

CONSERVATION COMMISSION MINUTES

March 19, 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, Betsy Kiebala, Rob Palumbo, Susan Weston, and Associate Member Paul Szwed.

Members excused: Peter Holmes, Thomas Ligor, and V. Chm. Martha Craig Rheinhardt.

Requests for Determination

1) Brett Ellis

CC15-07

SAME

37 Wings Neck Road, Pocasset

Construct an addition including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brett Ellis – proposing to excavate for a new addition.

Brendan Mullaney – the current house approximately 20 from edge of wetlands. The addition is further than currently exists. Relatively flat lot. No concerns with the project.

No other board comment. No public comment.

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

2) Riverbend Holdings, LLC

CC15-08

Shawn MacInnes, PE

437 Shore Road, Monument Beach

Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Mr. MacInnes – applicant seeks an upgrade to new septic system. The BOH will provide a variance to use pre-Title V to install according to plans. Existing septic tank will be used.

Brendan Mullaney – this is a tight lot and next to the Cumberland Farms in Monument Beach. There are no other options for the system on the lot and it will be an improvement over existing conditions. No concerns with the project.

No other board comment. No public comment.

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

3) Kevin W. Oliver Trust

CC15-09

Shawn MacInnes, PE

109 Bellavista Road, Pocasset

Upgrade to new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

Mr. MacInnes representing – septic system repair replacing chambers. Proposed system going north of existing system, which would be further from the flood zone.

Brendan Mullaney – flood zone only, improvement over existing conditions. No concerns with the project.

No other board comment. No public comment.

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

4) Kathleen Donovan

CC15-10

Shawn MacInnes, PE

19 Central Boulevard, Monument Beach

Upgrade to new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

Mr. MacInnes representing – septic repair of an existing system. Plastic chambers will be used in the small lot.

Brendan Mullaney – small, developed lot, flood zone only. No concerns with the project.

No other board comment. No public comment.

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

5) Robert & Wendy Scandurra

CC15-11

JC Engineering, Inc.

60 Old Dam Road, Gray Gables
Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

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

JC Engineering representing – no grade changes and a simple upgrade.

Brendan Mullaney – flood zone only, improvement over current conditions and no other concerns with the project.

No other board comment. No public comment.

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

6) Mary Anderson
CC15-12
Barbara Frappier, Warwick & Associates, Inc.
3 Old Monument Neck Road, Bourne
Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

Chm. Gray back chairing the meeting.

Ms. Frappier representing – an upgrade of a septic system between the railroad and Old Monument Neck Road. No changes in grading; keeping existing tanks.

Brendan Mullaney – no other jurisdictional resource areas within 100 FT. No other concerns with the project.

No other board comment. No public comment.

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

7) Edward & Lorraine Feeney
CC15-13
Barbara Frappier, Warwick & Associates, Inc.
179 Tahanto Road, Pocasset
Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Ms. Frappier representing – estate situation but applicants are listed as owners of record.

Brendan Mullaney – Over in Tahanto, improvement over current conditions and no other concerns with the project.

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

8) Donald & Janet Boardman

CC5-14

Barbara Frappier, Warwick & Associates, Inc.

145 Tahanto Road, Pocasset

Construct an addition to existing dwelling within an AE Flood Zone and within 100 FT of a Wetland Resource Area

Ms. Frappier representing – applicant seeks to cut a hole from raised patio and set up proper footing, using sauna tubes. The hole will be cut with a jackhammer. It moves no closer to the wetland resource area than structure which is already there. Any materials brought up concrete walk by wheel barrows. A mat will be used as well for removal of materials and bringing materials up to the site. There will be a dumpster at the site.

Brendan Mullaney – this addition is relatively small. Setback from wetlands and the 50 FT setback from the saltmarsh as proposed will be met. It is in an existing disturbed, pervious area and should not increase drainage patterns or water flow. Access is where people access the beach so it already existing.

No other board comment.

Discussion on placement of straw bales for prevention of migration of loose material. Ms. Frappier also answered questions on where the dumpsters would be located on the property. No further public comment.

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

9) Richard Iwazko

CC15-15

Jeffrey Ryther, PE, BSS Design, Inc.

26 Mercury Avenue, Pocasset

Mr. Ryther representing – septic upgrade of an existing 3-bedroom house.

Brendan Mullaney – limited amount of work in jurisdiction to bring proper utilities to the front. Vast improvement over existing conditions. No other concerns with the project.

No other board comments. No public comments.

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

Donovan review continued to 4/2/15.

Notices of Intent

1) Ben Nadeau

DEP File Number: SE7-1917

Outback Engineering, Inc.

335 Shore Road, Monument Beach

Raze and rebuild a single family dwelling including Title V septic system, utilities, landscaping, grading, and appurtenances within an AE Flood Zone

Hearing Under State Act Only

Ben Nadeau representing – project is to tear down existing dwelling and construct a new dwelling within the Flood Zone.

Brendan Mullaney – the home destroyed by fire. The closest resource area is a couple hundred feet away. Standard raze and re-build. No other concerns with the project.

No board comment.

No public comment.

