

CONSERVATION COMMISSION MINUTES

Thursday, May 15, 2014 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

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

Members excused: V. Chm. Martha Craig Rheinhardt

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:

Richard Fontaine – CC14-17 at 66 Rip Van Winkle Way, Buzzards Bay

Applicant seeks to remove and rebuild a landscape retaining wall and repair a block retaining wall within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

Mr. Fontaine – there are two projects; the first is to replace a 25 year-old retaining wall using the same footprint using 12"x16" blocks. The next project is a short retaining wall. No disturbance of the beach and no removal of soil in both projects. Work will be done by hand.

Brendan Mullaney – there is an existing retaining wall, but it is a proactive project. He has no real concerns but suggested doing small sections at a time. He asked what the methodology is. Mr. Fontaine will use silt screening and bailed hay and possible sheets of plywood.

No board comment. No public comment.

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

Theresa B. White Living Trust – CC14-18 at 25 Crowell Road, Sagamore Beach

Applicant seeks to install new Title V septic system within 100 FT of a Wetland Resource Area.

David Flaherty – seeking to replace a failed septic due to property transfer. This is an isolated, vegetated wetland. A new tank and pump chamber will be installed with a leaching well past the 100 FT. Brendan Mullaney suggested a small silt fence behind the tank.

No board comments.

Brendan Mullaney – new system is an improvement and has no other concerns with the project.

No public comments.

Kiebala moved and seconded by Lelito a Negative Three Determination. Unanimous vote. Weston abstained.

Nam Suh – CC14-19 at 22 Nye Lane, Buzzards Bay

Applicant seeks to repair footings under existing deck, remove four trees and remove invasive vegetation and replanting with native shrubs within an AE Flood Zone and within 100 FT of a Wetland Resource area.

Tom Bunker representing – Digging will be done by hand. The four trees applicant is proposing to take out are causing damage to the house. There is an area consisting of bittersweet and would like to clear out the vines.

Brendan Mullaney – the damage from the trees in question are due to storm damage from various branches falling onto the house. The trees have been there for a long period of time. He has some concern with the footings. He stated the embankment is overgrown with honeysuckle and bittersweet and suggests removing and replant with native vegetation to keep the coastal bank intact.

No board comment. No public comment.

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

Glen Larsen – CC14-20 at 26 Oakley Avenue, Buzzards Bay

Applicant seeks to install an in-ground swimming pool with associated patio, fence, and landscaping within 100 FT of a Wetland Resource Area

Mr. Larsen representing homeowner – seeking to add 18'x36' pool within the buffers zone to a wetland behind the property.

Brendan Mullaney – there is an isolated, vegetated wetland that is listed by Natural heritage as a potential vernal pool. From pictures taken today, it looks like some tree removal has already occurred. Applicant's representative doesn't know about the tree removal.

No board comment.

Mr. & Mrs. David Gardner – abutters at 15 Oakley Avenue and have no objections.

No further public comment.

Brendan Mullaney – requested conditions with permit: Applicant must install a minimum of a row of staked straw bales and silt fencing at a minimum of 50 feet from the edge of the Wetland Resource Area. Erosion controls must be maintained until all disturbed areas are stabilized.

Lelito moved and seconded by Weston a Negative Three Determination to include conditions as read by the Agent. Unanimous vote.

Michael McGovern – CC14-21 at 1 Old North Road, Pocasset

Applicant seeks to install new driveway with associated drainage, construct stone wall and perform landscaping including removal of invasives and installation of drywells within AE and VE Flood Zones and within 100 FT of a Wetland Resource Area

Ms. Barbara Frappier representing – introduced Ms. Meredith Leblanc, reviewed the landscape design which includes the moving of the existing gravel driveway for the opportunity of a turn-away and guest parking; the removal of a few trees and the addition of plantings around the house and some planting for screening to his neighbor.

Brendan Mullaney – the plan looks like a positive use of the land. There are a lot of native plantings proposed and the removal of a few trees, but what is replaced more than makes up for the removal of the trees. Some disturbance on site and will be restored.

No public comment.

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

Angelo & Kerri Senzapaura – CC14-22 at 50 Bourne Neck Drive, Buzzards Bay

Applicant seeks to construct a shed within a VE Flood Zone.

Brendan Mullaney – applicant not present tonight, but turned in abutter notifications. It is a simple project. The only resource area is the VE flood zone. No other jurisdictional resources within 100 FT. The area is a flat, developed lot and no concerns with the project. Sauna tube footings per Building Inspector.

No board comment. No public comment.

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

Notice of Intent:

Hideaway Village Condo Association – SE7-1986 at 749 Head of the Bay Road, Buzzards Bay

Weston stepping down as an abutter.

Applicant seeks to perform beach nourishment within a VE Flood Zone, within a Wetland Resource Area and within 100 FT of a Wetland Resource Area.

