

Town of Bourne
Conservation Commission
Public Meeting Minutes
March 21, 2024

BOURNE TOWN CLERK
APR 5 '24 PM 1:06

Note this meeting is being audio recorded by Bourne Conservation Department. If anyone in the audience is also recording or videotaping, they need to acknowledge such at this time.

Commission Members Present: Chair Robert Gray, vice chair Palumbo (remote), Sarah Butler (remote), Susan Weston, Joesph Soares, and Jacob Gadbois.

Excused Members: Peter Holmes and Paul Szwed.

Professional Staff in Attendance: Stephanie Fitch, Conservation Agent

Chair Robert Gray called to order the meeting of the Conservation Commission at 6:30 PM, conducted in person on Thursday, March 21, 2024, and held in the Bourne Veterans Community Building, 239 Main Street, Buzzards Bay, MA 02532, and held virtually by Zoom. Chair Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetland Protection Act, M.G.L. Chapter 131, Section 40, and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw. Chair Gray said that they follow a 5-5-5 rule, and he explained the rule. Chair Gray said that if a member of the public wishes to comment they will first clearly state their full name for the record. Chair Gray asked if anyone was recording at this time other than the Conservation Department.

Request for Determination

1. Applicant: Steven Breed File Number: CC-24-8
Representative: Engineering Works, Inc.
Project Address: 5 Mashnee Rd, Bourne
Proposed Project: Upgrade of a failed septic system located in the AE flood zone. State Act only.

Peter McEntee, the project representative, explained that is a replacement of a failed leaching system within the AE flood zone. Additionally, he mentioned that there might be a need to remove one tree to facilitate access from Mashnee Road.

Ms. Fitch relayed that Mr. McEntee answered her question regarding the access road, specifying that it wasn't Stackpole Circle. Mr. McEntee explained that they opted for access via Mashnee Road to avoid traversing over existing tanks. He also mentioned the potential need to remove one pitch pine tree from the road shoulder. After this clarification, Ms. Fitch expressed no further concerns and deemed erosion controls unnecessary.

No public comment.

Vice chair Palumbo made a motion for a negative two determination and seconded by Ms. Butler.
Roll call: Ms. Weston-yes, Mr. Soares-yes, Ms. Butler-yes, vice chair Palumbo-yes and chair Gray-yes.
Motion carried 5-0-0.

2. Applicant: David Noble File Number: CC-24-9
Representative: Meyer & Sons, Inc.
Project Address: 166 Wings Neck Road, Pocasset

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Proposed Project: To replace a failed septic system with a fully compliant Title 5 septic system located in a velocity flood zone.

Darren Meyer, the project representative, conveyed that the entirety of the property falls within the velocity zone. He outlined that they have delineated the salt marsh to the south, ensuring all work will occur outside the 100-foot buffer zone. The proposed replacement involves installing a tank, pump, and elevated leaching field in the driveway area. Construction access will primarily be from Pier View Road, with the majority of the work concentrated within the existing lawn area. Additionally, there is no requirement to remove any vegetation.

Ms. Fitch inquired about the retaining wall adjacent to the driveway and whether any regrading was necessary. Mr. Meyer explained that the aim is to maintain its current appearance, with minimal adjustments of approximately 1 foot. Ms. Fitch concurred with the depiction of resource areas on the plan, noting the absence of Priority Habitat (PH) or Areas of Critical Environmental Concern (ACEC). It was clarified that the work is confined to the velocity zone exclusively. The applicant intends to implement erosion controls to the south of the proposed work, which is advantageous considering the natural slope of the site toward the marsh in that direction.

Mr. Gadbois inquired whether it would be possible to replace the straw wattle with a silt fence when abandoning the existing leaching field. Due to concerns regarding the potential degradation of the straw wattle and the fact that the slope inclines toward the street and the salt marsh.

Mr. Meyer confirmed that they could indeed replace the straw wattle with a silt fence.

No Public comment.

Ms. Butler made a motion for a negative two determination seconded by Mr. Soares.
Roll call: Ms. Weston-yes, Mr. Soares-yes, Ms. Butler-yes, vice chair Palumbo-yes and chair Gray-yes.
Motion carried 5-0-0.

Notice of Intent

1. Applicant: Gary Vincent DEP File Number: SE7-2279
Representative: Wayne Tavares, Wet Tech Land Design Inc.
Project Address: 14 Lewis Point Rd, Buzzards Bay
Proposed Project: Title 5 septic system upgrade, installation of a shed that anchors 2 proposed retaining walls, sitting area on grade, and proposed mitigation planting located within 100 ft. of a wetland resource area and in an AE flood zone. **Continued from 2/15/2024.**

Gary Vincent, the property owner, represented his project before the Commission, stating that this hearing was a continuation from February with an entirely new plan. The initial hearing aimed to gather feedback from the commission. He mentioned purchasing the property 1.5 years ago, which had a cesspool that he is required to upgrade to meet Title 5 regulations. Additionally, he expressed a desire to integrate a landscape design simultaneously with the septic upgrade. Notably, the property features a steep slope leading down to the waterline, with the cesspool situated near the house. Presenting a revised plan, they have accurately delineated the coastal bank based on comments received during the previous meeting.

