

September 29, 2022

Email/Hand Delivery

Bourne Conservation Commission 24 Perry Avenue Buzzards Bay, MA 02532

Re: NOI - DEP File #007-2208 176 Scraggy Neck Road Map 51, Parcel 1 Bourne, Massachusetts

[LEC File #: BrEI\21-224.01]

WA

Dear Members of the Commission:

On behalf of the Applicant, The Long Point Trust (Stephen and Marybeth Bisson, Trustees), LEC Environmental Consultants, Inc., (LEC) is submitting additional information to supplement the previously filed Notice of Intent Application to demolish the existing dwelling and construct a new dwelling with associated appurtenances, including driveway updates, attached garage, decks, patio, upgraded septic system, utilities, regrading, stormwater management, lawn/landscaping, and restoration/mitigation plantings on the above-referenced subject parcel. Proposed new construction occurs within Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Salt Marsh and Coastal Bank. Proposed restoration occurs within the 100-foot Buffer Zone, LSCSF, and on Coastal Bank.

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The project has been further revised to address feedback received by the Commission during the September 1, 2022 Public Hearing.

Project updates are depicted on the site plans (*Existing Conditions Plan, Proposed Conditions Plan*, and *Septic Details*) prepared by Bracken Engineering, Inc., last revised on September 26, 2022. Specifically:

- 1) The proposed dwelling footprint has been further reduced in size. Cumulatively, the dwelling has been reduced by 399± square feet in comparison to the originally submitted site plans, dated May 16, 2022.
- 2) The proposed dwelling footprint has been rotated/shifted to further reduce the structural area within the 50-foot Buffer Zone and increase the separation of the closest top of Coastal Bank to proposed garage (on slab) to 20 feet in comparison to 7 feet on the original site plans.
- 3) The proposed Limit of Work has been reduced south of the driveway and garage to preserve more trees within the Buffer Zone to the Coastal Bank. An 18 inch boulder wall is now proposed immediately south of the driveway.
- Proposed fill has been reduced to 172± cubic yards from the 326± cubic yards associated with the prior submittal.

| LEC | Environmental | Consultants, | Inc. |
|-----|---------------|--------------|------|
|-----|---------------|--------------|------|

12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491 380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500 100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077

P. O. Box 590 Rindge, NH 03461 603.899.6726

www.lecenvironmental.com

680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

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The *Proposed Site Exhibit*, prepared by Bracken Engineering, Inc., dated September 26, 2022, depicts the trees proposed to be removed within the Limit of Work. A total of nineteen (19) trees are proposed to be removed, fifteen (15) oaks (6-19" dbh) and five (5) pines (6-9" dbh). Only five trees are at 12 inch dbh or greater.

The revised *Restoration/Revegetation Plan*, prepared by LEC, dated September 28, 2022, accompanies this submission. The restoration/revegetation planting area totals $5,825\pm$ square feet, including existing lawn/driveway areas north of the proposed dwelling within LSCSF and partially on the Coastal Bank and existing house footprint (4,675 ± square feet of restoration). The $1,150\pm$ square feet of regraded area south of the dwelling will also be revegetated. The restoration/mitigation planting area consist of a diverse mix of trees, shrubs, and groundcover to enhance species diversity, vegetative cover, and wildlife habitat. Proposed species include eastern red cedar, black oak, eastern white pine, tupelo, highbush blueberry, bayberry, beach plum, and arrowwood. A total of nineteen (19) trees are proposed and one hundred twenty-four (124) shrubs. The southerly restoration/revegetation planting area includes eastern white pine saplings to additionally function for vegetative screening purposes to the southerly abutter. A New England Conservation/Wildlife Mix and Coastal Salt Tolerant Mix are proposed throughout. All planting areas will be monitored for three years to ensure successful establishment. Annual monitoring reports will be submitted to the Commission documenting vegetative health and any recommendations.

The proposed plantings will enhance, stabilize, and restore conditions within the 100-foot Buffer Zone, LSCSF, and on the Coastal Bank (266± square feet). The revegetation measures will serve to create a continuous and expanded vegetated buffer upgradient of the westerly, primary Coastal Bank (#2) and downgradient Salt Marsh system. The vegetated buffer will serve to attenuate runoff on slopes within the Limit of Work that are less than 10:1. The proposed erosion and sedimentation controls installed along the Limit of Work will protect the downgradient Coastal Bank and Salt Marsh during construction. Postconstruction, runoff from the dwelling will be directed to drywells and subsurface infiltration system installed within well-drained soils and will not be directed downgradient towards the Coastal Bank.

