

CONSERVATION COMMISSION MINUTES

December 4, 2014 ~ 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. Michael Rausch, Bourne Enterprise is recording tonight.

Members present: Chm. Gray, Rob Palumbo, Peter Holmes, Betsy Kiebala, Susan Weston, Thomas Ligor, and Associate Member Paul Szwed.

Members excused: V. Chm. Martha Craig Rheinhardt

REQUESTS FOR DETERMINATION OF APPLICABILITY

1) Applicant: Brett Ellis

File No. CC14-63

Representative: SAME

Project Address: 60 Monument Neck Road, Gray Gables

Project Description: Construct an addition and expand an existing leach field including associated landscaping, grading and appurtenances within an AE Flood Zone

Hearing Under State Act Only

Brett Ellis representing- applicant is seeking to build a 16'x22' crawl space house addition and expand existing leaching which is in the back yard.

Brendan Mullaney – the house on this property was struck by lightning last year and suffered damage. No other jurisdictional resource areas within 100 FT. It is a relatively flat area and no other concerns with the project.

No board comment. No public comment.

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

NOTICES OF INTENT

1) Applicant: Stephen Paulus

File No. SE7-

Representative: Thompson Farland, Inc.

Project Address: 75 Eel Pond Road, Monument Beach

Project Description: Raze and rebuild an existing single-family dwelling and install a new Title V septic system including associated grading, landscaping, utilities and appurtenances within 100 feet of a Wetland Resource Area

Nick Dufresne, Thompson Farland, Inc. – the applicant seeks to keep the garage and construct a new 3-bedroom dwelling. The proposed dwelling is slightly larger and further back to Eel Pond than the existing structure. Erosion control measures are proposed as well as dry wells to capture roof run off.

Brendan Mullaney – this is a standard tear down and rebuild. The applicant seeks to use the current septic system on the property and the Board of Health (BOH) has yet to review. Wetland area is delineated. There is a steep slope which qualifies the landform as a coastal bank. The house is being pulled back and deck is where the old house stands. Erosion control is proposed. No concerns with the project. No DEP file at this time.

No board comment. No public comment.

Holmes moved and seconded by Kiebala to continue hearing to 12/18/14 for DEP File Number. Unanimous vote.

2) Applicant: MassDOT Rail and Transit

DEP File No. SE7-1912

Representative: Lars Carlson, Jacobs Engineering Group

Project Address: Off Sandwich Road within Railroad Right of Way adjacent to Bourne Bridge

Project Description: Construct a 4,000 SF rail station platform, relocate existing rail crossing, and reconstruct access drive including all appurtenances within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

(Continued from 11/6/14)

Chm. Gray stated that based on a court decision that was brought to the board's attention and recent correspondence from Attorney Troy, this hearing is now being reviewed under the bylaw as well as the State Act. Any additional information regarding this will have to be sent to Town Counsel for review. We are applying the bylaw until told by Town Counsel it doesn't apply.

Lars Carlson representing – a site visit was conducted and the project was presented in a public forum at the community center. There are refinements to the drainage system. They are providing infiltration chambers vs. the previous drywells.

Regarding the canopy and platform, the existing grade drops down, raising the grade adjacent to the track. The existing picnic area will have an elevation drop off; a slight grade difference. There will be a canopy with the roof over and a railing between existing picnic area and the platform.

Chm. Gray – asked how close the platform is from the BVW and how is close the platform to the top of the bank to the canal. Mr. Carlson said about 55 FT; to the top of the bank on the canal side is greater than 100 FT.

Brendan Mullaney – the footprint of the platform didn't change. Changes were in the architectural specifications. Most of the ConCom members were present at the site visit. A lot

of concerns were raised at the last hearing which were not necessarily under the purview of the Commission. These issues were potentially addressed through a more appropriate forum this past Monday.

Chm. Gray – this project meets the constraints of the setbacks imposed by the Bylaw and meets criteria under Chapter 131, Section 40. Should the bylaw continue to apply, there is no issue with abutter notification since they were all notified. Some fee differential will be discussed in the future after review from Town Counsel.

