

CONSERVATION COMMISSION MINUTES

October 2, 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, Betsy Kiebala, Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

Members excused: V. Chm. Martha Craig Rheinhardt, Peter Holmes and Paul Lelito

REQUESTS FOR DETERMINATION OF APPLICABILITY

#1 - National Grid

File Number: CC14-46

8 Willett Circle, Cataumet

Extend gas main and install gas service connection within 100 FT of a Wetland Resource Area and within the 200 FT Riverfront Area

Coastal Engineering Co, Inc. representing – applicant seeks to extend the gas main and installation of gas service. Across the street is a wetland area within 100 FT which falls within the jurisdiction of the board. A plow method will be used which back fills itself efficiently. If soils are too dense they will revert to an old-fashioned trench method. This project is relatively straight forward and a clean installation. The area is free of vegetation which is kept as a lawn area. This is a simple non-disturbing installation. The area is developed and didn't see evidence of a stream; it is a mapped resource area.

Brendan Mullaney – this is a simple standard gas install. The wetland is associated with a hydrologic connection from a bog ends into Squateague Harbor. This project will be done quickly and has no concerns with the project.

No board comment. No public comment.

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

#2 - Brett Ellis

File Number: CC14-47

58 Rope Walk Road, Mashnee Island

Update to new Title V septic system within a VE Flood Zone

Mr. Ellis representing – this project is a basic upgrade; there will be no mounding of the system. It is an all within current lawn area and will be put back to pre-existing conditions.

No board comment. No public comment.

Brendan Mullaney – the project is in a VE Flood Zone with no other jurisdictional resource area within 100 FT. It is a flat, developed lot. No other concerns with the project.

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

#3 - Peter Newell

File Number: CC14-48

22 Quamhasset Road, Buzzards Bay

Repair existing licensed seawall within an AE Flood Zone and within 100 FT of a Wetland Resource Area

Mr. Newell representing – applicant seeks to repair the existing sea wall. The repair will consist of putting larger stones at the bottom of the wall. 5” crushed stones will be put in with small rip rap. This project replaces what was there and will make it more stable to hold in the sand. No mortar to be used.

Brendan Mullaney – there is some erosion and scouring at the bottom, underneath the wall. The smaller stones don't seem to stay in place; the larger rocks may work better to stop the scouring. The wall is licensed. The old wall is in decent shape overall, but the applicant is making an attempt to be proactive for problems in the future.

No board comment. No public comment.

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

NOTICES OF INTENT

#1 - Ronald & Marsha Wagner

DEP File Number: SE7-1907

4 Windmill Road, Buzzards Bay

Construct an addition, in-ground swimming pool with concrete pad, shed and fence enclosure, installation of Title V septic system and all associated grading, landscaping, utilities and appurtenances within 100 FT of a Wetland Resource Area.

Continued from 9/18/14.

Chm. Gray recused himself from discussion and vote. Ligor will serve as a voting member for this application. Palumbo is now chairing the meeting.

Mr. Brad Bertolo representing – this hearing was continued due to no DEP Number and board had questions for the filter. The applicant submitted information regarding the saltwater filter to treat the pool. The pool water will be pumped and removed.

Brendan Mullaney – the applicant has submitted a statement explaining the use of the filter system with salt-chlorine generator. The project includes the hauling off-site the water when necessary and addresses the board concerns.

No board comments. No public comments.

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

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 40 1,2,3,4,6,9,10,12,13,16-24 and Special Conditions pursuant to Bylaw 4,6,7,8,9 and one Special Condition -

ASC-1) Any water that is to be removed from the pool must be hauled offsite by a licensed company. At no time shall any pool water be discharged onsite or to adjacent Wetland Resource Areas.

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

#2 - Carmen & Grace Difilippo

DEP File Number: SE7-1906

2 Brom Dutcher Road, Buzzards Bay

Remove an existing failing concrete seawall and replace with a concrete block seawall within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

Continued from 9/18/14.

Mr. Bertolo representing – the project includes the removal of the existing poured concrete wall and to replace with a precast concrete sea wall. There will be a stairway and a tiered system. At the last hearing there was no DEP File number. Addition information was submitted with regard to the means of access to the property which includes a map to show the property traversing a right-of-way. The applicant sought permission of three (3) abutters and all have no objections to the project and accessing the property. All work will be done above mean high water.

Brendan Mullaney – explained the other issue was that the DPW Department, Mr. Sala, was going to review the site. He found no issues as proposed but wants to be notified when the site

will be excavated and material removed and he is able to clean out the pipe in order to make sure it's functioning properly before the new component is put into place.

No board comments. No public comment.

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

No board comment. No public comment.

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL, Chapter 131, Section 140 numbers 1,2,3,9-13,16-24 and Special Conditions pursuant to the Bylaw 7,8,9 and additional Special Conditions:

ASC1) Access to this site requires crossing over multiple privately owned parcels. This Order of Conditions does not constitute or imply permission to cross any private parcel. Permission to cross these parcels must be secured by the project proponents prior to the start of work.

ASC-2) The contractor must utilize all available measures to minimize impacts to Wetland Resource Areas. All Wetland Resource Areas must be restored to original condition upon completion of the project. The "Seawall Construction" letter, outlining the sequence of construction activity and precautionary measures, submitted by Pinnacle Site contractors and dated October 2, 2014, is incorporated into this Order of Conditions.

ASC-3) The project proponent must notify the Town of Bourne prior to the excavation of the drainage pipe running through the wall. The DPW Superintendent and Conservation Agent must be allowed to inspect the pipe before it is installed and backfilled.

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

Chm. Gray back to chairing the meeting at this time.

REQUEST TO AMEND ORDER OF CONDITIONS

#1 - Ladd Homes LLC

DEP File Number: SE7-1885

26 Shore Road, Bourne Village

Amend Order of Conditions to allow for changes in landscaping and grading including construction of stone retaining wall within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

Brendan Mullaney – explained the issue was with the retaining wall. He received the new plan to amend from Mr. Ladd and a letter from the Engineer Mr. Varacka, Jr. which shows the stone

wall added after the Order was certified and is beyond the no-build 50 FT buffer zone. Also included is the cross section of the retaining wall.

No board comment. No public comment.

Brendan Mullaney – added that two meetings ago and because of deadlines, this application had to be continued to this meeting. He feels the applicant has satisfied the conditions for the Amendment of Conditions and will need to be signed and recorded. The original compliance will be removed from the deed.

Weston moved and seconded by Palumbo to approve the Amendment of Order of Conditions. Unanimous vote.

CERTIFICATE OF COMPLIANCE

#1 - Ladd Homes LLC

DEP File Number: SE7-1885

26 Shore Road, Bourne Village

Construct single-family home with attached garage, Title V septic system, utility installation and all associated clearing, grading and landscaping within an AE Flood Zone and within 100 FT of a Wetland Resource Area

Continued from 9/4/14.

Brendan Mullaney – explained this approval is for the original condition.

Weston moved and seconded by Kiebla to grant Certificate of Conditions. Unanimous vote.

Approval of Minutes 9/18/14

Weston moved and seconded by Ligor to approve minutes of 9/18/14. Unanimous vote.

Vote – Excuse Absent Members, if necessary

Palumbo moved and seconded by Weston to excuse members Craig Rheinhardt, Holmes and Lelito. Unanimous vote.

Adjourn

Palumbo moved and seconded by Weston to adjourn the meeting. The meeting adjourned at 7:34 PM. Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.