

Bourne Conservation Commission  
Public Meeting Minutes  
August 3<sup>rd</sup>, 2023

Chm. Robert Gray called to order the meeting of the Conservation Commission at 6:30 p.m. conducted in person on Thursday, August 3<sup>rd</sup>, 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, Sarah Butler, Greg Berman, Peter Holmes, Rob Palumbo Paul Szwed, Susan Weston and Joseph Soares.

**Professional staff in attendance:** Stephanie Fitch, Conservation agent, Raul Lizardi, Robert Dewar, Hannah Raddatz and Catherine Ricks.

**Continuances:**

**DEP File Number: SE7-2254**, 94 Salt Marsh Lane, Pocasset continued to 9/7/2023

**DEP File Number: SE7-2255**, 74 74 South Road, Pocasset continued to 8/17/2023

**DEP File Number: SE7-2172**, 96 Megansett Road, Cataumet continued to 8/17/2023

1. **Request for Determination: File Number: CC23-22, 90 Circuit Ave, Pocasset, Robert K. Morse, Erica K. Morse and Linda S. Morse c/o Cape & Islands Engineering, Inc.** Title 5 sewage disposal system upgrade to include an Innovative/Alternative system with no increase in design flow. This project is located in a V flood zone and within 100 ft. of wetland resource areas.

Raul Lizardi PE with Cape and Islands Engineering, represented the project on behalf of the homeowners. Mr. Lizardi explained that back in 2017 an order of conditions was issued for a raze and rebuild but the project never took place and the same house still exists. The homeowners are looking to upgrade the septic system. They are adding I/A technology to reduce nitrogen going into the ground. The current leaching field in the front of the house does not meet separation to ground water. There will be a two compartment septic tank and a pump chamber with a 3ft. retaining wall to raise the system to meet setbacks on the property and to meet the requirement for separation to ground water. The entire property is in Land Subject to Coastal Storm Flowage with coastal beach across the street.

Ms. Fitch said the replacement of a conventional system with nitrogen reducing technology is great. This is a 3' vertical landscape wall in a velocity zone being added, she'd like to see the design be more flood water friendly. Erosion controls and siltation control are key, as there is very limited stormwater infrastructure in this area and most runoff goes straight into the resource areas down the street.

Mr. Berman would like to see a 1 to 1.5 ft. slope on a vertical structure in a velocity zone, but in this scenario any wave action would be directed onto a lawn and a road, so he wasn't overly concerned with this design.

Mr. Lizardi said the setbacks make it difficult to slope and meet the Title V setback requirements. If they relocated to the other side the homeowner would lose their parking.

No public comments.

Motion made for a Negative Two Determination by Mr. Holmes and seconded by Mr. Palumbo. All in favor. Motion carried. **6-0-0.**

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2. **Request for Determination: File Number: CC23-23, 7 Maple Avenue, Cataumet, Robert C. Bishop c/o Cape and Islands Engineering, Inc.** The renovation of the existing garage, including the construction and maintenance of two small additions, deck, landing, stairs, and connection to the existing septic system. All work will take place within an AE flood zone.

Mark Dibb PE with Cape and Islands Engineering, represented the project on behalf of the homeowners. He explained the proposed additions to the garage are in the AE 15 flood zone only and felt the proposed project had minimal impacts to the site resource areas.

Ms. Fitch said the property falls within the AE flood zone. The property line is >100' from the salt marsh. There are no performance standards for this project.

No member comments.

Motion made for a Negative Two Determination by Mr. Holmes and seconded by Ms. Butler. All in favor. Motion carried. **6-0-0.**

*Chm. Gray recused himself from the next review and vice chair Palumbo took over this review.*

3. **Request for Determination: File Number: CC23-24, 10 Stackpole Circle, Gray Gables, Paul Rausa c/o Bracken Engineering, Inc.** The project includes a Title V septic upgrade, landscaping and associated utility work located in an AE flood zone and within 100 ft. of a wetland resource area.

Robert Dewar EIT with Bracken Engineering, Inc. represented the project on behalf of the homeowners. He explained this is a septic upgrade in the AE 15 flood zone and the project included to remove the cesspool and include nitrogen reducing technology because they are within 50' of a wetland resource area.

