

CONSERVATION COMMISSION MINUTES

April 16, 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.

Members present: Chm. Gray, Peter Holmes, Betsy Kiebala, Rob Palumbo and Susan Weston.

Members excused: Martha Craig Rheinhardt, Thomas Ligor and Paul Szwed.

Requests for Determination

1) Barbara Jones

CC15-16

Shawn MacInnes, PE

230 Shore Road, Bourne

**Upgrade to new Title V septic system within an AE Flood one
Hearing Under State Act Only**

Mr. MacInnes representing – septic upgrade to Title V.

Brendan Mullaney – no other resource areas within 100 FT of the proposed project.
Improvement over current conditions. No other concerns with the project.

No other board comment. No public comment.

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

2) Edward & Lorraine Feeney

CC15-13

Barbara Frappier, Warwick & Associates, Inc.

179 Tahanto Road, Pocasset

**Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a
Wetland Resource Area**

Ms. Frappier representing – upgrade of a failed septic system. This is a very small lot and proposing new septic system and tank in consideration of the neighbor and will require many

variances from the BOH. There will be a 2-bedroom restriction to this house. No proposed work other than the septic upgrade.

Brendan Mullaney – restrictive lot; improvement over existing system; no other concerns with the project.

No board comments. No public comments.

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

3) Daniel Donovan

CC15-05

3 Vineyard Circle, Sagamore Beach

Confirm Wetland Resource Area boundaries in association with construction of new single family dwelling (Continued from 4/2/15)

Chm. Gray – this meeting will be continued to 5/7/15.

Brendan Mullaney - explained this project as being a vacant lot on Vineyard Circle adjacent to Marsh Pond Road. A number of people have looked at to develop. He received a call there was machines clear cutting; this area may qualify as a wetland and suggested to file a permit. He and Chm. Gray have been to the site and do not agree with the delineation. The wetlands may be more expansive than originally thought.

Notices of Intent

1) Peter and Alison Grasso

DEP File Number: SE7-1919

JC Engineering, Inc.

37 Buttermilk Way, Buzzards Bay

Raze and rebuild a single-family dwelling including all grading, landscaping, utilities and appurtenances within an AE Flood Zone area within 100 FT of a Wetland Resource Area

Chm. Gray recused himself from discussion and vote and turned the meeting over to Palumbo.

Brad Bertolo representing - Applicant seeking to raze and re-build. Site contains a 3-bedroom dwelling. Reconstruct a 3-bedroom dwelling. First floor will be open floor garage space and storage only. Installing drywells and relocating dwelling closer to the street and further away from the resource area. The nearest structure is 31.9 FT being the stairway, structure is 46 FT from the resource area. Minimal grading. The grade will pitch towards the wall and the wall is raised higher than grade.

No board comments. No public comments.

Brendan Mullaney – the dwelling is serviced by town sewer and the existing house is closer to the resource area than proposed dwelling. Most of Taylor’s Point had the VE Flood Zone designation and changed to AE Flood Zone by FEMA – applicability of sewer restrictions still under review by Town Counsel. New house is closer to the street and they have provided adequate erosion controls. Minor concern of extra water on the street but will be minimal.

Ms. Edie Cardoza – asked Brendan Mullaney for a copy of the flood map and that if her property was affected. Brendan Mullaney requested she contact him in the morning.

Holmes moved and seconded by Weston 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 1,2,3,5,6,9,10,12,13,16-24 and Special Condition pursuant to the bylaw 4,7,8,9 and Special Conditions 20-24 to continue in perpetuity.

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

Chm. Gray back chairing the meeting at this time.

Extend Order of Conditions

1)Town of Bourne Open Space Committee

DEP File Number SE7-1555

Off Little Sandy Pond Road, Bournedale

Construction of elevated wooden stairs, a wooden boardwalk and a viewing platform with canoe racks within 100 FT of a Wetland Resource Area.

Brendan Mullaney – the board originally approved as an accessory to a subdivision to Ship Pond Trust, a 9-lot subdivision. The town purchased the land from owners and the Order of Conditions passed on with the new ownership. The Open Space Committee is looking to move forward at this time requesting a three-year extension.

Holmes moved and seconded by Palumbo to grant a three-year extension. Unanimous vote.

Other Business

Excuse Absent Members

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

Emergency Certification

Chm. Gray discussed the Emergency Certification granted for remediation work for gas spill cleanup approved at the last meeting. The extent of the work has expanded and now they have to go into the wetland. They need to remove some standing trees along Sandwich Road. They submitted a thorough plan to do so as well as a wetlands restoration plan.

Brendan Mullaney explained while removing contaminated soil, it was determined it is more expansive than originally thought. Go into the wetland with heavier equipment for excavation. At this time proposing offsite disposal and provided restoration plan. They also provided planning, monitoring, proposal in order to accomplish. This is being done under an order from DEP, but the Emergency Cert has to go through the board. The original certification can only be issued for 60 days; this will be a revised certificate with the same date of 5/30/15 (60 days from date issued on 3/31/15). Special all work done pursuant to the wetlands restoration plan and protocol.

Ligor – commented on the wildlife plan and would like to see addressed in the revised Emergency Certification.

Holmes moved and seconded by Palumbo to approve the revised Emergency Certification as written from original date of 3/31/15 and to expire on 5/30/15. Unanimous vote.

Public comment

None.

Adjourn

Palumbo moved and seconded by Kiebala to adjourn. Meeting adjourned at 8:00 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.