

## **CONSERVATION COMMISSION AGENDA**

**September 4, 2014 ~ 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. Bob Gray, Betsy Kiebala, Paul Lelito, Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

Members excused: V. Chm. Martha Craig Rheinhardt and Peter Holmes

### **REQUESTS FOR DETERMINATION OF APPLICABILITY**

#### **#1 Gordon Francis**

**File Number CC14-40**

**41 Massasoit Avenue, Pocasset**

**Replace existing block retaining wall with new reinforced concrete wall within a VE Flood Zone and within 100 FT of a Wetland Resource Area.**

McKinnon & Keese Engineering representing – there is an existing retaining wall which is in need of repair – currently allows a lot of silt go into the salt marsh area. Proposing new wall with piping in the wall which will filter out most of the sediment that flows towards the ocean.

Lelito – asked about resource determination. He also asked what is the resource area boundary line and who determined it.

Brendan Mullaney – there is some salt tolerant vegetation in the vicinity of the wall, but the salt marsh is well below the wall. The retaining wall is old and in disrepair. Extreme high water is 18 FT from the retaining wall and this would mark the potential upper limits of salt marsh. The concern he had was the jetty structure that was protruding into the salt marsh area. A lot of these areas were man-made and naturalized back.

Chm. Gray – looking at the property line on the plan that the stones aren't on this property and on a piece of what is Massasoit Avenue which is seaward of 41 Massasoit Avenue.

Brendan Mullaney – not afforded much protection with the current wall. The new wall would be a vast improvement over existing conditions. No other concerns with the project.

No board comment. No public comment.

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

**#2 Nancy Vendice**

**File Number CC14-41**

**21 Kenwood Road, Pocasset**

**Construct a deck within an AE Flood Zone and within 100 FT of a Wetland Resource Area**

Mr. Chris Southwood representing – seeks to replace and expand the existing deck. The only disturbance will be coming from the soil which will be hand dug with sono tubes.

No board comment. No public comment.

Brendan Mullaney – simple project with a small isolated wetland adjacent to the property – wetland was flagged and consists almost entirely of Japanese knotweed. The new structure isn't closer than the current one exists and no other concerns with the project.

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

**NOTICES OF INTENT**

**#1 Peter Coffin**

**DEP File Number SE7-\_\_\_\_\_**

**126 Emmons Road, Monument Beach**

**Lift and relocate existing dwelling, construct additions, install an in-ground swimming pool, installation of Title V septic system and all associated grading, landscaping, utilities and other appurtenances within 100 FT of a Wetland Resource Area.**

Ms. Frappier representing – applicant seeking to move the house back. There currently is a hot tub which is less than 10 FT off the top of the coastal bank. The plan is to elevate the house, slide back 25 FT from the top of the coastal bank. The hot tub will be removed. Also proposed is the installation of a swimming pool which is well back from existing front deck. There is buffer zone work. Existing cess pools will be removed and new Title V septic system will be installed.

Brendan Mullaney – this is where the board did a site visit for revetment work last year. There are some existing structures close to the top of the coastal bank. The hot tub will be taken out and the house will be moved further back. The bank itself is well vegetated stabilized; it has been armored at the bottom. On the other side of the property the new septic system will be a improvement over existing conditions. We have no file number so we will have to continue. No further concerns with the project.

At the applicant's request, the hearing will be continued to 9/18/14 due to no file number at this time. An order of conditions will be set.

## **CERTIFICATE OF COMPLIANCE**

**#1 Ladd Homes LLC**

**DEP File Number: SE7-1885**

**26 Shore Road, Bourne Village**

**Construct single-family home with attached garage, Title V septic system, utility installation and all associated clearing, grading and landscaping within an AE Flood Zone and within 100 FT of a Wetland Resource Area.**

Brendan Mullaney – a site visit was conducted and said the builder is in a rush. The property was just hydro seeded yesterday afternoon. He took some photographs and showed the board. There was supposed to be 50 FT setback to the wetland that for the most part has been observed, but since the last time he was there, a bit of disturbance. The stone retaining wall was not shown on the original plan and is on the as-built that was submitted. In his opinion, it would be the board's discretion to issue the Compliance or wait to make sure the grass areas become stabilized.

Chm. Gray – asked if the wall was 50 FT back. Brendan Mullaney said according to the plan it is. Initially there was a 1-2 FT increase in grade; it seems the wall is higher than the initial grades.

Lelito – asked if the wall violates the Order. Chm. Gray said it is just not shown on the original plan. Lelito said this is a structure put in illegally and he would like the applicant to file an Amendment.

Brendan Mullaney - the wall was not included by the engineer Mr. John Veracka from Kingston, MA. If the engineer acknowledged the wall, he would feel more comfortable approving the retaining wall. At a minimum, there should be a letter from the engineer for discrepancies from the original plan to what it is now. The wall is the major difference between the plan of record and the as-built.

Weston moved and seconded by Lelito that the engineer revise his letter to provide justification of the wall and the applicant requests to Amend the Order of Conditions to permit the wall. Vote 3-0-1 in favor. Palumbo opposes.

## **OTHER BUSINESS:**

### **Sign Determination of Applicability for Files CC14-37, CC14-38, CC14-39**

Brendan Mullaney – these files were somehow missing from the previous meeting and haven't received signatures. They will still be legal and issued within 21 days.

### **Approval of Minutes**

Lelito moved and seconded by Kiebala to approve minutes of 8/7/14 as submitted. Unanimous vote. Weston abstained.

**Excuse Absent Members**

Palumbo moved and seconded by Lelito to excuse absent members Martha Craig Rheinhardt and Peter Holmes. Unanimous vote.

Lelito – raised concern with the Town of Bourne’s Wetlands Protection Act, Bylaw Articles 3.7 and the 50 FT no touch, when we have a structure with one small point existing 10 FT from top of coastal bank we allow them to build an entire new structure with the same setback. Chm. Gray said you have to be practical about it. For example, the 50 FT buffer in terms of no touch is practical when dealing with raw land and a new building; on a lot that is totally developed, it is arbitrary. Lelito states he does not agree with this concept and the board should impose greater setbacks.

**Adjourn**

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

Respectfully submitted - Lisa Groezinger, sec.