Ms. Fitch shared photos and said this system was before the Commission last summer for a tight tank with a different engineer. Ms. Fitch and Mr. Dewar discussed if dewatering would take place and to ensure where that was happening on the property. Mr. Dewar said they would use a dirt bag and pump to the front of the yard similar to the approved project last year. Ms. Fitch had no other concerns. All work is proposed in existing lawn area. Upgrade from a cesspool. Erosion controls are in place.

No public comments.

Motion made for a Negative Two Determination by Mr. Holmes and seconded by Ms. Butler. All in favor. Chm. Gray-abstained. Motion carried. **5-0-1.**

*Chm. Gray returned as chairman.*

1. **Notice of Intent: DEP File Number: Pending. Parking lot off 0 Sagamore Road, Sagamore Beach, Town of Bourne c/o BSC Group, Inc.** The proposed project at the site involves upgrading the parking lot and the stormwater management system, as well as repairing the existing emergency access ramp, walkover stairway, and beach nourishment. The project is located on or within 100 ft. of coastal wetland resource areas and in a V flood zone.

Hannah Raddatz, Wetland Scientist with BSC group represented the proposed project on behalf of the Town of Bourne. The main component of the project is to upgrade the existing parking lot, no expansion. The project includes the regrading, paving, painted parking spaces, and installation of an underground stormwater filtration system and additional catch basins. Minor repairs on the emergency access ramp and beach access stairway. At the end of the beach access way there will be an extended 10 x 13 concrete



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slab 2 ft. under grade, to accommodate for the erosion. The resource areas are: Coastal dune, coastal beach, coastal bank, and land subject to coastal storm flowage and priority habitat. They have not yet received a written response from Natural Heritage and anticipate time of year restrictions for endangered Piping Plovers. The lot will be reconfigured for the addition of 306 SF of impervious surface and removal of 230 SF of pavement to be replaced with beach grass /native herbaceous species suitable for coastal habitat. The time of year restrictions will be taken into account for the start of work. Sediment controls will be installed at the edge of the parking lot to keep sediment from getting down onto the beach. The project will be a significant improvement to stormwater within the site, right now the site only has one catch basin.

Ms. Fitch gave her report. She said improving the ramp for all lawful purposes and improving stormwater infrastructure to reduce impact to coastal resource areas, as well as improve water quality and floodwater resiliency. This has been in the works for two years- the Town Engineer received \$25,000 from the State for feasibility, he used the Climate Resiliency Infrastructure Fund for the design and CPC funding for the construction. Site visits with DNR, Conservation and Engineering have occurred. They explored adding amenities but she felt it was encroaching on habitat so they reigned it in.

This project includes extending the ramp to 2' below the beach. We will be removing 230 SF of pavement and adding vegetation. This plan also requires beach nourishment.

Still waiting on File # and NHESP.

Mr. Holmes asked if any parking spaces were gained or lost. Ms. Raddatz said the 13 existing spaces will be maintained and adding a handicap parking spot. Painted parking lines are a new addition for both parking lots to keep the parking more organized.

Mr. Berman asked about the extension of the 10W X 13L concrete pad on the seaward edge. The side view of the ramp shows the idea is to land as gently as possible on the beach for the emergency access aspect and public access. Ms. Raddatz will relay questions from the Commission back to the surveyors. The ramp is 4ft. high which is still below the current beach level. Mr. Berman said the beach may drop further seaward with the 13ft. extension. He suggested looking into an articulated concrete mat to help with stability within the beach. The main use of the ramp will be for emergency vehicles, foot traffic and wheelchair access. Ms. Raddatz said if the beach does erode they would propose beach nourishment at the edge, and it is already proposed on the northeastern corner of the site by the access stairs and they can also add it there along with possibly pursuing an articulated concrete mat. The current slab is 2 ft. below the beach level and potentially maintaining that sand depth over the concrete slab may require some monitoring to be involved. If the edge starts to get exposed they will add more sand to maintain.

Public comment: Joan White of Sagamore Road is an abutter across the street from the project, she reported when there is a regular summer rain the entire parking lot becomes flooded. Ms. White hopes this project will improve with the addition of the catch basins and the subsurface filtration system. Ms. Raddatz said the regrading of the parking lot will also improve the redirection of runoff towards the catch basins.

Public hearing continued to August 17<sup>th</sup>, 2023.