As further described within the NOI Application, the proposed project has been designed in compliance with the performance standards outlined in the *Massachusetts Wetlands Protection Act Regulations* (310 CMR 10.00). The Bourne *Wetland Protection Bylaw* (Article 3.7) and *Wetlands Regulations* do not stipulate additional performance standards for proposed work within LSCSF or the 100-foot Buffer Zone to Salt Marsh and Coastal Bank. The *Bylaw* states that *no habitat dwelling or accessories thereto or roadway/driveway shall be allowed any closer than 50' from the boundary of a Wetland Resource Area unless permitted under this bylaw*. The proposed project will not adversely affect Wetland Resource Area Values. Specifically, the project will not adversely affect the downgradient Coastal Bank's ability to provide storm damage prevention and flood control functions. Additionally, the proposed project will not destroy any portion of the Salt Marsh and will not have an adverse effect on the productivity of the Salt Marsh. The proposed structure will be located $76\pm$ linear feet from the Salt Marsh, in comparison to $27\pm$ linear feet under existing conditions with $6\pm$ square feet of deck overhanging the top of the Coastal Bank



 $(986\pm$ square feet of structure within the 50-foot Coastal Bank Buffer Zone). The new I/A septic system will be located greater than 50 feet from the top of a Coastal Bank and 100 feet from the closest Salt Marsh, in comparison to the existing cesspool located at the top of the Coastal Bank and $31\pm$ linear feet from the Salt Marsh, respectively.

A September 29, 2022 letter from Stan Humphries, Coastal Geologist at Environmental Consulting & Restoration, LLC also accompanies this submission.

In summary, the proposed project will provide a significant improvement over existing conditions by implementing a comprehensive revegetation/restoration planting effort; abandoning the cesspool and replacing it with an I/A septic system located more landward; increasing structural setbacks to the westerly, primary Coastal Bank and downgradient Salt Marsh; and restoring Coastal Bank.

Thank you for your consideration of this supplemental information. We look forward to discussing the project further at the October 6, 2022 Public Hearing. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LEC Environmental Consultants, Inc.

un Madden

Brian T. Madden Senior Wildlife/Wetland Scientist

Attachments cc: DEP SERO; The Long Point Trust; Glenn Wood, Esq.; Bracken Engineering, Inc.; ECR

RINDGE, NH

Attachment A

ECR Letter, Dated September 29, 2022



September 29, 2022

Bourne Conservation Commission 24 Perry Ave Buzzards Bay MA 02532

RE: Supplemental Information for Notice of Intent 176 Scraggy Neck Road Bourne, MA 02532

Dear Members of the Conservation Commission:

Please accept this letter as a response to the August 3I, 2022 letter submitted by Scott Horsley. The purpose of this letter is to further characterize the three Coastal Banks that have been delineated on the site plan dated 9/26/22 and request the Commission to consider the differences in functionality of the banks, in particular, whether the project has any adverse effects within the 50-foot Buffer Zone of Coastal Bank #3.

Environmental Consulting and Restoration, LLC. was retained by Bracken Engineering, Inc. to review updated modifications to the NOI application from LEC, recent plan revisions and opposition comments. This project review is based on my training and experience over the past 45+ years in coastal geomorphology and floodplain management.

The project area is virtually surrounded by two Coastal Banks. One is located offsite to the east of the site which borders on Red Brook Harbor (Coastal Bank #1). The second bank is located on the west side of the property which borders on Salt Marsh (Coastal Bank #2). Together, these banks are over 1,000 feet in length, 40-50 feet wide and average 8-10 feet in height. Both banks function as vertical buffers to stormwaters and are significant to flood control and storm damage prevention, as presumed.

The third Coastal Bank is a fragmented, finger-like projection that is less than 300 feet in length, 15 feet in width and 1-4 feet in height (Coastal Bank #3). Located within the upland of the property (51,482 sf), it only occupies approximately 10% of the site. While meeting the state definition of an upper Coastal Bank (DEP Policy 92-1, Figure 5), Coastal Bank #3 does not provide the same functions relative to the other two banks. Flooding from the 100-year coastal storm may inundate the area in which it is located, but the bank does not control flooding. In addition, since it is not located adjacent to the Harbor or Salt Marsh, it cannot provide eroded sediment to these coastal resources and, therefore, is less likely to be significant to storm damage prevention.

