

## CONSERVATION COMMISSION MINUTES

Thursday, July 9, 2015 ~ 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, Rob Palumbo, Tom Ligor, Susan Weston, Betsy Kiebala

Members excused: Martha Craig Rheinhardt, Peter Holmes, and Associate Member Paul Szwed

### **Request for Determination of Applicability:**

- 1)     Applicant:                     Raymond Labrun                             File Number: CC15-21  
       Representative:         Jack Vaccaro, Vaccaro Environmental Consulting  
       Project Address:        22 Millbrook Road, Monument Beach  
       Proposed Project:       Upgrade to new Title V septic system within 100 feet of a Wetland Resource Area

Mr. Peter MacAfee representing: applicant requesting a septic upgrade. Entire leaching system to be put in the backyard after cesspool failure.

Brendan Mullaney – small vegetated wetland adjacent to property. New system will be an improvement over exiting conditions and moved as far away from the wetland as allowed.

No board comments. No public comments.

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

- 2)     Applicant:                     James Ledwell                             File Number: CC15-22  
       Representative:         Barbara Frappier, Warwick & Associates, Inc.  
       Project Address:        148 Circuit Avenue, Pocasset  
       Proposed Project:       Upgrade to new Title V septic system within 100 feet of a Wetland Resource Area

Ms. Frappier representing: Coastal bank is the dominating resource area which wraps around the house. The existing septic is a failing cesspool in the driveway. A new septic will be positioned as far as the lot will allow. Title transfer only.

Brendan Mullaney – small lot and restricted where to place septic. Improvement over existing conditions. No other concerns with the project.

No further board comments. No public comments.

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

- 3)     Applicant:                     Jerry & Jane Noack                                     File Number: CC15-23  
       Representative:         SAME  
       Project Address:        32 North Beach Avenue, Monument Beach  
       Proposed Project:       Construct an addition to single family dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Chm. Gray notified the public this hearing will be continued to the next hearing at the applicant's request.

- 4)     Applicant:                     National Grid                                     File Number: CC15-24  
       Representative:         Coastal Engineering Co., Inc.  
       Project Address:        10 Studio Drive, Buzzards Bay  
       Proposed Project:       Install gas main extension and service connection within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Bradford Malo, Coastal Engineering: applicant seeks a main gas extension and connection of service with both a flood zone and within 100 feet of a Wetland Resource Area.

Brendan Mullaney – standard installation of main gas extension. No other concerns with the project.

No further board comments. No public comments.

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

- 5)     Applicant:                     National Grid                                     File Number: CC15-25  
       Representative:         Coastal Engineering Co., Inc.  
       Project Address:        90 Old North Road, Pocasset  
       Proposed Project:       Install gas main extension and service connection within an AE Flood Zone  
   Hearing Under State Act Only

Bradford Malo, Coastal Engineering: applicant seeks installation of gas main extension and connection of service installed to the house within a flood zone. No grade changes are proposed.

Brendan Mullaney – standard installation of gas with no other jurisdictional resource areas within 100 feet of the area. No concerns with the project.

No further board comments. No public comments.

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

- 6)     Applicant:                      National Grid                                      File Number: CC15-26  
       Representative:           Coastal Engineering Co., Inc.  
       Project Address:           24 Nye Lane, Buzzards Bay  
       Proposed Project:        Install gas main extension and service connection within 100 feet  
   of a Wetland Resource Area

Bradford Malo, Coastal Engineering: applicant seeks installation of a short gas main extension and connection of service installed to the house within a flood zone. No grade changes are proposed.

Brendan Mullaney – standard installation of gas with no other jurisdictional resource areas within 100 feet of the area. No concerns with the project.

No further board comments. No public comments.

Palumbo moved and seconded by Ligor for a Negative Three Determination. Unanimous vote.

- 7)     Applicant:                      Thomas Gagne                                      File Number: CC15-27  
       Representative:           SAME  
       Project Address:           42 Harrison Avenue, Buzzards Bay  
       Proposed Project:        Install an in-ground swimming pool within an AE Flood Zone  
   Hearing Under State Act Only

Applicant not present tonight. Chm. Gray said it is an in-ground pool 18'x36'.

Brendan Mullaney – abutters have been notified - the property is in the flood zone only. No concerns with the project.

No board comments. No public comments.

