

# Conservation Commission

## Meeting Minutes

Zoom Meeting Platform

January 6, 2022

TOWN CLERK BOURNE

2022 JAN 21 AM 11:26

RECEIVED

### Call to Order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on Thursday December 16, 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:** Chm. Bob Gray, Tom Ligor, Greg Berman, Paul Szwed

**Excused Members:** Peter Holmes, Elise Leduc-Fleming, Rob Palumbo

**Others in Attendance:** Stephanie Fitch, Bob Bishop, "iPhone", Diane Reed-Hunt, Joe McGurl, Jonathan Polloni

After calling the meeting to order, Chm. Gray announced that there are no public hearings in the meeting this evening. All public hearings have been continued to the January 20, 2022 meeting at the request of either the applicant, or representative.

### Continuances:

#### *Abbreviated Notice of Resource Area Declination*

1. MassDOT Highway Division

Address: Cape Cod Canal Area

Representative: HNTB Corporation

File Number: SE7-2181

*Continued to January 20, 2022 meeting*

**Notice of Intent**

1. Applicant: Champe A. Fisher  
Address 4 Fisher Lane, Sagamore Beach  
Representative: Bracken Engineering  
File Number: SE7-2167  
*Continued to January 20, 2022 meeting*
2. Applicant: Cape Club Building, Inc.  
Address: 96 Megansett Road, Cataumet  
Representative: Cape and Islands Engineering, Inc.  
File Number: SE7-2171  
*Continued to January 20, 2022 meeting*
3. Applicant: Cape Club Building, Inc.  
Address: 96 Megansett Road, Cataumet  
Representative: Cape and Islands Engineering, Inc.  
File Number: SE7-2172  
*Continued to January 20, 2022 meeting*

**Extension Request:**

1. Stanley Davitoria/Elizabeth Gillis  
Address: 10 Harbor Way, Pocasset  
Representative: Jonathan M. Polloni, Esq  
File Number: SE7-1933

Construction of a single-family home with associated site work and utilities within an AE Flood Zone.

Ms. Stephanie Fitch addresses the board and reviews the information regarding the extension request. There has been a sale of the property that was completed as of December 28, 2021. Documentation of the finalized sale has been received. Ms. Fitch shares information that when the application was initially issued in 2016, and also at the time of the first request for extension of the Notice of Intent in 2019, there was a concurrent application for 0 Lighthouse Lane. Per the plan, there was a soil absorption tank for 10 Harbor Way located on the 0 Lighthouse Lane property. She notes there has not been an extension received for the 0 Lighthouse Lane property. Atty. Polloni responds to Ms. Fitch, stating that he recognized the aforementioned information on the plans, but assumed that everything was covered under one application. He states he is willing to submit an additional application, but will need to discuss this further with the

owner of the property. Chm. Gray and Ms. Fitch confirm there was a separate application for 0 Lighthouse Lane, with a separate File Number of SE7-1934. The plan for 10 Harbor Way is reviewed, and Ms. Fitch notes a third property on the plan as well, 1 Lighthouse Lane. The plan for the 1 Lighthouse Lane property includes a pipe that runs through the property, and there is no separate filing noted for this property. Atty. Polloni states he will work on submitting the additional request. Mr. Berman comments, stating that 1 Lighthouse Lane likely may not have a Notice of Intent on file as it only has a pipe going through it, and nothing was going to be leeching into the property. Chm. Gray agrees. Ms. Fitch also notes that there are plans that were administratively approved for 10 Harbor Way in 2017, which were amended plans from the original Notice of Intent that was submitted in 2016. With consent of the representative and the board, continued to the January 20, 2022 meeting.

There were members of the public still in attendance. Chm. Gray reiterated that there are no public hearings this evening. He does open the discussion to the public to allow for questions or comments. *No public comment.*

#### **Approval of Meeting Minutes:**

- November 18, 2021
  - Motion made by Mr. Ligor, and seconded by Mr. Berman to approve meeting minutes. **Motion carries 4-0-0. Minutes approved.**
- December 2, 2021
  - Motion made by Mr. Ligor, and seconded by Mr. Berman to approve meeting minutes. **Motion carries 4-0-0. Minutes approved.**
- December 16, 2021
  - The board requests to review these minutes at the January 20, 2022 meeting pending additional member review.

#### **Violation Back River Road – Cranberry Bog**

Ms. Fitch informs the board that she has been in touch with Mr. Mike Whiteside from D.E.P. as well as Mr. Joe Agrillo who is the property owner and is going to set up a site visit with Mr. Whiteside. This will be further reviewed at the January 20, 2022 meeting.

#### **Report of the Conservation Commission:**

Ms. Fitch informs the Commission that she has met with the consultants from MassDOT regarding the ANRAD (Abbreviated Notice of Resource Area Delineation). She and the consultants discussed the consultants' plan for a presentation, and the recommendation for a possible third party review. If MassDOT does not agree to the recommendation of the third

party review, there will be another plan put in place for field verification of 16 Wetland Areas, in addition to other non-jurisdictional areas in the plan.

**Vote to excuse absent members:**

Motion made by Mr. Ligor, and seconded by Mr. Szwed to excuse absent members.

**Motion carries 4-0-0.**

**Adjournment:**

Motion made by Mr. Ligor, and seconded by Mr. Berman to adjourn the meeting.

**Motion carries 4-0-0 with a voice vote.**

Meeting adjourned at 7:26PM.

Minutes submitted by Fallon Doyle