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**Conservation Commission**

**Meeting Minutes**

Zoom Meeting Platform

September 2, 2021

2021 NOV 24 PM 1:18

TOWN CLERK BOURNE

**I. Call to Order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00PM on Thursday September 2, 2021, 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, Thomas Ligor, Sam Haines, Paul Szwed, Elise Leduc, Steve Solbo, Greg Berman.

**Excused members:**

Others in attendance: Michael Borselli, Robert Dewar

**Continuances:**

Johnathan and Carol Pettee  
68 Rocky Point Road -- Continued to October 2, 2021

Michael Giancola  
45 Bell Buoy Road -- Continued to September 16, 2021

Andrew Laurence  
83 Elgin Road -- Continued to September 16, 2021

**Requests for Determination:**

1. Applicant: Ned and Carrina Babyak  
Address: 26 Cove Lane, Pocasset  
File Number: CC21-20  
Representative: Falmouth Engineering, Inc. (Mike Borselli)

To build a covered deck on the front of the dwelling, and replace a septic system, including a leeching system elevation in excess of 150 feet of any Wetland Resource Area. Mr. Haines noted the property is an AE flood zone only.

Materials Reviewed: Site plan/Septic Plan

Mr. Borselli addressed the board and shared his screen due to the nature of the meeting. The proposal is to initiate “very minor renovations:” to add a covered deck on the front of the property and replace a septic system including a leeching system elevation. He mentioned that the dwelling is in excess of 150’ from any wetland resources, but noted there is an area subject to coastal storm flowage. Mr. Borselli noted that there is a “blue line” on his screen depicting the separation of AE17 and AE15. Ground water was discovered during a soil evaluation “at a relatively shallow depth”, for which an elevation of the leeching field by five (5) feet above adjusted ground water would be required during the replacement of the septic system. The soil evaluation and testing were witnessed by the Health Department. Due to the fact that the leeching field would need to be elevated, the ground surface would need to be elevated as well, with the average change in grade being approximately three (3) feet. A comparison was made between this property and the property next door in regards to the proposed plan of adding a three (3) foot tall landscape wall, in accordance with Title V and Bourne Health Regulations. This completed the proposal, and Mike opened the conversation to questions and comments.

Sam Haines commented: stating that this is a “very straightforward septic upgrade.” Sam has no issues with the project as proposed.

Member questions: None.

Public comment: None.

**Motion moved by Mr. Ligor, and Ms. Leduc seconded a Negative Two Determination.** Roll call performed: Mr. Szwed yes, Mr. Ligor yes, Mr. Berman yes, Ms. Leduc yes, Chm. Gray yes. **Motion carried 5-0-0.**

#### **Notice of Intent:**

1. Applicant: Champe A. Fisher Jr.  
File Number: SE7-2167  
Representative: Bracken Engineering, Inc.  
Project Address: 4 Fisher Lane, Sagamore Beach

To fill and grade within the 50’-100’ Buffer Zone, perform invasive species removal/remediation within the 50’ Buffer Zone, install a post a rail fence along the 100’ Buffer Zone, seed all cleared/disturbed areas within the 50’ and 100’ Buffer Zones with wildflower/meadow mix, maintain a 4’ wide mown path to future stairs.

Materials Reviewed: Site Plans

Chm. Gray announced that for the record, he does work with Bracken Engineering and turned the discussion over to Ms. Leduc. Robert Dewar of Bracken Engineering initiated the discussion. He stated that the address in discussion was a staging area for the coastal stabilization that took place this year (2021) and last year (2020). The lot is currently vacant, but there is a plan for the lot to be built on at a later time by the applicant. Continuance requested by Mr. Dewar to update existing conditions and address issues on the site. Discussion opened to questions.

Member Comments: Mr. Ligor inquired what the reasoning would be for to continue bringing in fill in the 50'-100' Buffer Zone. Mr. Dewar responded stating there is a "really large hole" and the surrounding homes are much higher than the property. It is unknown how much fill was brought in, as that part of the project was done prior to anyone who is currently working on the project was involved. Mr. Ligor commented regarding the vista pruning. The area in question was confirmed by Mr. Haines to have been previously cleared for a crane to come into the location in order to work on the coastal bank stabilization. Ms. Leduc inquired what types of plants would be removed during the vista pruning. Mr. Haines informed the group that there are large trees, as well as shrubs in the area of intended vista pruning. Mr. Dewar commented that the plan was not to remove the large trees during the vista pruning, as they provide stability for the bank with their roots. A vista corridor, or marking of specific trees that are planned to be removed, would be recommended in order for there to be clarification on what plants are actually going to be removed. Mr. Szwed was concerned regarding the grading of the top of the bank in order to preserve the bank. Confirmation was made by Mr. Dewar that the 50' Buffer Zone was to be kept as natural as possible. Suggestion made for the homeowner to grade the property in the opposite direction. Mr. Berman agrees with above comments, and adds that he is concerned regarding the erosion from the weather the previous evening. Site visit recommended and agreed upon among all members and Mr. Dewar. Continuance requested and agreed upon for September 16, 2021 with approval of representative.

