

CONSERVATION COMMISSION MINUTES

Thursday, January 21, 2016 ~ 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.

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

Chm. Gray announced that Martha Craig-Rheinhardt resigned from the Conservation Commission.

Request for Determination of Applicability:

1) Paul Huehmer

File Number: CC16-03

39 Buttermilk Way, Buzzards Bay

Proposed project: Construct an addition and shed within an AE Flood Zone and within 100 ft of a Wetland Resource Area.

Holmes moved and Kiebala seconded to table the meeting until the applicant is present.
Unanimous vote.

Due to applicant not present tonight and no abutter cards were received by the Conservation Agent, Holmes moved and seconded by Ligor to continue hearing to the next meeting.
Unanimous vote.

Notices of Intent:

1) William Murphy

DEP File Number: SE7-1935

490 Scraggy Neck Road, Cataumet

Tim Santos, Holmes and McGrath, Inc. representing – applicant seeks to raze and reconstruct a single family dwelling including attached garage, deck, driveway reconfiguration, utilities, drywells, and all associated clearing, excavation, grading and landscaping within 100 ft of a Wetland Resource Area. Property currently has a single-family home. All roof runoff will be using drywells. The driveway will remain the same. The garage is an addition.

Brendan Mullaney – application is within a Flood Zone which wasn't put on the agenda. This is a basic tear down and rebuild. The new septic is an improvement over existing conditions.

No board comment. No public comment.

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

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1-6,9,10,12,13,16-24 and Special Conditions and Special Condition 20-24 to continue in perpetuity.

Kiebala moved and seconded by Holmes to move the Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

2) Town of Bourne

DEP File Number: SE7-1931

Barlows Landing, Pocasset Harbor, Pocasset River and Little Bay

Matt Creighton, BSC Group, Inc. representing the Town – seeking to perform maintenance and improvement dredging with associated beach nourishment at Barlows Landing, Pocasset Harbor, Pocasset River and Little Bay within AE and VE Flood Zones and within Wetland Resource Areas. This is a multi-stage project.

Barlows Landing: 2600 cubic yards in the maintenance dredging area coming out and is detailed in the plans. Beach nourishment was briefly explained per the plan. The materials are analyzed, pump out to allow to dry out.

Little Bay: 15000 cubic yards for dredging coming out. Improvement area of 31918 square feet. Material will be used with the hydraulic system for Monument Beach.

Pocasset River: no improvement dredging. Entire area will be pumped out and dried and taken out by truck. 9122 cubic yards material coming out.

Ligor – asked about shellfish analysis. The analysis has not been done but not large shellfish area. Before dredging starts, the Harbormaster will come out to inspect.

Holmes – asked about the two disposal sites. State regulates that once material removed, anything over 10% silt cannot be used. 10% or less can be used as beach nourishment.

No further board comments.

Barlows Landing:

Charles Bristow - he asked what is the goal. Dredging is for safe navigation. He also asked how much this will cost the Town. Mr. Michael Leitzel explained it comes out of the Town's Waterways Fund. He has concerns about the saltmarsh around his property, due to previous experiences. It was explained it wasn't the dredging that had a negative effect on the saltmarsh and this money can only be used for this type of project.

Chm. Gray – explained funds working on the saltmarsh cannot come from the Waterways account; dedicated for waterways in Town. The project Mr. Bristow is talking about happened before laws were put in place as a result of dredging they did in the past. This is a conversation for another time. Mr. Bristow at this time passed out some aerial pictures for the record.

Mark Marsard – asked about draining the material. It will go into the basin itself, taking 3-4 weeks to dry out. In this area because of endangered turtles, will be done in the spring.

Pocasset River:

Mr. Smith – asked about the Cove and how wide. All maintenance dredge in the past has been done. Dredging is about 60 ft wide and dredging process was briefly explained. As far as the walls, the closest is down at the mouth and is about 40 ft and between is the saltmarsh that runs up to that wall. This material is sand and a little more stable than the other material. This should not have any impact to the saltmarsh or the wall.

Mr. Jim O'Connell – put his client's concerns of the integrity of the wall in the saltmarsh in writing and sent to Brendan Mullaney.

Mr. Carlson – asked location of said marsh. The area was pointed out for the public.

Leonard Hills – concerns of the upper level on Shore Road on the revetment. Dredging will come into the area near the cove.

Ms. Duffy – asked about the increase of tidal flow. Work is done specifically for the erosion. Tidal flushing was briefly discussed explaining it has to do with the chemical acidity of the water. Water elevation is done with storm surge and does not pertain to this area.

Diane Colburn – concerned this project will create more erosion near her seawall. This site hasn't been looked at.

Timeframe was asked about. The permitting will take about a year and will be dredged in the winter months.

Little Bay:

Mark Shanahan – concerns about erosion in the past five years.

Mr. Wales – asked about opening the channel up during dredging. Chm. Gray said the Conservation has no say in this issue and suggested reaching out to the Shore & Harbor Committee.

The last time this area was dredged was in the 1960s by the DPW.

Brendan Mullaney – to reiterate maintenance dredging, if the areas haven't been dredged in the past, the goal is to keep the waterways in the same condition for safety issues. Any questions regarding priorities, please visit the Shore & Harbor Committee.

A question was asked about turtles being in the area. Turtles have been spotted which is why some areas cannot be disrupted.

No further public comment. No further board comment.

Chm. Gray suggested to continue the hearing. He suggested applicant post the plans on the town website for the public view.

Palumbo moved and seconded by Holmes to continue public hearing to March 3, 2016. Unanimous vote.

Request for Certificate of Compliance

1) Paula Tumber
DEP File Number: SE7-1558
86 Norris Road, Sagamore Beach

Brendan Mullaney – a site visit was conducted and compliance is determined with conditions and recommends to grant.

Palumbo moved and seconded by Holmes to grant request of Certificate of Compliance. Unanimous vote.

Approval of minutes

Holmes moved and seconded by Ligor to approve minutes of September 17, 2015 as submitted. Unanimous vote.

Adjourn

Palumbo moved and seconded by Holmes to adjourn. Meeting adjourned at 8:30 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.