

CONSERVATION COMMISSION MINUTES

Thursday, March 3, 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., Betsy Kiebala, Rob Palumbo, Susan Weston, Thomas Ligor, and Associate Member Paul Szwed.

Member absent: Peter Holmes

Requests for Determination of Applicability:

1) Katherine Lyons
File Number: CC16-04
11 Olofson Drive, Cataumet

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

Mr. Peter McEntee, PE, Engineering Works, Inc. representing – applicant seeks to upgrade to a new Title V septic system within 100 ft of a Wetland Resource Area. There are no variances being requested.

Brendan Mullaney – stream that runs behind properties in this area. The system is moved furthest away as the lot allows and would be an improvement over existing conditions. No concerns with the project.

No board comment. No public comment.

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

Chm Gray returned to chair the meeting at this time.

2) George Benway
File Number CC16-05
51 Academy Drive, Buzzards Bay

(Hearing Under State Act Only)

Mr. Benway representing – applicant seeks to construct a deck within an AE Flood Zone. He is in the process of restoring an older cottage. A Building Permit is pending. The small deck would require 3 sauna tubes.

Brendan Mullaney – Flood Zone only, no other jurisdictional resources within 100 ft. No other concerns with the project.

No board comment. No public comment.

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

3) Bay Haven Properties LLC
File Number CC16-06
87 Shore Road, Bourne

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

JC Engineering, Inc. representing – applicant seeks to upgrade to a new Title V septic system within an AE Flood Zone and within 100 ft of a Wetland Resource Area. There is a current system at 85 Shore Road which has the same owner as 87 Shore Road. Applicant is selling his property and needs a separate septic system for each lot. Flood Zone elevation is 15. The only portion of the work within the buffer zone are the tanks and some piping coming out of the house. They are proposing a new water line as it shares with 85 Shore Road.

Brendan Mullaney – Vegetated wetland to the rear of the dwelling. System is moved as far on the property as the lot will allow, will be an improvement over existing conditions. No other concerns with the project.

No board comment. No public comment.

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

4) David Montgomery
File Number CC16-07
41 Bourne Neck Drive, Buzzards Bay
(Hearing Under State Act Only)

Mr. Montgomery representing – applicant seeks to construct an addition within an AE Flood Zone. They are looking to add a 16'x16' porch on the back of the house.

Brendan Mullaney – Flood Zone only, no other wetland resource areas within 100 ft of the proposed project. No other concerns with the project.

No board comment. No public comment.

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

5) Colonial Gas
File Number CC16-08
475-504 Shore Road, Monument Beach
(Hearing Under State Act Only)

Ms. Amanda Crouch-Smith, PWS – Tighe & Bond, Inc. representing – applicant seeks to replace an existing gas main within an AE Flood Zone and within 100 ft of a Wetland Resource Area. The existing is a steel coating pipe.

Brendan Mullaney – basic gas line replacement. Erosion controls have been proposed. This is a relatively simple process. No concerns with the project.

No board comment. No public comment.

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

6) Colonial Gas
File Number CC16-09
3-18 Cranberry Road & Cherry Street, Buzzards Bay

Ms. Amanda Crouch-Smith, PWS – Tighe & Bond, Inc. representing – applicant seeks to replace an existing gas main within an AE Flood Zone and within 100 ft of a Wetland Resource Area. The gas main will extend down the full length of Cherry Street. Working within buffer zone to the pond. Main replacement is similar to the previous application.

Brendan Mullaney – standard gas line replacement, relatively simple process. No concerns with the project.

No board comment. No public comment.

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

7) Colonial Gas
File Number CC16-10
75-154 Puritan Road, Wall Street, and Lewis Point Road, Buzzards Bay

Ms. Amanda Crouch-Smith, PWS – Tighe & Bond, Inc. representing – applicant seeks to replace an existing gas main within AE and VE Flood Zones and within 100 ft of a Wetland Resource Area.

Brendan Mullaney – standard gas main replacement. No concerns with the project.

No board comment. No public comment.

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

8) Colonial Gas
File Number CC16-11
436-440 Shore Road, Monument Beach

Ms. Amanda Crouch-Smith, PWS – Tighe & Bond, Inc. representing – applicant seeks to replace an existing gas main within an AE Flood Zone and within 100 ft of a Wetland Resource Area. The work will begin early April 2016.

Brendan Mullaney – this is in the flood zone only and the project falls outside the 100 ft buffer (not as stated in the agenda). No concerns with the project.

No board comment. No public comment.

