

CONSERVATION COMMISSION MINUTES

May 21, 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, Peter Holmes, Betsy Kiebala, Susan Weston, Thomas Ligor, and Associate Member Paul Szwed

Members excused: V. Chm., Martha Craig Rheinhardt, Rob Palumbo and Betsy Kiebala

Requests for Determination of Applicability

1) Peter Newell

CC15-18

SAME

Off Quamhasset Road, Buzzards Bay

Repair and stabilize an existing seawall within an AE Flood Zone and within a Wetland Resource Area

Mr. Peter Newell representing – seeks to repair and stabilize existing seawall. He is applying on behalf of the Quamhasset Homeowners Association, who owns the property. He showed the board an actual stone that will be used in the proposed project. The stones will be brought in by wheelbarrow. Rip rap will be against the wall with crushed stone to fill in.

Holmes – asked how long is the wall. Mr. Newell said it was about 124 feet.

Brendan Mullaney – Very minimal impact and relatively small amount of material. It should stabilize the wall. No concerns with the project.

No other board comment. No public comment.

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

2) Christopher Nichols

CC15-19

SAME

87 Tahanto Road, Pocasset

Repair winter ice damage to an existing licensed dock within an AE Flood Zone, within a Wetland Resource Area and within the Riverfront Area

Mr. Christian Norgeot representing – existing fiberglass pilings were pulled up by the ice. He is proposing to replace four (4) of his pilings with pressure treated pilings. The piles will be driven.

Brendan Mullaney – the damage was due to some winter ice damage. In the past, the board has allowed repair through this process. The repaired project will be put back with the licensed- approved footprint. It will be much more stable and a better overall pier vs. the fiberglass piles. It should be an improvement overall.

No board comments. No public comments.

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

3) Paul & Kathleen Alfano

CC15-20

David Sampson, Sampson Construction Co.

160 Jefferson Road, Gray Gables

Repair existing rip rap seawall within a VE Flood Zone and within a Wetland Resource Area

Mr. David Sampson representing – applicant seeks to repair existing rip rap seawall to protect the property. The rip rap that was there was either washed out or washed away. A similar project was done next door which proved to be successful about six (6) years ago.

Ligor – asked about how much material will be used. Mr. Sampson said about 40 tons.

Brendan Mullaney – this home is in the middle of a seawall project going on now which the board approved a while back. There is a variety of stone size along the canal. The applicant is seeking to improve the seawall before the condition gets worse.

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

4) Daniel Donovan

CC15-05

Timothy Bennett, Green Seal Environmental, Inc.

3 Vineyard Circle, Sagamore Beach

Confirm Wetland Resource Area boundaries in association with construction of new single family dwelling

(Continued from 5/7/15)

Mr. Bennett representing – this project was started in 2010. Both Chm. Gray and Brendan Mullaney have been to the site. He doesn't know if this property is buildable at this point. Mr. Donovan is the first person to go forward to make that determination. Perc tests have been performed – good sand at 22 feet. It was determined it was buildable from a zoning perspective. It was also determined the neighboring house encroached on the property (#42 and the entire septic system is on Mr. Donovan's property). Mr. Donovan worked with Mr. Hall to remedy. Applicant seeks to build his retirement home and purchased additional lots to make the project feasible. A surveyor was unable to determine the boundaries due to thick brush. Clearing of the land was started. A complaint was called in and work was delayed. It was determined there are some wetland areas. The isolated wetland is a potential wetland under the bylaw. Applicant seeks guidance from the board so he can file a Notice of Intent.

Brendan Mullaney – a site where you can see a relatively thin layer of sandy loam and another area with a lot of clay. This site retains some water and appears to potentially have a spring that runs across to the marsh. The town bylaw states that an area that has 50% or greater wetland indicator species qualifies as a wetland. It has been difficult to determine the exact boundaries due to the snowpack. As the spring came, there were additional observations of wetland indicator species in various locations on the property. At this point, this filing is to confirm the boundaries of the resource areas.

Chm. Gray – the area in purple was determined after several site visits, it is his opinion that based on the soils on the site, it looks like the site was disturbed in the past. Some heavy equipment went through that area and packed the soil down to make it more inviting to certain species, especially soft rush. He would like the members to consider a relocation of what is in purple to the north of Marsh Pond Road which is more of a true wetland area. He doesn't feel the purple area should be regulated as a bylaw wetland in that location and in turn determine this lot is unbuildable. The only thing we have is vegetation. We don't have the soils. We've looked at the area to the north near the two green isolated wetlands and he personally feels the applicant can come in with a plan that shows minimal excavation and establish a wetland community that allows the purple to be relocated to the green area. It is similar to other sites that have been revisited with an old test hole. The area is around 1,000 square feet.

Holmes – asked about turtles and if the replacement is 2:1.

Brendan Mullaney – at this point they are just looking for resource boundary confirmation – the project specifics will be determined when they file a Notice. It is possible there might be a hydrologic connection but that area would be prime area in order to attempt to replicate the 1,000+ square feet. This was an area that was disturbed in the past.

Chm. Gray – if the board gives some guidance, the applicant would come back with further details moving forward.

Chm. Gray – he asked if the board would like the connection between the two areas. The consensus is to have the connection.

Mr. Bennett – he suggests he be allowed to clear the “trash dump” – beer bottles and old tires.

No further board comment. No public comment.

Holmes moved and seconded by Ligor a Positive Two Determination confirming the resource area boundaries as shown. Unanimous vote.

Notice of Intent

1) George Ajami

DEP File Number SE7-1920

Brian Grady, G.A.F. Engineering, Inc.

700 County Road, Pocasset

Remove a fence and construct a wooden retaining wall within the 200’ Riverfront Area

Mr. Grady representing – he briefly explained the history of the land. The site has been revegetated and stabilized itself naturally after about 8 years. The fence is starting to overturn and is askew. Applicant seeks to remove wire fence and replace with timber wall. Mr. Agrillo will be doing the work. It’s approximately a 90 foot wall using an excavator from the back. The excavator will drive the piles for a wall approximately eight (8) feet into the ground with eight (8) feet exposed.

Brendan Mullaney – the history goes back to 2006 when Mr. Ajami started work. At this point, there is still an open Order of Conditions for that project – National Heritage raised issues of the garage not being included; the concern was with the grades of the property. There was also issue of box turtle. With the access proposed currently, it is outside of the habitat; the issue was down below. He said the garage used to be an auto body repair.

Mr. Joseph Agrillo, Jr. – showed the board the access route. There is no need to go around the back of the site.

Mr. Grady – did not have any contact with National Heritage as the project is quite a way out of the riverfront area.

Chm. Gray – recommends if in doing work and comes across the turtle, he will come and document for Heritage purposes. Relocate the turtle towards the Pocasset River to get it out of the proposed work area.

No further board comment. No public comment.

Holmes moved and seconded by Ligor 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 1,2,3,9,10,12,13,16-24 and Special Conditions to the bylaw 4,6,7,8,9. He advises to require compliance of outstanding Order of Conditions.

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

Other Business

Excuse Absent Members

Ligor moved and seconded by Holmes to excuse absent members. Unanimous vote.

Approval of Minutes 4/16/15

Ligor moved and seconded by Holmes to approve minutes of 4/16/15 as presented. Unanimous vote.

Public comment

None.

Chm. Gray – the next scheduled meeting will be on 7/2/15.

Adjourn

Holmes moved and seconded by Ligor to adjourn. Meeting adjourned at 8:30 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.