

CONSERVATION COMMISSION MINUTES

September 3, 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. Michael Rausch, Bourne Enterprise, recording tonight.

Members present: Chm. Gray, V. Chm., Martha Craig Rheinhardt, Betsy Kiebala, Rob Palumbo, Thomas Ligor and Susan Weston.

Members excused: Peter Holmes, and Associate Member Paul Szwed.

Requests for Determination

1)Robert Florio

CC15-34

SAME

12 Gilder Road, Gray Gables

Construct a deck within an AE Flood Zone

Hearing Under State Act Only

Brendan Mullaney – applicant isn't present tonight, but all appropriate paperwork has been submitted- proposed project is a deck in the Flood Zone only. No concerns with the project.

No other board comment. No public comment.

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

2) Susan Papalia, Trustee

CC15-35

Shawn MacInnes, MacInnes Consulting

430 Barlows Landing Road, Pocasset

Upgrade to new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

Mr. MacInnes representing – general system repair. Replacing existing cess pool with new Title V system.

No board questions.

Brendan Mullaney – there are no other jurisdictional resource areas within 100 feet. The project will be an improvement over existing conditions. No other concerns with the project.

No public comment.

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

3) Kenneth Sundman

CC15-36

SAME

59 Carlisle Road, Gray Gables

Construct an addition and porch within an AE Flood Zone

Hearing Under State Act Only

Mr. Sundman representing – constructing an “L” shaped addition with attached screened-in porch.

Brendan Mullaney – addition is in the flood zone only -there are no other jurisdictional resource areas within 100 feet. No other concerns with the project.

No board comment. No public comment.

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

4)Steve Torpey

CC15-37

SAME

230 Shore Road, Bourne

Construct an addition, shed and deck within an AE Flood Zone

Hearing Under State Act Only

Mr. Torpey representing – addition constructed on existing foundation and move up two stories. The 25'x25' deck will extend off the back of the house. Shed will contain small machines and the old shed will be removed.

Brendan Mullaney – existing, developed lot – project is in flood zone only. There are no other jurisdictional resources within 100 feet. No other concerns with the project.

No board comment. No public comment.

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

5)Dana Anderson
CC5-38
SAME
12 Robin Lane, Pocasset
Construct an addition and garage within an AE Flood Zone
Hearing Under State Act Only

Mr. Anderson representing – proposed addition submitted with a second addition to follow (garage with finished room above). First plan is to remove the deck and reconstruct.

Brendan Mullaney – developed lot, project is in flood zone only - there are no other jurisdictional resources within 100 feet. \No other concerns with the project.

No board comment. No public comment.

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

6)Enrico Testa
CC15-39
Bracken Engineering, Inc.
40 Russell Road, Gray Gables
Construct two additions, resurface and reconfigure existing driveway and remove invasive species 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 Mr. Palumbo.

Mr. Zac Basinski representing – house was recently purchased. Applicant is looking to resurface existing driveway. No associated coastal bank with this resource area and don't believe this would qualify as another resource area.

Brendan Mullaney – originally the house had an existing depression – additional material was removed and stockpiled they were possibly trying making a fish pond. It became overgrown and later the house was abandoned. There is really no wetland vegetation growing he noticed at the site visit. He agrees there is no associated coastal bank.

Ligor – asked about the trees. Mr. Basinski stated the applicant is looking to remove invasives and clean up the area - there will be no major tree removal. While the house was abandoned, people brought and dumped landscaping debris and other trash to the location.

No further board comments. No public comments.

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

Notices of Intent

1) Joan Durant

DEP File Number: SE7-1924

Michael Ball, Marsh Matters Environmental

128 Emmons Road, Monument Beach

Remove invasive vegetation, perform landscape restoration and associated land management activities within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Jennifer Crawford representing – proposing to manage invasive vegetation and rejuvenate landscaping. This is proposed to be done in two phases. The first phase will be along the top of the coastal bank. The second phase is depicted in green in the plan. Applicant seeks to begin first phase in the fall and complete the second phase within the timeframe of the permit – applicant wants to see how the first phase fares.

Ms. Crawford briefly reviewed the first phase of the removal of invasive vegetation. She explained the second phase landscaping will have a maintenance schedule once completed. Applicant seeks permission to remove sycamore maple between the house and the deck. The main part of the trunk has decay and is a safety hazard. Also seeking to replace the screen and the clothes line and add gravel to create a walking surface. Lastly, applicant is requesting to repair the existing irrigation to make sure the plantings become reestablished.

Brendan Mullaney – this is next to a house being renovated. The landscape is heavily covered with invasive vegetation. The plans are very comprehensive to first treat the areas over the next couple of years. He met with the representatives on the site to view the various phases of work - they have a lot of experience with this type of work and looks forward to seeing the project complete.

No board comments. No public comment.

Palumbo moved and seconded by Kiebala 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 1,2,3,9,11-13,16,17,19-24 and Special Conditions to the bylaw 7,8,9 and Special Condition 20,24 to continue in perpetuity. ASC-1) The Conservation Agent must be notified for a project inspection and review prior to the initiation of Phase 2 of the project

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

2)Steven and Nancy Candela

SE7-1926

Bracken Engineering, Inc.

