

Town of Bourne Conservation Commission Minutes March 16th, 2023

Chm. Robert Gray called to order the meeting of the Conservation Commission at 6:30 p.m. conducted in person and via remote access on Thursday, March 16th, 2023, held in the Bourne Veterans Community Building, 239 Main Street Buzzards Bay, MA 02532. 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 Section 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Chm. Gray asked if a member of the public wishes to comment they will first clearly state their full name for the record. Chm. Gray asked if anyone was recording at this time, other than the Conservation Department.

Commission members present: Chm. Gray, Paul Szwed, Susan Weston & Patrick Scanlan
No Commission members present by Zoom.

Professional staff in attendance: Stephanie Fitch, Jack Landers-Cauley, Forest Schenck

CONTINUATIONS

298 Barlows Landing Road, Pocasset continued to 4/06/2023	<u>DEP File Number:</u>
17 Scotch House Cove, Bourne continued to 4/06/2023	<u>DEP File Number: SE7-2232</u>
490 Scraggy Neck Road, Cataumet Continued to 4/06/23	<u>DEP File Number: SE7-2230</u>
96 Megansett Road, Cataumet continued to 5/04/2023	<u>DEP File Number: SE7-2172</u>
122 Wings Neck Road, Pocasset continued to 4/06/2023	<u>DEP File Number: SE7-2227</u>
134 Wings Neck Road, Pocasset Continued to 4/20/2023	<u>DEP File Number: SE7-2217</u>

REQUEST FOR DETERMINATION

- 1) **File Number: CC-23-7, 19 Mashnee Rd, Bourne Norman White c/o Cauley Site Services, LLC Proposed Project:** The replacement of the septic tank, distribution box and soil absorption system within in an AE flood zone and within 100 ft. of a wetland resource area. Jack Landers-Cauley represented on behalf of the applicant Norman White. They are in the process of filing concurrently with the Board of Health. This is a failed system and they have installed a monitoring well to determine ground water. They retained a wetland scientist to identify an Isolated Vegetated Wetland. The septic tank will go to a micro-fast unit then to a pump and disperse to an elevated SAS, which is elevated 5' above ground water as required by Title 5. The SAS will have a perimeter wall at elevation 11. The center of the SAS will be 4/10th higher to pitch surface waters off the SAS on to the shoulders as required by Title 5. There are no additional bedrooms or expansion of the building footprint. This is simply a Title 5 upgrade that is extremely busy because of the wetlands and elevation of ground water. Mr. Landers-Cauley looked at the consequences of an elevated system in this location and he does not believe it will have any adverse effects on storm water surge. They have designed a micro-fast system for the general trend with the Board of Health.

Agent comment: This is a raised septic system in an AE flood zone, riverfront, ACEC and buffer zone to an IVW. There will be 6' tall blocks. Ms. Fitch said this also abuts another raised septic system. She did a site visit today but the site was not staked and gave a reminder that it is required. Ms. Fitch shared photos with the Commission to show the low elevation and the neighbor's abutting raised system. It is an upgrade to existing conditions since it is a FAST

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system. They proposed a silt fence for erosion controls, which she was happy to see. In the future. Ms. Fitch said she'd like to see wetland delineation details as a note on a site plan, specifically the date of completion and who did the delineation.

No public comment.

Motion for approval for a Negative Two Determination by Ms. Weston seconded by Mr. Szwed. Roll call: Mr. Scanlan-yes, Ms. Weston- yes, Mr. Szwed-yes and Chm. Gray-yes.

Motion carried. 4-0-0.

NOTICE OF INTENT

- 1) **DEP File Number: SE7-2233, Subtidal waters of Buzzards Bay MA Division of Marine Fisheries c/o Forest Schenck Proposed Project:** To conduct an Ecological Restoration Limited Project for eel grass transplanting and habitat restoration located within a V flood zone.

Forest Schenck shared a presentation on eel grass restoration in the Buzzards Bay subtidal area on behalf of DMF. They are interested in this area because it is a great fish habitat. There are a number of recreational and commercial shellfish that utilize eel grass. It is a habitat that is declining across the State in the coastal areas. They are interested in conserving it where they can and restoring where possible. Benefits of the coastal systems include some key ecological functions by absorbing carbon, erosion control, stabilizing sediments and in some cases the filtering of harmful pathogens. Mr. Schenck identified the two subtidal areas for proposed work off Toby's Island and within Megansett Harbor.

Agent comment: This eel grass restoration project is being reviewed as an ecological restoration limited project, 310 CMR 10.24(8) (e) 3. The review must conclude that the work will protect and sustain the interests of the act that have been degraded or destroyed by anthropogenic influences. Therefore, they need to ensure that the impairment of the resource area is actually reducing the capacity of the resource area to support the interests of the act (storm damage prevention, protection of fisheries and wildlife habitat) and that the proposed project avoids or minimize any adverse impacts to the resource areas and include BMPs. Ms. Fitch had no concerns with this project and DMF has met with the Shellfish Constable and there were no concerns from that meeting either.

