

CONSERVATION COMMISSION MINUTES

Thursday, January 7, 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. Robert Gray, Peter Holmes, Betsy Kiebala, Rob Palumbo, Susan Weston and Thomas Ligor

Members Absent: Martha Craig Rheinhardt and Associate Member Paul Szwed

Request for Determination of Applicability:

1) David & Joyce Campbell

File Number: CC16-01

425 Circuit Avenue, Pocasset

Mr. Jordan Race, Fraser Construction representing – applicant seeks to rebuild an existing deck and repair a septic system within an AE Flood Zone and within 100 ft of a Wetland Resource Area. Need to install footings on the deck posts. Repair will be done to septic pipe only that has cracked and was repaired as an emergency.

Brendan Mullaney – simple project, footings and small portion of the septic pipe in the flood zone. No concerns with the project.

No board comments. No public comments.

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

2) Edward Moyer, Jr.

File Number: CC16-02

173 Standish Road, Sagamore Beach

Chm. Gray recused himself from discussion and vote. He turned the meeting over to Mr. Palumbo.

Flaherty & Stefani, Inc. representing – applicant seeks upgrade to a new Title V septic system, and construct an addition and deck including all landscaping, utilities, and appurtenances within 100 ft of a Wetland Resource Area. The small addition will be for tools only.

Brendan Mullaney – small wetland on abutting parcel, appears to be associated with drainage from the roadway and relatively small. It was flagged by Brad Holmes from ECR and well defined steep slopes. No concerns with the project.

No board comments. No public comments.

Holmes moved and seconded by Weston for a Negative Three Determination. Unanimous vote.

3) Lighthouse Realty Trust
File Number: CC15-61
1 Lighthouse Lane, Pocasset
Hearing Under State Act Only
(Continued from 12/17/15)

Bracken Engineering representing – applicant seeks to install a septic force main within an AE Flood Zone. Brendan Mullaney handed out Arial photographs to the board members for the next three hearings as they are all inter related.

Seeking approval of construction of a 3-bedroom house which will involve three separate lots. All lots are out on Wings Neck. The applicants are a pair of sisters who own the parcels. Most of the work will be on 10 Harbor Way. Force main will go out on 1 Lighthouse Lane.

Brendan Mullaney – request to put this component on this lot only. This is a developed lot. No concerns with the project.

No board comments.

Mr. Stan Budryk – read his letter addressed to the board into the record, submitted for the file regarding protection from pollution of shellfish. He had issues with the nitrogen loading allowed for the lot, square footage and impact on the quality of the water, additional issues with the applicant's history and use of property in area.

Brendan Mullaney – an earlier application to build a house on this lot in 2004-2005 was withdrawn in 2006. There were issues outside of the purview of the Commission. No conditions were set for this lot.

Mr. Palumbo - the board's issue for this lot is putting a septic force main on this property.

Mr. Donald Bracken – regarding the force main under driveway, he addressed the issue with the well. There is one well any issues will have to be brought up with the Board of Health.

Mr. Cronin – is not in favor of the installation of a septic force main. He doesn't believe this is a separate lot. Mr. Bracken explained there is two separate lots.

The board will table this hearing and continue to next hearing to proceed.

Brendan Mullaney – explained the separate filings are is not piece-mail but rather procedural for recording purposes. This is basically one project taking place on separate lots with different owners.

After the first two NOI's were heard, Mr. Palumbo re-opened this matter.

No further board comment. No further public comment.

Holmes moved and seconded by Weston a Negative Two Determination. Unanimous vote.

Notices of Intent:

1) Elizabeth Gillis Warden
DEP File Number: SE7-1933
10 Harbor Way, Pocasset
Hearing Under State Act Only
(Continued from 12/17/15)

Bracken Engineering representing – applicant seeks to construct a single family dwelling with associated site work, utilities and appurtenances within an AE Flood Zone. To make this lot buildable, proposing to put a septic on separate parcel which is owned the applicant's sister. Mr. Bracken stands by their proposal and no nitrogen loading on this particular lot. This is a micro fast system with a pump chamber for force main discharge. Pervious driveway will be included. From engineering standpoint, this is a typical design with these circumstances.

Brendan Mullaney – this particular application is for a dwelling in the Flood Zone. This house needs to be constructed according to the Mass. State Building Code. The location of the septic are under the purview of the Board of Health. This project is a dwelling in the Flood Zone on a flat disturbed lot. There are minimal regulations applied from the board's standpoint for this particular project.