41 Harbor Drive, Pocasset

Raze and rebuild an existing dwelling including new Title V septic system and all associated landscaping, grading, utilities and appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Chm. Gray recused himself from discuss and vote. He turned the meeting over to Mr. Palumbo.

Mr. Zac Basinski representing – proposed project is a raze and rebuild of existing dwelling. He also discussed a new Title V septic. The existing conditions show that the house touches the coastal bank which is the closest resource to the house. In addition, applicant has a licensed dock. Applicant asked a contractor for an aluminum walkway which is removable. Applicant didn't realize he needed a permit, so he reported himself to Brendan Mullaney. Applicant is willing to bring to the DEP to either modify existing license or to apply for a full, proper amendment to said license. Applicant has filed a subsequent application for Chapter 91.

Brendan Mullaney – the main project is standard. The slope is non eroding and has been maintained in that manner which was inherited by the current owner. The house is being moved further away from the resource and the new septic will an improvement over existing conditions. A proposed small retaining wall is at the discretion of the board to approve. There is already a small wall close to what this small retaining wall - it is a slight change in elevation, a basic landscape wall of 2 feet. No other concerns with the project.

Palumbo – asked about the two drywells and asked about runoff. Mr. Basinski explained a swale going into the drywells.

No further board comments. No public comment.

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

XXXXBrendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1-6,9,10,12,13,14,16-24 and Special Conditions to the bylaw 4,6,7,8,9 and Special Condition 20, 24 to continue in perpetuity.

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

3)Daniel Donovan

SE7-1925

Timothy Bennett, Green Seal Environmental, Inc.

3 Vineyard Circle, Sagamore Beach

Construct a single-family dwelling including new Title V septic system, all associated landscaping, grading, utilities and relocate an isolated vegetated wetland within 100 feet of a Wetland Resource Area

Mr. Tim Bennett – We originally had the wetland and buffer zone staked out and thought we were OK to proceed. A complaint was called in and Brendan Mullaney came down to the site. Applicant filed an RDA. At the RDA hearing, the applicant was given direction to file a NOI for the house and relocate the area of isolated vegetated wetland.

Brendan Mullaney – the RDA hearing gave guidance to move forward with proposed project. Proposing 2:1 of area relocated closer to bordering vegetated area. He confirmed the delineation of the wetland. The construction sequence is listed and on the plan of record. The house has no changes. The septic system is as far from the resource area the lot would allow. This is the direction that was given and what is before the board tonight.

No further board comment. No public comment.

Weston moved and seconded by Palumbo 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 1-4,6,9,10,12,13,16-24 and Special Conditions to the bylaw 4,67,8,9 and Additional Special Conditions:

ASC-1) The relocated Isolated Vegetated Wetland must be monitored for a minimum of two growing seasons. A report detailing the progress of the IVW shall be submitted for review prior to requesting compliance on the project.

ASC-2) There shall be no clearing, filling, grading, or other landscape activities outside the Limit of Work as shown on the Plan of Record.

ASC-3) The portion of the property shown as "Area Cleared Jan 2015" on the Plan of Record shall be allowed to naturally re-vegetate. No work is allowed within this area.

ASC-4) Any conditions placed on the project by NHESP are automatically incorporated into this Order of Conditions.

Weston moved and seconded by Kiebala the Draft Notice of Intent to Final Notice of Intent. Unanimous vote.

4)Pinnacle Site Contractors, LLC

SE7-1915

JC Engineering, Inc.

0 Crab Rock Way, Sagamore Beach ("The Strand" below Indian Trail)

**Construct a 760-foot long stone revetment and perform coastal bank stabilization within a VE Flood Zone and within a Wetland Resource Area
(Continued from 8/6/15)**

At the applicant's request, the hearing will be continued to 9/17/15.

Request to Amend Order of Conditions

1)Richard and Janis Shepherd

SE7-1891

Bracken Engineering, Inc.

14 Cannonicus Avenue, Pocasset

Amend Order of Conditions to revise scope of project and modifications to septic system design

Mr. Zac Basinski representing – this project was before the board in May 2013. The applicant will not move forward to construct the new house. The new septic will be located within the Flood Zone and the ground will be a mounded system for a 2-bedroom system.

Brendan Mullaney – existing project was abandoned. Amended Order will reflect new plans.

No board comments. No public comment.

Kiebala moved and seconded by Ligor to approve the Amended Order of Conditions.
Unanimous vote.

Request for Certificate of Compliance

1)John and Lori Ricciuti

SE7-1881

David R. MacLean & Associates

40 Wenaumet Bluffs Drive, Pocasset

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

Brendan Mullaney – conducted a site visit and determines project to be in compliance and recommends the board to grant.

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

Other Business

Excuse Absent Members

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

MACC cards were handed out to the board members by Brendan Mullaney.

Public comment

None.

Adjourn

Palumbo moved and seconded by Weston to adjourn. Meeting adjourned at 9:00 PM.
Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.