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

**Notice of Intent:**

- 1)     Applicant:                     Donald Jones                     DEP File Number: SE7-1921  
       Representative:         Tom Lee, TL Studio, Inc.  
       Project Address:         44 & 45 Baxendale Road, Cataumet  
       Proposed Project:       Perform landscape construction, including demo of asphalt  
  driveway, walkway, and unit paver patio, reconstruction of  
  hardscape and other landscape features, landscape planting, and  
  restoration planting within 100 feet of a Wetland Resource Area

Mr. David McLean representing: applicant seeks to create uniformity between both of the properties through landscape construction which includes removing asphalt driveway, walkway and patio. Applicant also seeks to reconstruct hardscape and other landscaping – restoration and planting. Most of the site is a lawn landscape which will be decreased through native plantings. Trees have been assessed and some trees are in declined health and will need to be removed. Elevation at the house is 43'. Photos were handed out to the board and submitted for the file. Potential plant list was given to the board at this time.

Kiebala – asked about the tennis court. The area at this time is lawn and not an actual tennis court.

Brendan Mullaney – both properties have been before the board. Armored seawall repaired and restored. Both are older properties that have been developed. The project will be an improvement through restoration and landscape. There is no proposal of any structure or anything significant close to the coastal bank, there will be some restoration of existing landscaped areas. The restoration and mitigation plantings should be an improvement over existing conditions. No other concerns with the project.

No further board comment. Abutter commented on previous projects making their property more valuable. No further public comment.

Palumbo moved and seconded by Kiebala 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 1,2,3,9,10,12,13,16-24 and Special Condition pursuant to the bylaw 6,7,8,9 and Special Conditions 20-24 to continue in perpetuity.

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

- 2)     Applicant:                     Walter Federow                     DEP File Number: SE7-1923  
       Representative:         Field Resources, Inc.  
       Project Address:         69 Bellavista Drive, Pocasset  
       Proposed Project:       Construct an addition and deck within 100 feet of a Wetland  
  Resource Area

Paul Beaulieu representing: applicant seeks to construct an 8' concrete patio dug by hand and poured concrete; the deck will be reassembled and is on an 8' foundation; and a 6' addition. Applicant will be adding 5' of impervious footings of the displaced deck and will be within the footprint of the existing patio. Digging will be minimal – seven holes for sauna tubes, dirt will be taken off site and all within a day's work.

No board comment. No public comment.

Brendan Mullaney – with regard to the overall project, there are relative minor changes to the house and expanding the project away from the bank - at its closest point it will not be any closer.

Palumbo 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 1,2,3,9,10,12,13,16-24 and Special Condition pursuant to the bylaw 7,8,9 and Special Conditions 20-24 to continue in perpetuity.

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

- 3)     Applicant:                     Joseph Smullin & Susan Beth Jones     DEP File Number: SE7-1922  
       Representative:         Thomas Bunker, BSS Design, Inc.  
       Project Address:         13 Emmons Road, Monument Beach  
       Proposed Project:       Construct an addition, deck, and install a new Title V septic system  
  within an AE Flood Zone and within 100 feet of a Wetland  
  Resource Area

Mr. Bunker representing – submitted a revised plan to the board. Applicant seeks to construct an addition and a deck. Also requested to install a new Title V septic – all within a flood zone and within 100 feet of a wetland area. There will be no disturbance during the construction to the wetland.

Chm. Gray – this is a site that has been looked at before where the slope meets the criteria. The slope is greater than 10:1 – as far as the setback, we look at it as there is already a primary structure. He is comfortable with the project as this is not an eroding coastal bank.

Brendan Mullaney – this is a unique property because of the slopes and associated fragmented banks based on the slope criteria. The proposal is modest for the size of the lot. The addition is pushed furthest away as well as the septic as the lot allows. It is a good use of the land. No major concerns of this project. As far as the lawn it is a “Cape Cod lawn” which seems appropriate for the setting.

No board comment. No public comment.

Palumbo moved and seconded by Ligor 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 Condition pursuant to the bylaw 4,7,8,9 and Special Conditions 20-24 to continue in perpetuity.

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

**Other Business:**

**Excuse Absent Members**

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

**Public comment**

None.

**Adjourn**

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

Respectfully submitted – Lisa Groezinger, sec.