2. Applicant: Sarah E. Fisher  
File Number: SE7-2137  
Representative: Bracken Engineering, Inc.  
Project Address: 8 Fisher Lane, Sagamore Beach

To construct a 4' wide (final width) access path through a vegetated buffer to a Coastal Bank. Restoration and regrading of an existing path and area within the Buffer Zone. Supplemental Mitigation plantings within the 50' Buffer Zone. Existing vista corridor to be maintained, continued from August 19, 2021.

Materials Reviewed: Site Plans

Robert Dewar of Bracken Engineering initiated the discussion. He states that there were revisions of the plans for planting at the top of the bank. The plan was to restore the path that led to a set of stairs that previously washed away. A new set of stairs was permitted for the lot, but the stairs are to be moved to the North side of the lot due to bank being lower and easier access for the stairs. The proposed request includes moving the path to meet the new location of the stairs. Blue Flags design was consulted to expand the planting area within the 50' Buffer Zone. Continuance and site visit requested by Mr. Dewar.

Member Comments: Mr. Ligor has concerns regarding the width of the path and the language being used to describe the proposed plan, being referred to as a "vista corridor." Mr. Dewar provided clarification, stating that there are two separate goals for the plan. The first being the 4' access path in the 50' Buffer Zone to access the stairs down to the beach, and separately requesting a vista corridor as a viewing area from the house out to the view of the water, maintained at a 3' height. Ms. Leduc has concerns with removing all vegetation at the very top of the bank. Mr. Dewar states the plan is to cut back the apex of the bank, and create a more stable angle. Ms. Leduc has concerns that there is no mention on the site plan of the exact length of the amount that is to be cut back. Mr. Haines does not believe the clearing of the vegetation that is planned needs to be done. He states that the vegetation in that area looks good, and he believes the drainage can be better controlled if the vegetation remained. The vegetation is also providing stability for the area. Mr. Haines also believes there are both easier and less invasive ways to control the drainage. Mr. Solbo agrees with Mr. Haines. Mr. Berman questions the top of the bank slope, as it appears to look steeper. Site visit planned. Continuance requested and agreed upon for September 16, 2021, with approval of representative.

**Request for Certificate of Compliance:**

1. Applicant: Thomas Donovan  
File Number: SE7-2015  
Representative: Bracken Engineering  
Project Address: 7 Quaker Lane, Pocasset

Approving the construction of a single-family dwelling, a Title V septic system, and all associated grading, landscaping, utilities, and appurtenances.

Mr. Haines states there are a few drainage concerns following a site visit. He states this is a closing situation, and due to mortgage rates, and that the concerns are minor, he is requesting leeway to handle this case administratively.

Member Comments: None.

**Mr. Ligor moved, Ms. Leduc seconded to issue the Certificate of Compliance.** With no discussion, the motion carried 5-0-0.

2. Applicant: Lily Pond Overlook Condominium Trust

File Number: SE7-2081

Representative: J.E. Landers-Cauley

Project Address: Easterly Intersection of Williams Ave and 22 Wildrush Ave, Pocasset

Remove a failing retaining wall and guard rail, and replace in similar location. Improve road stabilization and diversion of road runoff away from direct discharge into the adjacent wetland resource areas.

Member Comments: None.

Agent Comments: Mr. Haines recommends to issue Certificate of Compliance.

**Ms. Leduc moved, Mr. Ligor seconded to issue the Certificate of Compliance.** With no discussion, the motion carries 5-0-0.

Vote made to excuse absent members. **Motion made by Mr. Ligor, and seconded by Ms. Leduc.** With no discussion, the motion carries 5-0-0.

Mr. Haines initiated a brief discussion regarding some violations, and that they are being addressed. Chm. Gray inquired about some unauthorized work on beaches, and clarification regarding whether the locations were town property or town property (North of Barlow's Landing Road, between Wing's Neck Road). The property has been confirmed as town property. Mr. Haines plans to follow up next week.

**II. Adjournment**

**Mr. Ligor moved, Ms. Leduc seconded to adjourn.** With no discussion, the motion carried. The meeting adjourned at 8:01PM.

Minutes submitted by: Fallon Doyle