

## CONSERVATION COMMISSION MINUTES

Thursday, October 1, 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: Chairman 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: Chairman Robert Gray, Robert Palumbo, Betsy Kiebala, Susan Weston, and Thomas Ligor

Members excused: Martha Craig Rheinhardt, Peter Holmes, and Associate Member Paul Szwed

### **Request for Determination of Applicability:**

- 1)     Applicant:                     Anne Reilly                                     File Number: CC15-44  
       Representative:         Barbara Frappier, Warwick & Associates, Inc.  
       Project Address:         124 Emmons Road, Monument Beach  
       Proposed Project:       Construct a deck within an 100 feet of a Wetland Resource Area

Ms. Frappier representing: applicant seeks to construct deck adjacent to the existing deck. It is no closer to the top of the coastal bank than existing structure. We are not proposing siltation barriers since the area is flat and the work is minimal.

Brendan Mullaney – relatively minor project. Proposed deck is no closer to the coastal bank than currently exists. Agrees that no erosion controls are necessary due to the limited disturbance for digging sonotubes. No other concerns with the project.

No board comments. No public comments.

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

- 2)     Applicant:                     Mark Tuleja                                     File Number: CC15-45  
       Representative:         SAME  
       Project Address:         61 Maryland Avenue, Monument Beach  
       Proposed Project:       Construct an addition and farmer's porch within AE and VE Flood Zones

Mr. Tuleja representing: requesting to remove existing deck and to construct addition and farmer's porch. The new addition will include two bathrooms.

No board comments. No public comments.

3) Applicant: Colonial Gas File Number: CC15-46  
Representative: Amanda Crouch-Smith, Tighe & Bond  
Project Address: 209 Main Street, Buzzards Bay  
Proposed Project: Install a gas service connection within an AE Flood Zone  
Hearing Under State Act Only

Brendan Mullaney – no other resource areas within 100 feet. Standards gas installation. No other concerns with the project.

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

4) Applicant: Colonial Gas File Number: CC15-47  
Representative: Amanda Crouch-Smith, Tighe & Bond  
Project Address: 502,506,508 County Road, Pocasset  
Proposed Project: Extend an existing gas main and install gas service connections  
 Within 100 feet of a Wetland Resource Area

Brendan Mullaney – relatively straight forward project. They have provided provisions for erosion control - no other concerns with the project.

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

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Within an AE Flood Zone  
Hearing Under State Act Only

Ms. Crouch-Smith representing: applicant seeks standard installation of a gas service connection.

Brenan Mullaney – Flood Zone only - no other jurisdictional resource areas within 100 feet of proposed project. No other concerns with the project.

No board comments. No public comments.

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

**Notice of Intent:**

- |    |                          |   |                                  |
|----|--------------------------|---|----------------------------------|
| 1) | <u>Applicant:</u>        | Patricia Flatley  | <u>DEP File Number:</u> SE7-1928 |
|    | <u>Representative:</u>   | Jeffrey Johnson, Holmes and McGrath, Inc.   |                                  |
|    | <u>Project Address:</u>  | 432 Scraggy Neck Road, Cataumet   |                                  |
|    | <u>Proposed Project:</u> | Construct an addition and attached garage, in-ground swimming pool, patio, utilities, drywells, and all associated clearing, excavation, grading and landscaping within 100 feet of a Wetland Resource Area |                                  |

Raul Lizardi Rivera, Holmes and McGrath representing: applicant is seeking to construct an addition with an attached garage. They also seek to install an in-ground swimming pool with patio and landscaping. Excavation and grading as well as clearing will be done. A brief description of the project was given, including clearing work. There will be pad for the filtration near the pool. There will be a drywell used for overflow and will need to be maintained by pumping.

Brendan Mullaney – this property was before the board about five (5) years ago and has changed hands again. There is a recreational area parking seaward which is not steep and could have been a question if this was designated as a coastal bank. The bank as existing does provide storm damage protection and the proposed project is one foot further away than the existing structure. Proposed project is in line with the board's past practices for existing developed lots.

No further board comment. No further public comment.

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

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 40 1,2,3,9,10,12,13,14,16-24 and Special Condition pursuant to the Bylaw 4,7,8,9 and Special Conditions 20 & 24 to continue in perpetuity.

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

**Request for Certificate of Compliance:**

- 1)     Applicant:                     Brian Murkland                     DEP File Number: SE7-1870  
       Representative:         JC Engineering, Inc.  
       Project Address:         9 Gilder Road, Gray Gables  
       Proposed Project:       Construct a new single family dwelling, detached garage, Title V  
  Septic system, driveway, utilities, and appurtenances within an AE  
  Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney – a site visit was conducted. Site plans were handed out. Some of the deviations on the project are as follows: rear of the dwelling is 33 square feet larger; the deck is slightly larger and garage size was slightly decreased. The driveway was constructed with crushed shells instead of asphalt. A Jacuzzi tub was installed on the patio. The former path to the beach (which seems to be revegetated) was moved. The backyard was left in a natural state vs. a landscaped lawn. It was constructed in the spirit of the project.

Discussion on the amendments. It was determined it wasn't enough of a deviation, but the board would like to see applicants be as close to the plan or come back before the board for amendments. Brendan Mullaney stated if it was a substantial change, there would be issues and he would request the applicant come back before the Commission. These are relatively minor changes, but it is at the board's discretion to issue or require further review.

No board comment. No public comment.

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

**Other Business:**

**Excuse Absent Members**

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

**Public comment**

None.

**Adjourn**

Ligor moved and seconded by Palumbo to adjourn. Meeting adjourned at 8:20 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.