2. **Notice of Intent: DEP File Number: Pending. Parking lot off 280 Standish Road, Sagamore Beach Town of Bourne c/o BSC Group, Inc.** The proposed project at the site involves upgrading the parking lot and its stormwater management system, as well as repairing the existing emergency access ramp,

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walkover stairway, and beach nourishment. The project is located on or within 100 ft. of coastal wetland resource areas and in a V flood zone.

Hannah Raddatz, Wetland Scientist with BSC group represented the proposed project on behalf of the Town of Bourne. This project is similar to the 0 Sagamore Road parking lot improvement but with different conditions. The existing parking lot has 9 spaces which will remain and will also include regrading, paving and painting of parking spots, as well as repairing the emergency access ramp. The ramp will be extended in a similar fashion as the other project. They have not yet received a written response from Natural Heritage and anticipate time of year restrictions for endangered Piping Plovers. Sediment control will be installed at the top of the slope and catch basin projection bags. This project includes extending the ramp to 2' below the beach. They will be removing 560SF of pavement and adding vegetation. They are still waiting on a file number.

Public comment: Kim Hannon of Standish Road is an abutter directly across the street from the parking lot. She reported that the rain washes down the road and down the ramp onto the beach causing significant washout. Ms. Hannon also requested additional signage / guardrail to prevent vehicles from driving down the ramp. Trucks and boats are driving down the ramp unlawfully. Ms. Raddatz will look into the addition of removable bollards to prevent unauthorized access.

Public hearing continued to August 17<sup>th</sup>, 2023.

3. **Notice of Intent: DEP File Number: SE7-2234, 18 Lester Avenue, Monument Beach, Gail Corbett c/o Cape & Islands Engineering, Inc.** To remove the existing concrete seawall and replace with interlocking block wall, with timber stairs to replace existing concrete steps for beach access. The work will take place within a V flood zone and on or within 100 ft. of other coastal wetland resource areas. Continued from 5/04/23 & 5/18/23.

Raul Liazrdi P.E. from Cape & Islands Engineering represented the project on behalf of the applicant. This project will be continued pending that only one peer review consultant came back with a proposal, which was declined by the applicant. Ms. Fitch reached out to CZM for their technical input.

Ms. Fitch received correspondence from a lawyer on 8.1.23. She requested technical assistance from CZM on 8.1.23 to ensure the proposed plan meets all applicable standards.

At the request of the applicant the public hearing was continued to October 5<sup>th</sup>, 2023.

4. **Notice of Intent: DEP File Number: SE7-2241 45 Harbor Drive, Pocasset, Jill A. Adroque c/o Coastal Engineering, Inc.** Proposed reconstruction of three groins, installation of a dock, and beach nourishment. The work will take place within an AE flood zone, VE flood zone, and coastal wetland resource areas. Continued from 5/04/23.

Catherine Ricks P.E. of Coastal Engineering, Inc. represented the project on behalf of the applicant. The proposed project includes reconstruction of the pre-existing licensed groins on the site and beach nourishment between the central groin and northern groin. A proposed walkway to a pier and then a ramp and floating dock on the northern groin. They have provided two options after talking with the agent and reviewing some of the measurement regulations. The first option is the walkway out and then the spacing between the piles will measure 10' on center from the outside. The 10' sections will make it easier for the contractor Beacon Marine to transport in and out seasonally. The shellfish report was found to be non-significant and the eel grass survey conducted by Megalodon did show 2-3 blades which were covered in



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algae. Megalodon concluded the water depth was approximately 10-feet at Mean Low Water (MLW) where eelgrass was observed during Megalodon's survey, which is sufficient to avoid impacts from vessel use. There were existing boat moorings and an outhaul line that had eelgrass growing near it and observations using Google showed this outhaul line and three moorings. The eelgrass observed can be avoided by Coastal Engineering to protect the habitat. The water depth is sufficient to allow for vessel use in the area, as has been done historically without affecting the small patches of eelgrass that are present. Catherine Ricks gave a brief description of the proposed beach nourishment.

Ms. Fitch emailed the Cove Master on 7.28.23. DNR does not have concerns with the preliminary designs but will do a site visit on Friday. Natural Heritage had no concerns and no conditions. Comments were received back from DMF with a time of year restriction, May 1-July 31 for horseshoe crab, and they do not want to see float within 25' of eelgrass. Maintaining proper water circulation is done in part by providing adequate spacing between pilings. Per our regulations, the spacing must be 20x the diameter and in no case smaller than 10'. We do not provide waivers, therefore Plan B is what can be approved. Ms. Fitch asked if there are any other differences between plans A & B.

