

Conservation Commission

Meeting Minutes

Zoom Meeting Platform

March 4, 2021

I. Call to Order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00PM on Thursday, March 3, 2021s, held via Zoom Platform. Chm. Gray explained all reviews, unless otherwise stated are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131 § 40, Article 3.7 of the Town of Bourne Wetlands Protection Bylaw. If the Act or the Bylaw don't mutually apply to the review, it will be indicated at the time of review which instrument of law they will be reviewed under.

Note: The meeting was being held via the Zoom platform, and was being recorded, as noted per the "Recording in Progress" icon that was displayed. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed, and other items not listed may be discussed due to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

Members present: Bob Gray, Greg Berman, Peter Holmes, Elise Leduc, Rob Palumbo, Paul Szwed, Associate Member Steve Solbo

Excused members: Thomas Ligor

Others in attendance: Sam Haines, David MacLean, Matt Costa, Jack Landers-Cauley

Continuances:

1. Applicant: Christopher and Amy McElman
Address: 45 Standish Road, Sagamore Beach
File Number: NOT AVAILABLE
Continued to March 18, 2021
2. Applicant: Sarah Fisher
Address: 8 Fisher Lane, Sagamore Beach
File Number: NOT AVAILABLE
Continued to March 18, 2021
3. Applicant: Stephen and Marybeth Bisson, Trustees
Address: 176 Scraggy Neck Road, Cataumet
File Number: NOT AVAILABLE
Continued to March 18, 2021

Request for Determination:

RECEIVED
2022 FEB 24 AM 10:19
TOWN CLERK BOURNE

1. Applicant: Linda Della Volpe
Address: 40 Benedict Road, Gray Gables
Representative: Cape and Islands Engineering
File Number: CC21-04

To remove existing garage and deck, construct a raised, covered patio, second-story deck, addition to existing dwelling, garden tool shed, and drywell. Remove and install new septic system within an AE Flood Zone, and within 100 feet of a Wetland Resource Area.

Mr. Matt Costa addresses the board and shares his screen to review the plan. The Resource Areas for the property are reviewed:

- Land under the ocean
- Salt marsh
- BVW
- Coastal bank
- Land subject to coastal storm flowage

Proposed plan for the project is reviewed. There will need to be a Title V septic system upgrade per the Board of Health. It is noted that the project is not proposed to move any closer to the Resource Area. Proposed plan for replanting is reviewed, for an area on the property that was previously noted to have been cut. Native species that are proposed to be used are noted on the plan.

Mr. Sam Haines comments on reasoning behind the previous continuance. He is happy with the updates made to the plan. He suggests that conditions be added that a planting plan be submitted to the Conservation Agent prior to the start of work, and that all plantings shall be installed prior to the completion of construction activities.

Member comment: Mr. Berman requests clarification regarding the specifics of the planting plan. Clarification provided. No additional member comment.

Public comment: None.

Motion made by Mr. Palumbo, and seconded by Mr. Holmes to approve the request with a Negative Two Determination. **Motion carries 6-0-0. Request is approved.**

2. Applicant: James W. Swent III
Address: 52 Baxendale Road, Cataumet
Representative: David MacLean, Architect
File Number: CC21-0

To repoint cap and re-chinck on existing stone seawall within a V Flood Zone, and within a Wetland Resource Area.

Mr. David MacLean addresses the board and reviews the plan. He reviews the existing seawall located on the property. The cap will be repointed, and voids of the wall will be filled. The work will be done by hand, and the stone will be dry set. The property owner does possess a Chapter 91 license for the seawall. Mr. Haines requests clarification regarding the potential for any cement to be used. Mr. MacLean confirms that cement will be used, but only for the cap, and hand-mixed. The storage of the materials being used during the project is discussed. Mr. Haines also mentions that the plans being reviewed are from 2012, and show that the area is within an AE Flood Zone, not a Velocity Zone. Mr. MacLean will provide an updated survey of the area to the Conservation Agent.