Matthew Creighton of BSC Group – explained this is more of a necessity due to erosion of sand from the large stone revetment that was constructed. Proposing equipment to spread sand with rubber tires. Work will be done initially at low tide.

Chm. Gray – has a shellfish survey be conducted? Applicant provided in application.

Ligor – why is the area losing land? Creighton - Because of the bank that has been armored. The sand could last until the next storm, 3 years or 10 years - this is why we want to monitor.

Lelito – shoreline drifts in each direction of Head of the Bay Road. The loss of material is due to the configuration.

Brendan Mullaney – in terms of the overall project, the beach nourishment is a gamble. He read the shellfish survey summary into the record which shows some species in front of the wall (clams towards Head of the Bay Road). DNR Director Mr. Mullen reviewed said survey and responded by letter which Brendan Mullaney read into record - DNR would want to conduct their own survey and possibly relocate shellfish if deemed necessary. Mr. Mullen overall showed support for the project. The Natural Heritage letter states the project will have no adverse effect of the habitat and had no issue. He did not see DMF comments. Applicant received no comments but receive a file number. Brendan Mullaney commented on the haphazard jetty structures. The applicant's representative didn't know about them. He could disassemble them.

Ligor – once sand is put down, there will be an upland beach. Brendan Mullaney said there will be moving the mean high water line seaward.

Mary Woodruff, abutter asked if there will be sand between D and F beach and if it is advantageous to spend the money. Applicant's representative said the sand will migrate but will cost more when the wall fails.

Ms. DiSangro – when first wall was approved, the re-nourishment was never carried out. You are looking at the result of non-nourishment over a dozen years.

Mr. Mulvey – asked if the issue is a wake or prop wash an issue. Applicant's representative responded it is not.

At the applicant's request, the board will continue the application and continue to the next meeting of 6/5/14 to see if there is any DMF comment.

Sean & Shea Burke – SE7-1898 at 10 Long Pond Way, Cataumet

Applicant seeks to construct a family dwelling with horse barn and paddocks below, including Title V septic system, grading, clearing, landscaping and other appurtenances within 100 FT of a Wetland Resource Area and within the 200 FT Riverfront Area.

Brendan Mullaney – this application was continued for file number only.

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

Mr. Mulvey – asked if animals will have free access to the wetlands. Applicant's representative stated the area will be fenced off.

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1,2,3,4,6,9,10,12,14,16-24 and Special Conditions to the Bylaw 7,8,9 and Special Conditions 20,24 to continue in perpetuity. Based on testimony, the stream is an intermittent stream and not a perennial stream.

Palumbo moved and seconded by Holmes to move Draft Notice of Intention to Final Notice of Intention. Unanimous vote. Lelito abstained.

Ellen Burns – SE7-1890 at 66 Arlington Drive, Buzzards Bay

Applicant seeks to install a seasonal pier, ramp and floats within an AE Flood Zone and within a Wetland Resource Area.

Brendan Mullaney – kept open for a response from Natural Heritage. He stated their letter said the proposed project will have no adverse affect on the habitat and no issues with the project.

Palumbo moved and seconded by Holmes to close the public hearing. Unanimous vote. Lelito abstained.

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1,2,3,11,12,13,16-24,30-41 and Special Conditions to the Bylaw 7,8,9 with a Special Condition 20,24 to continue in perpetuity.

Kiebala moved and seconded by Holmes to move Draft Notice of Intent to Final Notice of Intent. Unanimous vote. Lelito abstained.

Certificates of Compliance

The Toby Island Trust, DEP File Number SE7-1816 at 124, 126 & 128 Emmons Road, Mo Beach

Applicant seeks to construct 220 linear FT of Coastal Bank Stabilization and construct beach access stairs within a VE Flood Zone within a Wetland Resource Area and within 100 FT of a Wetland Resource Area.

Brendan Mullaney – a site visit was conducted and some deviations are cited in a letter from the Applicant’s representatives. He read deviations into the record by Holmes and McGrath. Holmes and McGrath is requesting the board accept conditions without the placement of sand. Brendan Mullaney said sand is not always a method incorporated into a hard-armored structure. The house is afforded the right to build on an embankment. The other outstanding issues were rectified.

No board comment. No public comment.

Holmes moved and seconded by Palumbo to grant the Certificate of Compliance with deviations as noted. Unanimous vote.

538 Scraggy Neck Road Trust – DEP File Number SE7-1418 at 538 Scraggy Neck Road, Cataumet

Applicant seeks to repair and maintain an existing stone groin within a VE Flood Zone and within 100 FT of a Wetland Resource Area.

Brendan Mullaney – a site visit was conducted and has determined compliance with the Order that was set and recommends to grant.

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

Other Business

Approval of Minutes 4/17/14

Holmes moved and seconded by Lelito to approve minutes of 4/17/14 as submitted. Unanimous vote. Lelito and Weston abstained.

Excuse Absent Members

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

Adjourn

Lelito moved and seconded by Weston to adjourn. Meeting adjourned at 8:30 pm. Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.