

CONSERVATION COMMISSION MEETING MINUTES

Thursday, August 7, 2014 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

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

Members excused: Peter Holmes, Paul Lelito and Alternate member Tom Ligor

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.

7:00) Requests for Determination of Applicability:

- 1)** Robert Galante, File Number CC14-34 at 65 Cedar Point Drive, Pocasset. Proposal: Install an in-ground pool including landscaping and appurtenances and install gas service connection within an AE Flood Zone. Hearing Under State Act Only.

Mr. Galante representing: proposing to install a swimming pool and fence as well as a gas line

No board comment. No public comment.

Brendan Mullaney – the proposed work is in the flood zone only. There are no other jurisdictional resources within 100 FT. This is a standard in-ground pool install. The gas line will be a standard installation. He has no concerns with the project.

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

- 2)** Peter Coffin, File Number CC14-35 at 126 Emmons Road, Monument Beach. Proposal: To construct a detached garage and repair existing house foundation, including associated landscaping, grading and utilities within 100 FT of a Wetland Resource Area.

Ms. Frappier representing: the proposed work is on Toby Island. Applicant seeks to construct a garage per plans and is set to meet all minimum setbacks. The house is going to be lifted. The applicant will be coming back with another filing as he may move the house more landward, but won't know until they get underneath the foundation; the situation hasn't been solidified with how they are going to proceed at this time.

Brendan Mullaney – the detached garage meets the 50 FT setback and the applicant provided erosion controls. This is an old dwelling and some of the foundation is potentially in disrepair. The applicant will be filing another permit for future work or expansion of the structure. No other concerns with the project.

No board comment. No public comment.

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

- 3) Town of Bourne, File Number CC14-36 at 21 Bournedale Road, Bournedale. Proposal: To create an access roadway and rehabilitate an existing fish passage structure within 100 FT of a Wetland Resource Area and within the 200 FT Riverfront Area.

Brendan Mullaney representing – the project is to rehabilitate the existing structure which will be removed and rebuilt in the same location. Work to be done by DMF and the town will absorb the cost of materials. DMF has filed a permit with Army Corps of Engineers to authorize work on fish passage structures. A single-lane, dirt access road will be created to said structure through the wooded area to maintain the screen and structure itself. There will be a locked gate with no public vehicle access, only access for DNR and DMF. He walked the site and only a few trees will need to be removed; not much disruption.

No board comments.

No public comment.

Ed Woiszwilllo, abutter, asked to review the proposed plans and the timeframe. Brendan Mullaney said the fall. Mr. Woiszwilllo commented that the structure is in bad shape and needs to be repaired

Craig Rheinhardt moved and seconded by Kiebal a Negative Two Determination. Unanimous vote.

7:10) Notices of Intent:

- 1) Richard & Tamar Irving, DEP File Number SE7-___ at 5 & 12 Prospect Avenue, Pocasset. Proposal to raze and rebuild an existing single-family dwelling with associated grading, landscaping, utilities and appurtenances within 100 FT of a Wetland Resource Area.

At the applicant's request, this hearing will be continued to August 21, 2014

Request to Amend Order of Conditions:

- 1) Bruce & Kerri Wenzel, DEP File Number SE7-1722 at 98 Tahanto Road, Pocasset. Proposal: to amend OOC to reconstruct and maintain existing licensed concrete seawall

within an AE Flood Zone and within 100 FT of a Wetland Resource Area. Continued from 7/24/14.

Brendan Mullaney – this hearing was continued for additional details about the wall. The applicant submitted schematic and narrative summaries for the project. He read the narrative into the record. He said the board was interested in seeing a profile and additional construction methodology.

No board comment.

No public comment.

Brendan Mullaney – the amended changes from the original order and date of issuance is dated today and will expire per the terms of original order.

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

Kiebala moved and seconded by Weston to approve Amendment Order of Conditions. Unanimous vote.

Other Business:

► 13A River Road – Restoration Plan to address Enforcement Order

Brendan Mullaney – applicant is working on and will put on the agenda next meeting and plans to install restoration in mid September.

► Update –2,8,10,12,18,22 Indian Trail, Sagamore Beach

Chm.Gray recused himself from discussion and vote. Craig Rheinhardt to chair the meeting.

Atty. Ford O'Connor explained per Atty. Troy, the Board of Selectmen and the ConCom will need to sign on as co-applicants as the ConCom has management of the property. The Board of Selectmen gave their vote authorizing the filing of a Notice of Intent, pending the ConCom authorization. The entire project will be at the homeowners' expense.

Brendan Mullaney – Atty. Troy had a conflict so he wasn't able to attend tonight, but advised the board to take under advisement any legal or procedural questions and the matter can be continued until he can address in writing or in person. Atty. O'Connor stated no issue with that.

The main issue we need clarification at this point is that out of 6 properties, 4 had Orders of Conditions that referenced the coastal bank language that precludes any coastal engineering structure, including revetments, on the eroding coastal bank - these are legal documents which have been recorded at the Registry. There are three (3) : 1) Authorize filing of NOI with no caveats, no conditions; 2) Not authorize NOI; or 3) Authorize the filing of NOI with certain caveats conditions with the authorization.

Craig Rheinhardt – noticed 8 and 12 haven't done any work and have no protection.

Atty. O'Connor asked to continue until Atty. Troy can issue written comment or attend the meeting as well as having a full board of members.

The consensus of the board was to wait until they hear from Atty. Troy and see if he is available for the 8/21/14 meeting.

► Re-issue Amended Order of Conditions – File SE7-1802

Kiebala moved and seconded by Weston to approve the re-issue date of 7/24/14 of Amended Order of Conditions, File SE7-1802. Unanimous vote.

► Re-issue Amended Order of Conditions – File SE7-1843

Weston moved and seconded by Kiebala to approve the re-issue date of 7/24/14 of Amended Order of Conditions, File SE7-1843. Unanimous vote.

► Vote – Excuse Absent Members, if necessary

Palumbo moved and seconded by Weston to excuse Peter Holmes, Paul Lelito and Tom Ligor. Unanimous vote.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Adjourn

Palumbo moved and seconded by Weston to adjourn. Meeting adjourned at 8:10 pm
Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.