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

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 140 numbers 1-6,9,12,13,16-24. Special Conditions 20 & 24 to continue in perpetuity and the plans will be listed with new revision date.

Kiebala moved and seconded by Weston the Draft Notice of Intent to Final Notice of Intent. Unanimous vote.

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

2) Anne Camille (Maher) Talley

DEP File Number: SE7-1918

Bracken Engineering, Inc.

594 Circuit Avenue, Pocasset

Raze and rebuild a single family dwelling including Title V septic system, utilities, landscaping, grading, and appurtenances within a VE Flood Zone and within 100 feet of a Wetland

Resource Area

Palumbo took over to chair the meeting.

Mr. Basinski representing – the house sits on a coastal bank. Applicant seeks to raze and rebuild the house. The project is no closer to the saltmarsh than existing structure. The house will be serviced by a new Title V system and supported using a pile system.

Brendan Mullaney – property in front of the board for a few projects. This is a unique situation as the house is built on top of the coastal bank and on the seaward side a coastal beach and saltmarsh which has expanded close to the existing dwelling. There was a design challenge to keep the house in the same footprint and not move closer to the Resource Area. The new foundation system shows the pile layout and will be pressure treated piles for the structure. The septic system is within the Circuit Road layout and the applicant needed to go to Town Meeting; an easement was granted for this by the Town Meeting body. This will be a nitrogen reduction system which will be an improvement over existing conditions. He suggested the erosion controls and work limit line be a little closer than shown (Mr. Basinski will comply).

No public comment.

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

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 140 1-6,9-13,16-24 and Special Conditions pursuant to the to the Bylaw 4,6,7,8,9. Additional Special Conditions: ASC-1) The Project Narrative submitted with the Notice of Intent, including Preliminary Construction Sequence, is automatically incorporated into this Order of Conditions.

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

3) Parker's Boat Yard

DEP File Number: SE7-1916

Bourne Consulting Engineering

68 Red Brook Harbor Road, Cataumet

Install composite sheeting to repair and rehabilitate an existing licensed bulkhead within a VE Flood Zone and within a Wetland Resource Area

Bourne Consulting Engineering – seek to provide a new face to the bulkhead to take care of corrosion issues. The void will be filled with concrete. We anticipate installing staging. Once the sheeting is in, the contractor can do this all at once.

Brendan Mullaney – asked for revised plans for the record. Steel sheeting is compromised and starting to fail. This is an existing licensed structure within a licensed boatyard. This method has the least impact to the resources he has seen. He read commentary of the DMF which stated to use the footprint of the existing structure as possible. The applicant's representative

will advise the board once revised application is submitted. He suggests including the project subject to other regulatory rules.

No board comment.

No public comment.

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

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 140 1,2,3,9,10,12,13,16-24 and Special Conditions pursuant to the to the Bylaw 7,8,9. Additional Special Conditions: ASC-1) Reconstruction of the bulkhead should be limited to the footprint of the existing structure to the maximum extent practicable.

ASC-2) All work shall be conducted from the upland side of the bulkhead.

ASC-3) Adequate containment and clean-up material shall be kept on-site to minimize impacts in the event of a fuel spill.

ASC-4) Project is subject to all other applicable federal and state permitting requirements.

Copies of permit approvals shall be sent to the Commission prior to the start of work.

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

Chm. Gray back to chairing the meeting.

4) Massachusetts Maritime Academy

DEP File Number: SE7-1908

Stanley Humphries, LEC Environmental Consultants, Inc.

101 Academy Drive, Buzzards Bay

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 February 19, 2015)

Mr. Stan Humphries representing – submitted two letters for the record with regard to withdrawing the disposal of materials on the west side of the project and providing a commitment to take the material to Sandwich or to an off-shore disposal site. The other letter certifies the integrity of the structure during storm events.

Chm. Gray – as no dune construction will be done, the scheduled site visit is not necessary. In addition, he is very pleased that we have a certification for the structure to withstand storm events and feels this is the best possible outcome for the project.

Brendan Mullaney – received review from Appledore Marine Engineering in Portsmouth, NH. The conceptual design was “very good” and follows best practices. They went through a number of relatively minor issues and he is in receipt of the Bourne Consulting. At this time he doesn’t have a Draft Order of Conditions.

There was a brief discussion of the boardwalk where people walk on. It would go over the saltmarsh, but it is on town property and will not be constructed.

No board comment.

Mr. Mulvey raised issue of dredge material and change in flow patterns to Buttermilk Bay. Representative from Woods Hole Group explained the study that was done regarding change in currents and how proposed project would not have any effect on flow into Buttermilk Bay, which is too far away to be affected by project.

No further public comment.

Kiebala moved and seconded by Weston to close public hearing and to continue for issuance of Order of Conditions only to 4/2/15. Unanimous vote.

Other Business

Approval of Minutes – January 22, 2015

Weston moved and seconded by Kiebala to approve minutes of 1/22/15 as written. Unanimous vote.

Excuse Absent Members

Weston moved and seconded by Kiebala to excuse Peter Holmes, Thomas Ligor and Martha Craig Rheinhardt. Unanimous vote.

Public comment

None.

Adjourn

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

Respectfully submitted – Lisa Groezinger, sec.