

CONSERVATION COMMISSION MINUTES

September 18, 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, Peter Holmes, Betsy Kiebala, and Susan Weston. Alternate member Thomas Ligor also present.

Members excused: V. Chm. Martha Craig Rheinhardt, Rob Palumbo, Paul Lelito

REQUESTS FOR DETERMINATION OF APPLICABILITY

#1 Ray Shepherd

File Number CC14-42

18 Wabash Avenue, Pocasset

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

Jack Vaccaro representing – the property on the east side of Hen Cove. There is a 3-bedroom cottage. At the rear of the cottage is a wetland area which transitions to a salt marsh. Applicant seeks to replace the cesspool at the rear of the house with new Title V. They are seeking to re-route internal plumbing to direct the flow to the septic tank. The pump chamber will be in back to pump the affluent to the front of the property which will be enclosed by a retaining wall. The existing septic will be abandoned.

Brendan Mullaney – this is a small, developed lot. The septic system proposed will be a vast improvement over existing conditions. He agrees with boundary of the wetland as shown in the plans. No other concerns with the project.

No board comment. No public comment.

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

#2 Emilie Martin

File Number CC14-44

710 County Road, Pocasset

Construct an addition within 100 FT of a Wetland Resource Area and within the 200 FT Riverfront Area

Mr. Peter Heino representing – proposing a 13'x13' addition on concrete piers using 12" sonotubes which will be hand dug and all dirt will be removed from the area.

No board comment. No public comment.

Brendan Mullaney – the edge of wetland is approximately 85 FT from the proposed project - the edge of the pond is shown as a perennial stream and therefore makes this Riverfront Area. The proposed project meets the requirements. This is a small project on a relatively flat lot. He has no other concerns with the project.

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

#3 Paul D'Angelo

File Number CC14-45

5 Main Street, Buzzards Bay

Replace pilings on an existing licensed dock within an AE Flood Zone and within 100 FT of a Wetland Resource Area

Mr. Paul D'Angelo representing – seeks to remove and replace existing timber piles. No extensions will be done.

Brendan Mullaney – proposed project is in Buttermilk Bay near the Narrows bridge. The original dock was destroyed in a hurricane in 1954; the one slightly to the north is the one that exists today. The current structure has been licensed since 1960 and this proposed project is to replace pilings in kind. There has been some disturbance because of the bridge project, what is left of the older pilings need to be replaced rather than wait to fail. Since the dock is licensed, the applicant has the right to repair and maintain the structure. No concerns with the project.

Holmes – asked if there was salt marsh at the beginning of the dock. Chm. Gray said there is dune grass which is above the rack line.

No further board comment. No public comment.

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

Chm. Gray read the #4 application into the record, then recused himself from discussion and vote. This will apply to the first two NOI's as well. Ms. Weston will chair the meeting.

#4 William & Lindsey Williamson

File Number CC14-43

10 Studio Drive, Buzzards Bay

Install a driveway, utilities, landscaping and grading in association with construction of a new dwelling within an AE Flood Zone and within 100 FT of a Wetland Resource Area.

Mr. Michael Pimental, JC Engineering, representing – the proposed project involves the construction of a single-family dwelling and a new Title V septic system. There will be grading and utility work, retaining walls and a paved driveway. Most of work is outside 100 FT buffer zone. The beginning portion of the driveway will be in the buffer zone line. Some work will also be near the Flood Zone. The dwelling and septic is greater than 150 FT of the wetland. 82 FT is the closest the work is to the wetland. There is no pool, just a Title V in the back.

Brendan Mullaney – the majority of work outside jurisdiction based on the setback of small wetland area. Since there is some minor work the filing is necessary, however since most is outside of Commission jurisdiction, a NOI is not necessary. There will be erosion control down near the street to accommodate the proposed project. No other concerns with the project.

No board comment.

Mr. Mulvey – asked about stormwater runoff from the site. Mr. Pimental said the Title V will be greater than 150 FT and has been submitted to the Board of Health. Some stormwater will leave the site and travel to a catch basin in the road

No further public comment.

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

NOTICES OF INTENT

#1 Ronald & Marsha Wagner

DEP File Number SE7-1907

4 Windmill Road, Buzzards Bay

Construction of 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 the Wetland Resource Area.

Mr. Pimental – proposing an addition and new septic system as well as an in-ground pool. There will be a walkway from the deck to the pool; another walkway from the addition to existing walkway. The majority of the work is within the 100 foot buffer zone to the top of coastal bank.