In the Preamble to Coastal Bank 310 CMR 10.30(1) phrases like *protecting structures of coastal wetlands landward of them from storm damage and flooding…* and *increase the danger to structures at the top of the bank…* are stated. There are no structures, existing or proposed, in which Coastal Bank #3 would protect. Also stated in the Preamble, *Coastal banks, because of their height and stability, <u>may act</u> (emphasis added) as a buffer or natural wall, which protects upland areas from storm damage and flooding.* Coastal Bank #3 is not a natural wall, but rather, a minor change in slope on the west side of the access road.

The characterization of the three Coastal Banks located within the project area, as provided above, shows they differ in their function and significance to the interests of storm damage and flood control. The two banks that surround the project area have the height and provide the stability that the regulations presume them to have. However, Coastal Bank #3 is very different.

There are no activities proposed within the bank and none of the activities proposed within the 50-foot buffer will have an adverse effect on the limited functions it provides. With the setbacks and mitigation proposed for the other two Coastal Banks, we believe the project can be approved with conditions under the local Bylaw and the state WPA.

Upon review of this Supplemental Information, please contact me at (617) 543–1654 or stan@ecrwetlands.com with any questions or requests for additional information.

Sincerely, Environmental Consulting & Restoration, LLC

Stan Humphries

Stan Humphries Coastal Geologist

Attachment B

LEC Restoration Plan, Dated September 29, 2022

NOTES

THE LIMITS OF THE RESTORATION AREA SHALL BE STAKED IN THE FIELD PRIOR TO CONSTRUCTION AND ACCURATELY LOCATED BY A PLS.

THIS RESTORATION/MITIGATION PLANTING PLAN IS INTENDED SOLELY FOR THE PURPOSE OF IMPLEMENTING THIS PLANTING PLAN.

EROSION CONTROLS SHALL BE INSTALLED AT THE LIMIT OF WORK, AS DEPICTED ON THE PLANS.

- IF TOPSOIL IS ABSENT, APPROXIMATELY 4-6 INCHES OF TOPSOIL (50/50 LEAF COMPOST AND LOAM MIXTURE) SHALL BE ESTABLISHED WITHIN THE RESTORATION AREA. ALL PLANTINGS SHALL BE NATIVE VARIETIES WITH NO LANDSCAPE CULTIVARS PROPOSED.
- SPECIFIC PLACEMENT OF SHRUBS AND TREES WITHIN THE PLANTING AREA ARE APPROXIMATE AND MAY BE ADJUSTED IN THE FIELD.
- IF NECESSARY, ANY REQUIRED SUBSTITUTE NATIVE PLANTS SHALL BE REVIEWED BY A WETLAND SCIENTIST PRIOR TO INSTALLATION.
- PLANTING IN THE EARLY SPRING OR DURING THE FALL IS RECOMMENDED.
- IMPLEMENTATION OF A WATERING SCHEDULE IN THE FIRST GROWING SEASON FOR THE PLANTINGS IS RECOMMENDED TO ENSURE ESTABLISHMENT.
- A ONE TIME APPLICATION OF LEAF COMPOST MULCH SHALL BE APPLIED TO THE DRIP LINE OF THE INSTALLED TREES AND SHRUBS IN THE PLANTING AREA.

THE PROPOSED NATIVE SEED MIX SHALL BE APPLIED ACCORDING TO THE SUPPLIERS INSTRUCTIONS.

- THE NATIVE SEED MIX SHALL BE LIGHTLY RAKED INTO THE SURFACE AND APPLIED ACCORDING TO THE SUPPLIERS INSTRUCTIONS.
- A LIGHT COATING OF WEED FREE STRAW MAY BE PLACED ON THE SURFACE OF THE RESTORATION AREA FOLLOWING SEED APPLICATION.





WATERING NOTES

A DEEP SOAKING IS RECOMMENDED THE SAME DAY AS PLANTS ARE INSTALLED.

FOR THE FIRST MONTH AFTER PLANT INSTALLATION, A DEEP WATERING IS RECOMMENDED APPROXIMATELY TWICE A WEEK DEPENDING ON FREQUENCY OF RAIN EVENTS AND TIME OF SEASON.

GENERAL SUGGESTED WATERING FREQUENCY AFTER FIRST MONTH AND DURING THE FIRST GROWING SEASON: A DEEP SOAKING OF THE ROOT ZONE ONCE A WEEK.

AN ADEQUATE REPLACEMENT RAIN EVENT IS APPROXIMATELY A MINIMUM OF A HALF INCH OF RAINFALL.