Member comment: Mr. Berman comments that he is typically strongly opposed to vertical wall structures. Where this plan is noting minor changes, he has no questions. No additional member comment. Ms. Leduc temporarily left the meeting.

Public comment: None.

Motion made by Mr. Holmes, and seconded by Mr. Palumbo to approve the request with a Negative Two Determination. Motion carries 5-0-1.

Chm Gray recuses himself for the next hearing. Mr. Palumbo steps in.

3. Applicant: Anthony Kraunelis
Address: 226 Shore Road, Monument Beach
Representative: Bracken Engineering, Inc.
File Number: CC21-0

To construct a swimming pool, storage addition, deck, abandonment or removal of absorption system, and replacing it with a new absorption system, and any grading and landscaping associated with proposed within an AE Flood Zone.

Only the State Act is applicable to this hearing.

Mr. Zac Basinski addresses the board and shares his screen to review the plan. Plan details are reviewed. There are five trees proposed to be removed. The existing leeching field is proposed to be relocated in order to comply with Title V setbacks. The proposed plan is a mild, non-substantial improvement to the house, on an AE Flood Zone only.

Mr. Haines reviews the removal of the five trees, of which removal of four of them have already been administratively approved. He did not observe anything on the plan that would be in violation of the Wetlands Protection Act, pertaining to Chapter 131 § 40.

Member comment: None.

Public comment: None.

Motion made by Mr. Holmes, and seconded by Mr. Szwed to approve the request with a Negative Two Determination. **Motion carries 5-0-1. Request is approved.**

Notice of Intent:

1. Applicant: Brian Gregan
Address: 132 Emmons Road, Monument Beach
Representative: J.E. Landers, Civil-Environmental Engineering
File Number: SE7-2136

To construct a new garage with second floor bedroom guest house, upgrade to a Title V septic system, and landscape, grade, loam, and seed all disturbed areas within 100 feet of a Wetland Resource Area.

Mr. Jack Landers-Cauley addresses the board and shares his screen to review the plan. He reviews the reasoning behind previous continuance. The 50 foot Buffer Zone is now delineated on the plan. The structure that was previously proposed in the 50 foot Buffer Zone is now outside of the 50 foot Buffer Zone. An update to the size and species of the trees that were proposed to be removed is reviewed. The number of trees proposed to be removed is clarified. Mr. Holmes questions the health of the trees that are proposed to be removed. Mr. Landers-Cauley responds, stating a more detailed landscape plan will be provided at a later date.

Mr. Haines believes the plan responds to all of the requests made by the Commission. He believes the plan meets the performance standards of Bylaw of the Wetlands Protection Act.

Member comment: Mr. Berman questions clarification regarding a possible landscaping plan. Mr. Landers-Cauley provides clarification. Mr. Haines provides additional clarification regarding when a landscape plan is typically required. Mr. Palumbo and Mr. Holmes are happy to see the improvement in the plans.

Public comment: None.

Motion made by Mr. Palumbo, and seconded by Mr. Holmes to close the hearing. Motion carries 6-0-0. Hearing is closed.

Draft Order of Conditions:

All General Conditions as well as Special Conditions pursuant to Chapter 131 § 40 including:

1, 2, 3, 5, 7, 9, 10, 11, 12, 14, 15, 16, 18, 19, 21, 27, 28, 29

Special Conditions pertaining to Article 3.7 of the Bourne Wetlands Protection Bylaw:

2, 4

Motion made by Mr. Holmes, and seconded by Ms. Leduc to move the draft Order of Conditions to final. Motion carries 6-0-0. Order of Conditions is issued.

Vote to Excuse Absent Members:

- Motion made by Mr. Holmes, and seconded by Ms. Leduc to excuse absent members. **Motion carries 6-0-0.**

Report of the Conservation Agent:

- Mr. Haines makes a plan for meeting with the Commission do further discuss docks and piers.

II. Adjournment:

- Motion made by Ms. Leduc, and seconded by Mr. Holmes to adjourn the meeting. **Motion carries with a unanimous vote.**

Meeting adjourned at 7:38PM

Minutes submitted by Fallon Doyle