Ms. Ricks explained there are minimal differences between the plans, on plan A the depth they were able to get the float at was 2.4 ft. and on plan B they got 2.3 ft. Ms. Fitch said the planks should be spaced at least ¾" apart to permit light penetration. This will help the pier to have less adverse effect on plant productivity. The outhaul wasn't included on the site plan – because it will probably be removed as they aren't using it much at this point. There is a kayak boat rack close to the northern groin, they use for mostly personal kayaks, sailboats pulled across the beach into the water. The focus is to have it more towards that northern groin out by the float where the mooring is for their larger vessel. The proposed pier has sprigs of eelgrass around it and oysters. The regulations say you need 4' clearance from the sea floor at all times. Ms. Ricks said they will include float stops. Ms. Fitch would also like the label on the plan (oysters and quahogs fall under WPA 310 CMR 10.34 def of shellfish). The regulations require a description for the construction process. The construction protocol in the original NOI application from March is very limited. Ms. Fitch would like to see the construction methodology written out for the pier construction, the groin reconstruction, and the beach nourishment. The Commission briefly discussed the setbacks for outhauls and moorings. The applicant requested a continuance to September 7<sup>th</sup>, 2023 to provide revised plans.

- 1) **Request for Certificate of Compliance: DEP File Number: SE7-1771, 44 Baxendale Road, Cataumet, Donald Jones, c/o David R. MacLean, Architect.** Replacement of an existing wood deck and beach stairs located within a velocity flood zone and riverfront.

Ms. Fitch made a site visit on 8/2/23. Existing deck matches what was permitted in 2011. She recommend issuance of the COC.

Motion to grant the COC by Mr. Holmes and seconded by Ms. Weston. All in favor. Motion carried. **6-0-0.**

- 2) **Request for Certificate of Compliance: DEP File Number: SE7-1648, 99 Phillips Road, Sagamore Beach, Alex & Julie Szeto c/o Atlantic Design Engineers, Inc.** Request for Certificate of Compliance for Order of Conditions issued on November 11, 2006. The reconstruction of the existing dwelling and the installation of a new septic system. Located within 100' of a wetland resource area and within an AE flood zone.

Ms. Fitch made a site visit conducted on 8/3/2023. There is an at-grade boardwalk across the dune. Priority habitat and Town of Bourne property. I do not recommend issuance of the COC at this time. Ms.

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Fitch will respond to the request for certificate of compliance and explain the reason why it will not be issued at this time. Ms. Fitch will work with the homeowners to fix the issue.

- Approve minutes 4/20/2023, 5/04/2023 and 5/18/2023.  
Motion made to accept the minutes of 4/20/2023 by vice-chair Palumbo and seconded by Ms. Butler. All in favor. **6-0-0**.  
Motion made to accept the minutes of 5/04/2023 by Ms. Butler and seconded by vice-chair Palumbo. All in favor. **6-0-0**.  
Motion made to accept the minutes of 5/18/2023 by vice-chair Palumbo and seconded by Ms. Butler. All in favor. **6-0-0**.
- Report of the Conservation Agent.
  - Homeowners on Wings Neck claim they have permission to maintain a vista corridor on Town of Bourne property across the street. It is also in NHESP jurisdiction (as well as FZ & SM)
  - 50 Academy has hired a coastal geologist who has requested to do some large test pits in the dune/vegetated area (3 ft. deep , 2 ft. wide and 3-5 ft. long) The Commission wants to see an RDA or Amend the Open order of Conditions.
  - Discussion of borings for MassDOT:
    - We have three locations that are located in Land Subject to Coastal Storm Flowage and several others also located in the buffer zone of bordering vegetated wetlands. Please note, per 310 CMR 10.02(b)(g) temporary activities with the buffer zone are not subject to the Wetlands Protection Act and LSCSF do not have performance standards.
  - Queen Sewell Meeting next Tuesday
  - CPC funding for the Rural/Urban Pollinator Trail

Motion to adjourn the meeting and seconded. All in favor. Motion carried. **6-0-0**.

Adjourned. 8:26PM

Audio recorded by the Bourne Conservation Department.  
Typed by Amalia Amado, Secretary II.