

CONSERVATION COMMISSION MINUTES

Thursday, October 15, 2015 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Mr. Palumbo 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: Mr. Palumbo 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: Rob Palumbo , V. Chm. Martha Craig Rheinhardt, Peter Holmes, Betsy Kiebala, Susan Weston, and Thomas Ligor

Members excused: Chm. Gray and Associate Member Paul Szwed

Notice of Intent:

1) Applicant:	Julietta Vecchio	DEP File Number: SE7-1929
Representative:	Prime Engineering, Inc.	
Project Address:	4 Massasoit Avenue, Pocasset	
Proposed Project:	Raze and reconstruct an existing dwelling including installation of new septic system and all associated utilities, excavation, grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area	

Jamie Bissonette, Prime Engineering: proposing to install a Title V and raze the existing dwelling. New house will be in same basic footprint, proposing an alternative denitrification system because of proximity to wetlands. The Board of Health will need to approve the proposed project.

No board comments.

Brendan Mullaney – the project is a standard raze and re-construction within the same footprint. Deck will have no supports on the ground. The resource areas restricted the project. Brendan Mullaney and Chm. Gray conducted a site visit. The limit of the salt marsh vegetation (mostly high tide bush) is shown as the closest resource to the project. There is an area to the side of the property that occasionally floods and shows some signs of salt marsh vegetation, but the main marsh to the rear is the more important resource to protect. The new septic will be a vast improvement over the existing cesspool that sits at the rear of the property adjacent to the marsh. Applicant did the best they could considering the size of the lot. Board of Health will need to approve the proposed project.

Ligor – inquired about erosion control. Brendan Mullaney said there is control proposed even though it is a relatively level lot.

No further board comment. No public comment.

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

Brendan Mullaney – Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 40 numbers 1,2,3,9,10,12,13,14,16-24 and Special Condition pursuant to the Bylaw 4,7,8,9. Special Conditions 20 & 24 to continue in perpetuity.

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

2) Applicant: Pinnacle Site Contractors, LLC DEP File Number: SE7-1915
Representative: JC Engineering, Inc.
Project Address: 0 Crab Rock Way, Sagamore Beach ("The Strand" below Indian Trail)
Flood Zone and within a Wetland Resource Area
Proposed Project: Construct a stone revetment and perform coastal bank stabilization within a
VE Flood Zone and within a Wetland Resource Area
(Continued from 9/17/15)

Atty. Kate Connolly on behalf of the applicant and property owners. Tonight will mostly be a technical discussion. For clarification, we are working with Town Counsel to come up with an agreement and this can be executed once the permit is issued. Details of the procedure of the agreement (assurances, maintenance, and liability from property owners) will be later. We are willing to implement whatever mechanisms Town Counsel requires before the start of work.

Palumbo – raised issue of Town Counsel stating a covenant would be necessary for security. Holmes requested to explain what a covenant means to the property owners. Atty. Connolly said Town Counsel has advised nothing can happen until a permit is issued and that she will explain to the property owners.

Weston – has some issues with the memorandum of agreement and does not understand how we can issue a permit without working out all the details. Atty. Connolly – the memorandum is not the route we are taking anymore. We will proceed however Town Counsel chooses to – there are additional approvals we will need after the project is approved by the Commission, including permission for access and an easement from the town.

Ligor – so within the covenant that you will agree to with Town Counsel, there will be protection for liability, beach nourishment, etc. for new property owners? Atty. Connolly states that yes, there will be protection or the town.

Brendan Mullaney – Town Counsel does not want to appear as a proponent for or against the project – his role is to protect the interests of the town if the project is to move forward. The Commission can make a decision on behalf of the town and Town Counsel will legally protect the

town. Similar language will have to be approved by the Selectmen through an easement – this will provide an additional layer of protection for the town.

Palumbo – the board agreed that new plans would be filed ahead of time and we would have time to review before tonight's meeting. The information requested at the last meeting was just given tonight and he doesn't feel this is fair to the board. Mr. Palumbo stated the board has been hearing negative comments against them and they're being sent to Selectmen stating the Commission is dragging their feet.

Atty. Connolly explained she and the property owners were just as disappointed.

Mr. Perry – new plans were prepared addressing items discussed at the last meeting. Mr. Perry briefly reviewed the revised plans.

Elevations from the current survey are pretty much the same from last year. The board was shown details of the latest survey of the 700 foot stretch.

Mr. Perry – addressed the aerial map from 2004. Pictures down on the beach were taken this week which show some changes. Regarding beach nourishment, changes are straightforward.

Jim O'Connell - reviewed his report to the audience briefly:

1. Access for sand – he cannot answer the question at this time. For transporting, it's not uncommon to find an area to construct a chute – to minimize the impact of heavy equipment. Brendan Mullaney – the area they are proposing is heavily vegetated and is on town property. Mr. Perry – this is for beach nourishment , not construction.
2. Beach nourishment – the goal is to mimic the function of the bank. He would like to see sand going up the total revetment and will disperse naturally. Discussion held on a better point to choose where to place the nourishment. Storms in 2014 in February and March were discussed which changed the elevation. The goal is to keep the same elevations year to year. Palumbo – for clarification stated a mark at the revetment, put nourishment 10 feet out. The board was encouraged to go with a different way to replenish and use a different trigger point.
3. Monitoring of the beach – 100 foot intervals was suggested, which Mr. O'Connell doesn't support. He would like volume put back in and have it disperse naturally. Kiebala – asked who would be doing the monitoring. Discussion would have to be done with the property owners. Short term, for the record, the result for 2013 analysis: fluctuation of shore line change rates (20-30 years is the path) at the very bottom, the jetty experienced rate of ½ meter per year. Needs to be recognizing a 20-30 year period. Balancing short and long term erosion rate should be discussed. Suggestion of coming back with a yearly, every other year, beach nourishment amount and then the most simply monitoring system as possible. Palumbo – the board is seeking a proposal, what the clients are willing to do and the board will vote upon it.

Mr. O'Connell stated the issue would now be to how often to monitor.

Palumbo – some years may need more than other years. He is not comfortable with using a marker.

Ligor – raised issue of a storm and who would determine how much nourishment is needed. Discussion on professional judgment would be needed.

Palumbo – commented that Brendan Mullaney would be contacted for enforcement. Monitoring plan needs to be discussed for setting satisfactory monitoring tools.

Kiebala – raised issue of nourishment and would like information of the sources. Mr. Perry said it was a difficult question to answer at this time.

Craig Rheinhardt – she would like nourishment and construction plans as detailed as possible (estimated cost, process of getting sand and determining suitability, who will be handling the nourishment – owners?).

Holmes – would like the cost of cubic yard of sand and how it has fluctuated over the last 10 years for the applicants.

No further board comment. During public comment, question raised about the parking lot and the piles of sand.

Palumbo – this hearing will be continued at the applicant's request, unless we hear from the applicant for more time.

Ligor moved and seconded by Holmes to continue hearing to 11/5/15 at the applicant's request. Unanimous vote.

Excuse Absent Members

Craig Rheinhardt moved and seconded by Holmes to excuse absent member Chm. Gray. Unanimous vote.

Public comment

None.

Adjourn

Ligor moved and seconded by Weston to adjourn. Meeting adjourned at 8:40 PM. Unanimous vote.

Respectfully submitted – Lisa Groezinger, sec.