100 FT of a Wetland Resource Area. Hearing Under State Act Only – Continued from 5/1/14

Baxter Nye Engineering & Surveying representing:

Brendan Mullaney – this hearing was continued MEPA review. Applicant received MEPA approval with no changes to the project that had to be made; MEPA cautioned spending State funds in a velocity zone.

No board comment. No public comment.

Holmes 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 1,2,3,5,9, 12,13,16-24 and no conditions to the bylaw.

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

## **3. Monica Lewis, Trustee of ECJ Property Trust**

DEP File Number SE7-1893 – 67 Pasture Road, Scraggy Neck

Reconstruct an existing licensed stone groin within a VE Flood Zone, within a Wetland Resource Area and within 100 FT of a Wetland Resource Area.

Sullivan Engineering representing.

Continued from 5/1/14

Brendan Mullaney – the project was continued to determine if applicant had permission from Scraggy Neck Association for access over the beach. Applicant hasn't received a response to date and is asking for a continuance. The Scraggy Neck Association meeting will be at the end of June. This hearing will be put on the 7/10/14 meeting agenda.

No board comment. No public comment.

Holmes moved and seconded by Weston to continue to 7/10/14 at the request of the applicant. Unanimous vote.

#### **4. Hideaway Village Condo Association**

DEP File Number SE7-1896

749 Head of the Bay Road, Buzzards Bay

Perform beach nourishment within a VE Flood Zone, within a Wetland Resource Area and within 100 FT of a Wetland Resource Area.

BSC Group, Inc.

Continued from 5/15/14

Weston recused herself from discussion and vote at this time.

Chm. Gray – notified the board of the DMF letter dated 6/2/14 that was submitted to the file.

Matt Creighton, BSC Group – There will be a 3:1 slope which is standard and does well holding up to storms. The material used will be comparable to that of the beach; additional conditions through State and Federal levels may require some compensation or seeding plans.

Brendan Mullaney – Mr. Tim Mullen (DNR Director/Harbormaster) said there is shellfish resources with regard to the beach nourishment, but there is not a significant population of shellfish, however there is an indication of presence of seeds and adult shellfish. Mr. Mullen would like to conduct his own survey.

Brendan Mullaney – this approval will not valid until the applicant receives the DEP wetlands Chapter 91 license.

Creighton – there will be 3,500 cubic yards of sand to be spread by a front end loader with rubber tires and a small bulldozer. Any rocks will be depressed into existing substraights.

John Terriello, resident in Hideaway Village – agrees the seawall has to be done, however he feels the sand will wash away. The applicant's representative explained the protection of the seawall and that the wall will be undermined.

Mary Kanseasian, resident in Hideaway Village – sees the project as an ecological benefit.

No board comment. No further public comment.

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

Brendan Mullaney – Draft Order of Conditions: All General, Special Conditions pursuant to MGL, Chapter 131, Section 140: 1,2,3,12,13,16-24 and Special Conditions pursuant to Town of Bourne Wetland Bylaw 1,8,9,12,14 and additional special conditions: ASC-1) In accordance with 310 CMR 10.27(5), clean sediment of a grain size compatible with that on the existing beach must be utilized.

ASC-2) Project proponent must contact the Director of the Department of Natural Resources at least four weeks prior to start of work to determine if any actions are required to prevent adverse impacts to shellfish within project area. Any actions deemed necessary by DNR Director must be performed at expense of project proponent.

ASC-3) All equipment must be stored above Mean High Water. In addition, adequate cleanup and containment equipment must be available on project site at all times in case of any fuel spills.

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

### **Certificates of Compliance**

#### **1. Edward & Valerie Hickey**

DEP File Number SE7-1665 – 80 Captain's Row, Mashnee Island

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 FT of a Wetland Resource Area.

Continued from 1/9/14.

Brendan Mullaney – a site visit was conducted and has determined site compliance – the fence was installed and additional plantings were put on the top of the coast bank. He recommends to grant.

Holmes moved and seconded by Weston to grant Certificate of Compliance. Unanimous. Vote.

#### **2. Francis & Helen Fistori**

DEP File Number SE7-1884 – 23 Nick Vedder Road, Buzzards Bay  
Remove and replace an existing sloped concrete block revetment with new stone revetment within an AE Flood Zone and within a Wetland Resource Area (Coastal Bank)  
JC Engineering representing

Brendan Mullaney – a site visit was conducted and there are three deviations to the conditions he needs to inform the board. 1) Additional creeping juniper on top of the revetment was added; 2) Additional sand added along the coastal beach; and 3) A small portion of the revetment on the east side of the property to stem any erosion on neighboring property. He recommends to grant. Applicant met the conditions of the plans with minor deviations.

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

### **3. Angelo Moskovis**

DEP File Number SE7-812 – 42D Maynard Lane, Buzzards Bay (Hideaway Village)  
Construct foundation under existing dwelling and reconstruct and enlarge wooden deck within an AE Flood Zone and within 100 FT of a Wetland Resource Area  
Norwood Engineering Co representing

Brendan Mullaney – a site visit was conducted and he has determined compliance with the order that was set. This project was from 1991 which seems to have been forgotten about and recommends to grant

Holmes moved and seconded by Kiebala to grant Certificate of Compliance. Unanimous vote.  
Weston abstained.

### **Other Business**

#### **Approval of Minutes 5/1/14**

Holmes moved and seconded by Kiebala to approve minutes of 5/1/14 as submitted.  
Unanimous vote.

#### **Excuse Absent Members**

Holmes moved and seconded by Weston to excuse absent members Craig Rheinhardt and Lelito. Unanimous vote.

#### **Adjourn**

Holmes moved and seconded by Palumbo to adjourn. Meeting adjourned at 8:00 pm.  
Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.