Member comment: Chm. Gray asked if these sites are in priority habitat. Mr. Schenck said they've received written comments back from Mass Natural Heritage and there were no anticipated adverse impacts to the species mapped at these sites from the proposed activity. The project is exempt from MESA review and meets the performance standards. Mr. Schenck commented that they've had a good success rate on the North Shore with eel grass restoration using the burlap disc method as opposed to in the past planting individual shoots. DMF used factors to narrow down the potential sites in Bourne that included water depth, existing presence of eel grass, exposure to open water, temperature and light.

No public comments.

Motion made to close the public hearing by Ms. Weston and seconded by Mr. Szwed. Roll call: Mr. Scanlan-yes, Ms. Weston-yes, Mr. Szwed-yes & Chm. Gray-yes.

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The draft Order to include: *All general conditions and special conditions pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 include: 1, 2, 3, 7, 9, 27 & 28. Special conditions pursuant to the bylaw include: 7*

ADDITIONAL SPECIAL CONDITIONS pursuant to the Bourne Wetland Protection By-law Article 3.7

ASC-1) DMF will provide an annual report to the Conservation Department for every year the restoration work occurs.

Motion made to move the draft to the final by Ms. Weston and seconded by Mr. Szwed. Roll call: Mr. Scanlan-yes, Ms. Weston-yes, Mr. Szwed-yes & Chm. Gray-yes. **Motion carried. 4-0-0.**

REQUEST TO EXTEND THE ORDER OF CONDITIONS

- 1) **DEP File Number: SE7-2043, Scott Zeien, Trustee, Kingman Yacht Center Realty Tr. 1 Shipyard Lane, Pocasset c/o BSS Design, Inc. Proposed Project:** Request to Extend Order of Conditions issued on 12/27/2018. To replace ninety – 12” diameter wood pilings within a V Flood zone, within a 100 feet of a wetland resource area and within 200 ft. of a river front. **Continued from 3/02/2023.**

Chris Gagne, General Manager of the Kingman Yacht Center explained the issue of the extra pilings questioned at the last meeting. Originally he did not have the plot plan when he did the count. The area that the pilings are have 45 more to replace and that is what the extension is for. There are 90 in that area total. A portion of which have been replaced already. There is a smaller area of docks in the lower right part of the map that he originally included in the total number of pilings, but now believes they are not in need of replacement.

Motion is made by Ms. Weston and seconded by Mr. Szwed to grant a 3 year extension. Roll call: Mr. Scanlan-yes, Ms. Weston-yes, Mr. Szwed-yes & Chm. Gray-yes. **Motion carried. 4-0-0.**

- 2) **DEP File Number: SE7-2045, Denis J. Walsh 262 & 272 Scraggy Neck Road, Cataumet c/o Cape & Islands Engineering, Inc. Proposed Project:** Request to Extend Order of Conditions issued on 1/02/2019. To perform coastal bank stabilization and restoration within a V Flood zone and within 100 feet of a wetland resource area.

Mathew Lautenberger from Wilkinson Ecological gave an update about the progress of the project. The grasses are coming in but need more time. The fiber roll gets over topped by sand which sand is missing from the second layer but the sand is staying in place above that which is a good indication of how dense the roots are in the mesh and grass getting in there. Overall this is what they want to be seeing from this project. A 1 year extension was requested.

Agent comment: General Condition #10, SE7 file number sign is missing and needs to be up before any work takes place.

Motion made by Ms. Weston and seconded by Mr. Szwed for a 1 year extension.

Roll call: Mr. Scanlan-yes, Ms. Weston-yes, Mr. Szwed-yes & Chm. Gray-yes. **Motion carried. 4-0-0.**

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1) Enforcement Order:

36 Presidents Road, Gray Gables. The owner has hired Brad Holmes of ECR who recommends the following:

1. Collect and remove the excess cut brush and cut logs that remain in the wetland and buffer zone. This work shall be completed by hand. Please note, some of the brush could be utilized within the wetland as wildlife habitat thickets; this shall be determined by the overseeing specialist.
2. The woodchips that were blown into the IVW and buffer zone shall be removed by hand. Once removed, the woodchips could be stored for use around the plantings once installed.
3. The restoration area shall be prepared by iron raking the area to collect and remove any excess brush and smooth out any trekking that resulted from equipment onsite. The intent should be to create a natural surface with bumps and hollows, not a perfectly manicured surface.
4. Once the restoration area has been prepared, replanting by hand shall occur to revegetate the impacted IVW and buffer zone. ECR is proposing to revegetate the IVW with native shrubs to restore the previously existing shrub swamp. An additional monitoring report will be submitted to the department.

Motion made by Ms. Weston and seconded by Mr. Szwed to accept the restoration plan.

Roll call: Mr. Scanlan-yes, Ms. Weston-yes, Mr. Szwed-yes & Chm. Gray-yes. **Motion carried. 4-0-0.**

Vote to excuse absent members: Mr. Palumbo, Mr. Berman and Mr. Holmes.

Motion made by Ms. Weston and seconded by Mr. Szwed to excuse absent members.

Roll call: Mr. Scanlan-yes, Ms. Weston-yes, Mr. Szwed-yes & Chm. Gray-yes. **Motion carried. 4-0-0.**

Adjourned 8:30 P.M.

Audio recorded & minutes edited by Stephanie Fitch- Conservation Agent
Minutes typed by Amalia Amado- Conservation Secretary II
Recorded by Zoom platform