Holmes – questioned the box turtle. Brendan Mullaney – this was on the other lot. None of the properties contain habitat according to NHESP.

No further board comment.

Mr. Budryk – raised concern about the amount of bedrooms with regard to the nitrogen loading. Mr. Bracken explained the calculations that are going into the ground are not on this

particular lot. No effluent is going into 10 Harbor Way. There is no septic system that will discharge effluent on this property.

Mr. Cronin – we are concerned about the increased use of the water.

No further public comment.

The board will table this hearing and continue to next hearing to proceed.

After hearing the next NOI, Mr. Palumbo re-opened the hearing.

No further board comments.

Mr. Budryk – asked about the cedar plantings. Mr. Bracken said that all the plantings will be taken out in that area. The plantings' sizes varies.

No further public comments.

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 1-6,9,10,12,16-24 and Special Conditions and Special Condition 20-24 to continue in perpetuity.

Weston moved and seconded by Ligor to move the Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

2) Lighthouse Realty Trust
DEP File Number: SE7-1934
0 Lighthouse Lane, Pocasset
(Continued from 12/17/15)

Bracken Engineering, Inc. representing – applicant seeks to install a three-bedroom septic field, landscape wall and associated site grading in association with the development of a single family dwelling at 10 Harbor Way within an AE Flood Zone and within 100 ft of a Wetland Resource Area.

Mr. Bracken – vacant lot that did a perc test in 2005 which is still valid today. The leaching trench was designed to fit the required setbacks. The 100 ft buffer is the coastal bank. The leaching system is a single field which has a 1 ½ inch line which is typical in sensitive areas. The pump will keep pushing effluent through this line. In this particular case, they will remove and replace sand. This is a slightly modified system which included adding a retaining wall. This is more superior to a gravel system. Limit of work will have some grading. The area over the

system after backfilled will have no lawn. In using the three bedroom calculations, will be meeting Title V requirements. Documents will have to be signed and recorded with the Registry of Deeds. A variance will still be required from the Board of Health which will require a public hearing.

Mr. Palumbo – asked about the 3-ft wall. Mr. Bracken explained it is a single wall to get the trench as close as they can to the right of way.

Brendan Mullaney – the system is contained and some grading and associated site work but it is 145 ft to the water so it does almost meet the 150 ft requirement from the receiving resource. From the board's purview, the project involves digging a hole, adding sand for necessary step in installing the system. The system described has been used in town for better treatment versus other systems. No major concerns from the board's point of view.

Weston – asked about the forced main's mechanical components. Mr. Bracken explained the force main pipe. Brendan Mullaney said at some point the pump will need to be replaced and in this situation it is a necessity.

Ligor – asked about the electric pump system backup. Mr. Bracken said using the well or the applicant can use a generator. The system can still be used. The other option is to add two pumps which can alternate use – most likely the applicant will use this option.

Kiebala – asked who is responsible for the pump maintenance. Brendan Mullaney said it will be the Health Department's discretion.

No further board comments.

Mr. Cronin – asked about the tight tank. Mr. Bracken explained a tight tank wasn't allowed in this system; they are only allowed for repair of existing systems.

Mr. Budryl – his biggest concern is the water issue. Mr. Palumbo explained that it is a Board of Health issue.

Mrs. Cronin – asked Mr. Bracken about the fisherman shack system and if it should fail, could that building be pumped into this system. Mr. Bracken explained it cannot because this system is maxed.

Mr. Cronin – asked about roots from scrub pines. Mr. Bracken explained it will have to be maintained by the applicant.

No further public comment. No further board 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 1-5,9,10,12,13,16-24 and Special Conditions to the bylaw 4,6,7,8,9 and Special Condition 20-24 to continue in perpetuity.

Ligor moved and seconded by Weston the Draft Order of Conditions to Final Order of Conditions. Unanimous vote.

At this time Chm. Gray returned to the meeting.

Requests for Certificate of Compliance

1) Walter Federow
DEP File Number: SE7-1923
69 Bellavista Drive, Pocasset

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

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

2) Sallyann Studley
DEP File Number: SE7-1400
18 Jefferson Road, Gray Gables

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

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

Excuse Absent Members, if necessary

Ligor moved and seconded by Palumbo to excuse absent members. Unanimous vote.

Approval of minutes

Ligor moved and seconded by Weston to approve minutes of September 3, 2015 as submitted. Unanimous vote.

Adjourn

Weston moved and seconded by Holmes to adjourn. Meeting adjourned at 9:00 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.