No board comment.

Mr. Jerry Ellis – here as an individual. Asked about letter of approval from Corps of Engineers. He asks one be included as a requirement. Our board normally asks for a letter from the property owner.

The hearing will be continued for further review moving forward and setting order of conditions under the State act and under the bylaw. This hearing will be continued to 12/18/14.
Unanimous vote.

3) Applicant: MassDOT Rail and Transit

DEP File No. SE7-1911

Representative: Lars Carlson, Jacobs Engineering Group

Project Address: Off Sandwich Road within Railroad Right of Way adjacent to Bourne Bridge

Project Description: Perform track and signal improvements, including siding tracks and signal houses within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

(Continued from 11/6/14)

Mr. Lars Carlson– additional information on the wetland report was delivered on 11/21/14 describing the vegetation in the wetlands. No changes in the drawings. There didn't seem to be a lot of technical questions on this element. There is one minor drainage element; but the majority of the work is installing the track within the existing right of way that previously had a track in it. The existing drainage catch basin will have a grate that is just off existing track. The Proposed drainage under the track and will be replaced with deep sump pump and hood in the same location.

Chm Gray – for clarification, the embankment on the side of the track is not moving closer to the wetland? Mr. Carlson replies this is correct

Bill Nelson – asked about revised drawings. Major reason revised was to show erosion control. He also commented on a major project in a delicate area. How do we go about reviewing and are we certain everything has been discussed. Chm. Gray doesn't see many red flags that would cause him to say this project is not within the scope the ConCom cannot handle. Mr. Nelson raised questions about the application on provisions to stormwater standards,

stormwater management and the application itself. The site constitutes redevelopment, not new development.

Chm. Gray – the State identified the land subject to coastal storm flowage flood as a wetland resource area. Since there are no performance standards for this resource area, there is not much more that can be reviewed on this project.

Brendan Mullaney- the project proponent has to look at the resource areas affected, determine performance standards and if the project has adverse effects. The only resource is the flood zone and the buffer zone. There are some standards when work is proposed in that area. This is on par with many other applications that are in this type of jurisdiction.

Continue without significant technical issues.

Mr. Ellis – would like to see a letter written by the petitioners if something happens down the road with the project and wetlands provision that will come into effect; to make sure the town and the ConCom are insulated from any liability. Mr. Lars Carlson will refer this request to his client.

Ms. Henderson – asked about the drawing #5 clarification. The switch is about 15 FT long.

At the applicant's request the hearing will be continue to 12/18/14. The applicant will address concerns of Mr. Ellis.

Kiebala moved and seconded by Weston to continue the hearing to 12/18/14. Unanimous vote.

4) Applicant: Massachusetts Maritime Academy DEP File Number: SE7-1908
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct a waterfront protection project including a pile supported concrete pier, associated dredging and reuse of dredged material, and all associated facilities, utilities, and appurtenances within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from 11/6/14)

At the request of the applicant the hearing is continued to 12/18/14.

OTHER BUSINESS

Joseph Cheney – Potential Land Donation off Marsh Pond Road, Sagamore Beach
Discussion and possible vote

Brendan Mullaney – handed out plans for land donation. Mr. Cheney is offering to donate two 1-acre parcels that are mostly saltmarsh. He is requesting a variance for another project in

town and is trying to enhance his application. He drafted a brief letter and if the board desires to vote to potentially accept, we can sign the letters and move on with this matter. The main benefit would be access.

Mr. Mulvey – commented how this is a case to protect the area for the future.

Weston moved and seconded by Ligor sign the letter. Unanimous vote.

Vote – Excuse Absent Members, if necessary

Holmes moved and seconded by Weston to excuse absent members Craig Rheinhardt. Unanimous vote.

Brendan Mullaney – the ConCom Calendar for next year will need to voted upon at the next meeting.

Adjourn

Weston moved and seconded by Holmes to adjourn the meeting. The meeting adjourned at 8:10 pm. Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.