Brendan Mullaney – this plan is different from originally designed. This was revised in order to meet statute in the bylaw. Most of the area of work is currently lawn, with minimal clearing of vegetation. This project meets all necessary setbacks. The only issue the board may have is what kind of filter system there will be in the pool and how the draining of the pool will be dealt with. Mr. Pimental isn't familiar with the specifics of the pool, he will find out from the owner.

No further public comment.

At the applicant's request, the hearing will be continued to 10/2/14 for methodology of the filter system, how water will be removed with regard to the pool.

#2 Carmen & Grace Difilippo

DEP File Number SE7-_____

2 Brom Dutcher Road, Buzzards Bay

Remove 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.

Mr. Brad Bertolo, JC Engineering— the project is for the replacement of a failing poured concrete seawall due to not being the proper depth. The project will be a pre-cast wall with blocks designed by Shea Concrete. The blocks will require 12" burial of depth. With the design, the grade changes 2 FT from south to north roughly, from 3 FT and 5 FT. Applicant seeks to modify the existing drainage pipe. There is a catch basin on Rip Van Winkle Way. The pipe exits the wall and goes 4 FT and exits by the water line. Applicant is proposing to cut back the pipe and put in an elbow back in behind the wall. The location of the stairway works well with the base of the blocks. The stairway doesn't need the same support from the rest of the wall.

Ligor – asked how will the existing wall be taken down. The contractor will work from the beach to remove the wall with access just north through a beach access. Ligor asked how will they mitigate dust getting into resource area. There will be a hay bale line. Ligor said some might end up in the water.

Holmes – asked why the wall isn't being placed in the same footprint. A poured concrete wall involves excavation. The proposed project is precast to eliminate the amount of stock pile needed on the property.

Kiebala – asked equipment will be used. There will be a mid-sized excavator. Access will be a right of way, 4 houses to the north.

Brendan Mullaney – there is no record of when the drain pipe was put in. It seems likely non-functional and he presumes it is corroded as water comes and infiltrates to the ground and doesn't make it to the water. This hearing will need to be continued. He would like the DPW to review the plans. There has been a lot of contention using the right of way. The applicant said all of the owners would have no issue with the access over their property as they are in favor of the project.

BM – the proposed project is encroaching on the beach with the wall; the old wall is at an angle and pre-cast blocks have limited range to place in. Applicant is trying to keep the wall as close to flush as the existing wall to tie the two walls together. To solidify the southern portion that Mr. Murphy built, there cannot be a gap as it will lead to major problems with extreme high

tide. The material would have to be set at 90 degrees or they don't work. If this was a natural coastal bank, it will be relatively simple to not infringe on the coastal beach. You can't angle these blocks and in terms of the actual construction much less intrusive. Not perfect but did the best as possible.

There is discussion on access to the property over the neighboring lots who own down to low water.

Brendan Mullaney – the board can put a condition where this NOI does not permit anyone to pass over anyone's property and applicant to leave in the same condition as before the work began.

No further board comment.

At the applicant's request, the hearing will be continued to 10/2/14.

At this time, Chm. Gray is back to chairing the meeting.

#3 Peter Coffin

DEP File Number SE7-1905

126 Emmons Road, Monument Beach

Lift and relocate existing dwelling, construct additions, install an in-ground swimming pool, installation of Title V septic system and all associated grading, landscaping, utilities and other appurtenances within 100 FT of a Wetland Resource Area - Continued from 9/4/14.

Brendan Mullaney – this application is continued for a file number only.

No board comment. No public comment.

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

Brendan Mullaney – Draft Order of Conditions: General Conditions pursuant to MGL, Chapter 131, Section 140 and Special Conditions 1,2,3,4,6,9,10,12,13,16-24 and Special Conditions 4,6,7,8,9 to the Bylaw and Special Conditions 20,24 and Special Conditions to the Bylaw 4,6 to continue in perpetuity.

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

Other Business

Brendan Mullaney – briefly discussed the project at Bournedale Herring Run. The stream was blocked. A concrete slab was poured for a screen to go up which will stop 1,000s of herring from dying next spring.

Ligor – asked about Red Brook Pond and Red Brook Harbor. Brendan Mullaney explained the cost of the project was underestimated by 2 to 3 times than originally expected.

Chm. Gray – will not be at the 10/16/14 meeting.

Holmes – will not be at the 10/2/14 meeting.

Brendan Mullaney – as an FYI - the Sagamore Beach residents submitted a petition and request for Indian Trail for the 10/27/14 Town Meeting Warrant.

Excuse Absent Members

Kiebala moved and seconded by Weston to excuse absent members Craig Rheinhardt, Rob Lelito and Robert Palumbo. Unanimous vote.

Adjourn

Holmes moved and seconded by Weston to adjourn. Meeting adjourned at 8:30 pm.
Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.