

CONSERVATION COMMISSION MINUTES

Thursday, March 6, 2014 ~ 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. Bob Gray, V. Chm. Martha Craig Rheinhardt, Betsy Kiebala, Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

Members excused: Peter Holmes and Paul Lelito

Requests for Determination of Applicability:

Applicant: Mary Keenan
File Number: CC14-07
Representative: Collins Civil Engineering Group, Inc.
Project Address: 597 Circuit Avenue, Pocasset
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Mr. Klenert representing – upgrade to septic with a 1500 gallon tank inside. A portion of the septic system will be in the flood zone.

Brendan Mullaney – this is a flat developed lot on Circuit Ave. This is an upgrade over existing conditions. No concerns with the project.

No board comment. No public comment.

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

Applicant: MassDOT Rail & Transit Division
File Number: CC14-08
Representative: Jacobs Engineering Group, Inc.
Project Address: 70 Main Street, Buzzards Bay
Proposed Project: Construct a bicycle platform and relocate a switch point derail within an AE Flood Zone
Hearing Under State Act Only

Lars Carlson of Jacobs Engineering – all work is within a flood zone and is outside the 100 FT buffer to the top of bank. Proposing a bicycle platform and to relocate a switch point derail.

Brendan Mullaney – this is a straightforward project. All proposed work is outside any jurisdictional buffer zone, it is in a flood zone. It is a relatively flat area and no concerns with project.

No board comment. No public comment.

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

<u>Applicant:</u>	Michael & Donna Pascarella
<u>File Number:</u>	CC14-09
<u>Representative:</u>	SAME
<u>Project Address:</u>	55 Monument Neck Road, Gray Gables
<u>Proposed Project:</u>	Construct a garage and deck within an AE Flood Zone Hearing Under State Act Only

Mike Pascarella representing – the proposed deck will be 20'x22' off the existing three-season porch to the back of the house. The septic is out back. The garage will be a future project, obtaining appropriate location. Applicant will apply for a variance in the future.

Brendan Mullaney – this project is in a flood zone only. This is a flat, developed lot and no concerns with the project.

No board comment. No public comment.

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

<u>Applicant:</u>	David Sampson
<u>File Number:</u>	CC14-06
<u>Representative:</u>	SAME
<u>Project Address:</u>	429 Barlows Landing Road, Pocasset
<u>Proposed Project:</u>	Rebuild existing porch and basement entrance and construct new deck within an AE Flood Zone Hearing Under State Act Only (Continued from February 20, 2014)

Continued at request of applicant to 3/20/14.

Notices of Intent:

Applicant: Roderick & Murphy O’Flaherty
DEP File Number: SE7- 1887
Representative: Allen & Major Associates, Inc.
Project Address: Circuit Avenue / Bassetts Island, Pocasset
Proposed Project: Install a water service via directional drilling from Circuit Avenue to Bassetts Island within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Phil Cordeiro representing – the water service will use a 2-inch water line. Applicant is working with DEP, Army Corp and Natural Heritage. He is here to get some feedback from the board.

The existing house is serviced by wells and draws off a fresh water lens. Over the last several years they have been compromised. Applicant has had some problems with the well and is looking for a long term situation.

Proposed work includes a 2-inch line along Circuit Ave. Drilling will be done under the harbor with a depth being no closer to the bottom of the harbor than 6 FT. Drilling will be monitored. Work is not fully coordinated with contractors at this time. Applicant spoke with the potential driller and was told about the possibility of fracking out. Applicant will respond to the fisheries in New Bedford and will supply information to Brendan Mullaney.

Chm. Gray – asked what would happen if large boulders were found while drilling. Applicant stated if any were encountered, they would which pull back and avoid. If drilling and hit one, intend to go under. Chm. Gray asked how much staging will be done on location. All work done will be on the back of a truck. All vehicles will be standard road-sized vehicles.

The timeline of work would be one week.

Brendan Mullaney – has discussed potential for future dredging of the area, there is not a lot of opportunity for sediment build up. Tim Mullen and Micheal Leitzel are comfortable with the 6 FT depth.

No further board comments.

Brendan Mullaney – Atty. Bob Troy’s opinion that the project will need an easement to permanently install a meter pit on town land and run the line under conservation land. The easement will require a Town Meeting vote. There is a Special Town Meeting in May, the deadline is two weeks from now. Brendan Mullaney recommended applicant to coordinate with all parties involved.

Chm. Gray – the Annual Town Meeting is on 5/5/14. The applicant’s representative is taking a calculative risk to be on the Town Warrant. On the other hand, he would lose a year. He recommended the project be done before the first two weeks of June.

Brendan Mullaney – if there is a file number in the near future, the board may want to issue prior to Town Meeting and may be beneficial to the applicant. It would be subject to any terms of the easement.

Mr. Mulvey – raised issues about the water pressure and suggested the applicant work collectively with the Water Department and the board.

Mr. Rod O’Flaherty, project applicant– would like to go in with other houses. Three of houses are currently for sale and are not moving. Renters start at the end of June.

Palumbo moved and seconded by Weston to continue meeting to 3/20/14. Unanimous vote.

Mr. Mulvey – asked who owns the water line where goes under public waterway. It would be private ownership from the land base.

Other Business

► Change of meeting dates for April and May

Brendan Mullaney handed out the 2014 meeting schedule. He also reminded the board of a 3/18/14 joint meeting with the Planning Board and Selectmen and Conservation Commission at 6:30 pm. There needs to be a quorum of 4 members of the board for that meeting.

► Vote – Excuse Absent Members, if necessary

Palumbo moved and seconded by Weston to excuse absent members Peter Holmes and Paul Lelito. Unanimous vote.

► Approval of Minutes – January 23, 2014

Weston moved and seconded by Kiebala to approve minutes of 1/23/14 as submitted. Unanimous vote.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Adjourn

Kiebala moved and seconded by Weston to adjourn. Meeting adjourned at 8:00 pm. Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.