WATERING IS RECOMMENDED IN THE EARLY MORNING HOURS.

A DEEP SOAKING MEANS INCLUDING THE SOAKING OF THE ENTIRE ROOT BALL AND THE IMMEDIATE SURROUNDING SOIL.

A REDUCTION IN THE FREQUENCY OF WATERING IS RECOMMENDED AFTER THE FIRST YEAR. RESUME WATERING PROGRAM AS NECESSARY DURING SECOND GROWING SEASON WHEN PERIODS OF DROUGHT OR DURING EXTENDED DRY PERIODS.

THE ABOVE SHALL ONLY BE APPLIED IN ACCORDANCE WITH LOCAL WATERING REQUIREMENTS/REGULATIONS.

PLANTING SPECIFICATIONS

| | COMMON NAME | GENUS/SPECIES | SIZE | PLANTING SPECIFICATIONS | NUMBER OF SPECIES |
|-----------------------|--------------------|----------------------|-----------|--|----------------------|
| | TREES | | | | |
| \bigcirc | eastern red cedar | Jumiperus virginiana | 4-6' min. | singles, spaced 10-25' on-center | 5 |
| \odot | black oak | Quercus velutina | 4-6' min. | singles, spaced 10-25' on-center | 5 |
| $\overline{\bigcirc}$ | tupelo | Nyssa sylvatica | 4-6' min. | singles, spaced 10-25' on-center | 4 |
| \odot | eastern white pine | Pinus strobus | 4-6' min. | singles, spaced 10-25' on-center | 5 |
| | | | | Total Trees | 19 |
| | SHRUBS | | | | |
| AND A | highbush blueberry | Vaccinium corymbosum | 2-3' min. | clusters of 3-7, spaced 4-6' on-center | 25 |
| | bayberry | Myrica pennsylvanica | 2-3' min. | clusters of 3-7, spaced 4-6' on-center | 34 |
| 9 | beachplum | Prunus maritima | 2-3' min. | clusters of 3-7, spaced 4-6' on-center | 26 |
| | arrowwood | Viburnum dentatum | 2-3' min. | clusters of 3-7, spaced 4-6' on-center | 39 |
| | | | | Total Shrubs | 124 |





MITIGATION AREA SEED MIXES

⁵⁰/₅₀ New England Conservation and Wildlife Mix & New England Salt Tolerant Grass Mix

NEW ENGLAND CONSERVATION/WILDLIFE MIX (FROM NEW ENGLAND WETLAND PLANTS)

SPECIES: Virginia Wild Rye (Elymus virginicus), Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Red Fescue (Festuca rubra), Switch Grass (Panicum virgatum), Partridge Pea (Chamaecrista fasciculata), Panicledleaf Tick Trefoil (Desmodium paniculatum), Indian Grass (Sorghastrum nutans), Blue Vervain (Verbena hastata), Butterfly Milkweed (Asclepias tuberosa), Black Eyed Susan (Rudbeckia hirta), Common Sneezeweed (Helenium autunale), Heath Aster (Asterpilosus/Symphyotrichum pilosum), Early Goldenrod (Solidago juncea), Upland Bentgrass (Agrostis perennans).

NEW ENGLAND SALT TOLERANT GRASS MIX (FROM NEW ENGLAND WETLAND PLANTS)

SPECIES: Canada Wild Rye (Elymus canadensis), Red Fescue (Festuca rubra), Atlantic Coastal Panic Grass (Panicum amarum), Big Bluestem (Andropogon gerardii), Indian Grass (Sorghastrum nutans), Switch Grass (Panicum virgatum), Path Rush (Juncus tenuis)

UPLAND SHRUB PLANTING DETAIL (NOT TO SCALE)

Restoration/Mitigatio Planting Plan

176 Scraggy Neck Roa Bourne, MA

9-28-22





12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491 508.746.9492 fax email: southlec@lecenvironmental.com www.lecenvironmental.com

WETLANDS WILDLIFE WATERWAYS

SCALE: 1" =20' (24 x36" Print Size)

LEC File: BrEI\21-224



Plan adapted by: LEC Environmental Consultants, I from plan entitled;

PROPOSED SITE PLAN

DATED 9-26-2022

Prepared by:



49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 www.brackeneng.com

Attachment C

Existing Conditions Plan, Prepared by Bracken Engineering, Inc., Last Revised September 26, 2022



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Attachment D

Proposed Site Exhibit, Prepared by Bracken Engineering, Inc., Dated September 26, 2022