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

9) Colonial Gas
File Number CC16-12
26-55 Head of the Bay & 171-189 Puritan Road, Buzzards Bay

Ms. Amanda Crouch-Smith, PWS – Tighe & Bond, Inc. representing – applicant seeks to replace an existing gas main within an AE Flood Zone and within 100 ft of a Wetland Resource Area. Trench will be backfilled.

Brendan Mullaney – this is similar to the prior applications and a relatively simple process. No concerns with the project.

No board comment.

Member of the audience, who is an abutter, asking for the timeframe with regard to an application she is applying for. She also asked about access.

Another member of the audience asked about the timeframe as well. Representative states there are individual contractors so she is not sure of the exact time, but most of the proposed work will be in the Spring 2016 and none of the residents' driveways will be blocked.

No further public comment.

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

10) Colonial Gas
File Number CC16-13
0-75 Waterhouse Road, Bourne

Ms. Amanda Crouch-Smith, PWS – Tighe & Bond, Inc. representing – applicant seeks to replace an existing gas main within 100 ft of a Wetland Resource Area. Extend from Shore Road all the way up to the High School.

Brendan Mullaney –erosion controls will be provided. No concerns with the project.

No board comment. No public comment.

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

Notices of Intent

1)Massachusetts Maritime Academy
DEP File Number SE7-1936
101 Academy Drive, Buzzards Bay
(Continued from 2/4/16)

Chm. Gray notified the public this hearing will continue to March 17, 2016 at the applicant's request.

2) Town of Bourne
DEP File Number SE7-1931
Barlows Landing, Pocasset Harbor, Pocasset River and Little Bay
(Continued from 1/21/16)

BSC Group, Inc. representing – applicant seeks to perform maintenance and improvement dredging with associated beach nourishment at Barlows Landing (boat ramp area), Pocasset Harbor, Pocasset River and Little Bay within AE and VE Flood Zones and within Wetland Resource Areas.

Barlows Landing:

Chm. Gray – asked about the terrapin turtle issue being resolved. It is up to the Town if they want to study the area. The issue is the hibernation of the turtle. Every area is specific. Brendan Mullaney said if something needs to be done by the Town, some people may have to move their boats. The spring deadline will not happen. Chm. Gray stated any conditions mandated from National Heritage will be automatically put in the Conditions.

Brendan Mullaney – the continuance from the original hearing date in January 2016 for general interest which is why this hearing was continued. Also there was no rush to proceed.

Pocasset Harbor:

No other changes from when project was first presented.

Pocasset River:

No improvement dredging request here. The area is deep enough. Hydraulic dredging will be done. This is a 60 ft- wide channel.

Little Bay:

This project will be pretty much the same as Pocasset River. All permits are filed at this time.

Mr. Richard Libin, Chm. Of the Shore & Harbor Committee – the committee has no concerns with the proposed projects and fully endorses said projects.

Brendan Mullaney – recommends closing the public hearing at this time.

Palumbo moved and seconded by Ligor to close the public hearing. Unanimous vote.

A Draft Order will be available on 3/17/16 for the board to review the conditions.

Request for Extension of Order of Condition

1)Town of Bourne

SE7-1732

Off Emmons Road, Phinneys Harbor

Brendan Mullaney – applicant seeks to license a Marina Configuration Zone with Phinneys Harbor within an AE and VE Flood Zone and within 100 ft of a Wetland Resource Area. This expires in July 2016 and extended for three years to keep the permit active.

Ligor moved and seconded by Palumbo to Extend the Order of Conditions. Unanimous vote.

Requests for Certificate of Compliance

1)Geert Wijntjes

DEP File Number SE7-1820

27 Beverly Road, Pocasset

Brendan Mullaney – a site visit was conducted and he has determined it is in compliance. Applicant agreed to remove a BBQ pit which is an on-going condition. He recommends to grant Certificate of Compliance.

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

2)Charles Whitman
DEP File Number SE7-1702
66 Wings Neck Road, Pocasset

Brendan Mullaney – a site visit was conducted and he has determined the project is in compliance. He recommends to grant.

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

Vote to Excuse Absent Members

Palumbo moved and seconded by Weston to excuse Absent Member. Unanimous vote.

Approval of minutes

Palumbo moved and seconded by Kiebala to approve minutes of October 15, 2015 as presented. Unanimous vote.

Palumbo moved and seconded by Ligor to approve minutes of November 5, 2015 as presented. Unanimous vote.

Other

Brendan Mullaney – a DEP and MEPA joint site visit for the Indian Trail appeal will be held on March 18, 2016 and open to the public.

Adjourn

Ligor moved and seconded by Kiebala to adjourn. Meeting adjourned at 8:05 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.