Mr. Vincent reported that through collaboration with a wetland delineator, they discovered the existence of a secondary coastal bank, providing them with additional space for their project. They are suggesting

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two-tiered sections of retaining walls, aiming to both manage runoff towards the salt marsh and enhance the backyard for his family. Moreover, the two-tiered design offers extra space for planting, along with opportunities for water reclamation and soil stabilization. He expressed his desire to obtain approval for phase one of the planting plan before proceeding with the Title 5 septic plan.

Ms. Fitch pointed out significant runoff issues in the backyard, with water flowing directly from the driveway to Little Buttermilk Bay. She suggested that leveling certain areas and adding plantings could help improve conditions and mitigate runoff. Additionally, she expressed disagreement with the Top of Bank (TOB) designation on the eastern side of the property. Ms. Fitch emphasized the importance of meeting with the delineator on-site to verify the accuracy of the delineation. She mentioned discussing this matter with Brad and requested cross-sections of the bank to assess the grade, particularly on the eastern side, before concluding the hearing. Ms. Fitch emphasized the need for accuracy in the delineation process as it would be locked in for three years, highlighting the importance of ensuring its correctness.

Ms. Fitch is requested the implementation of erosion controls and the addition of gutters to the shed to facilitate roof runoff collection. Additionally, she noted that the path leading down to the marsh is 8 ft. wide, although typically the commission only permits 4 ft. wide walking paths. Ms. Fitch said that stairs should be added to the path, especially on coastal banks, as they would aid in limiting erosion.

Chair Gray inquired about the rationale behind proposing the 8 ft. wide path. Mr. Vincent explained that they went with what was already existing and he doesn't have a problem with reducing it to 4 ft. He mentioned, that's the way the water makes its way down to the salt marsh. Mr. Gadbois would like to see drywells incorporated on the main house. Chair Gray revisited the discussion on path width, expressing a preference for a 4 ft. path from the fire pit all the way seaward. He noted that it aligns with the Natural Heritage boundary and called for additional plantings. Mr. Vincent acknowledged that the house hasn't been upgraded since approximately 1959 and speculated that the 8 ft. path was probably proposed on the plan because of the preexisting condition.

Chair Gray expressed concern, stating that the proposed path resembles a launch pad for bringing a watercraft downhill. He emphasized that the commission strongly opposes such usage on coastal banks and salt marshes, particularly in the absence of a designated beach area. Chair Gray stressed that they do not want to see the path used as a launch site for watercraft, neither for Mr. Vincent nor any potential future owner. In response, Mr. Vincent explained that he owns a 21' Cutty in Buttermilk Bay. He had an out haul mooring with the Department of Natural Resources (DNR) but relinquished it because of insufficient water depth in the area. Mr. Vincent mentioned that his chocolate lab loves swimming and frequently utilizes the path.

Tony Yacino, an abutter, reported observing grading activity utilizing a loader to backfill the area in front of the fire pit. He expressed concerns regarding the ongoing project and its potential impact on the coastal bank.

The applicant has requested a continuance to April 4, 2024

2. Applicant: Jordan Race DEP File Number: SE7-
Representative: Merrill Engineers and Land Surveyors
Project Address: 118 Old Dam Rd, Pocasset
Proposed Project: Renovation of a single-family house with decks, landings and steps, proposed reconstructed garage, walkway and driveway reconfiguration, utility installation, mitigation plantings and all associated clearing, grading and landscaping. The work will take place within an AE flood

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zone, within 100 ft. of a wetland resource area and 200 ft. of a riverfront. **Continued to April 4, 2024.**

Chair Gray recused himself from participation in the next four reviews.

3. Applicant: Howard Realty Trust DEP File Number: SE7-
Representative: Bracken Engineering, Inc.
Project Address: 26 Monument Ave, Monument Beach
Proposed Project: Removal and replacement of an existing stone revetment within Land Subject to Coastal Storm Flowage. The work will take place within an AE flood zone, V flood zone and 100 ft. of wetland resource area.

Robert Dewar presented the project, which encompasses two properties located at 26 and 28 Monument Ave. These properties share an existing stone revetment. On the 26 Monument Ave side, there is an old mortar revetment, whereas the 28 Monument Ave side lacks mortar in its revetment structure. Both sides are experiencing slumping at the top and have lost some stones. The project site includes Phinney's Harbor coastal beach and where the existing coastal bank consists of the revetment. The primary focus of the project lies on the 28 Monument Ave property. The proposed plan involves removing and replacing the revetment in kind without the use of mortar. Additionally, they intend to incorporate larger toe stones buried beneath the surface for added stability.

Access to the project site will primarily be through the 28 Monument Ave side, which will involve the easier removal of the vinyl fence. Additionally, the neighbors share a wooden ramp that extends over the revetment, providing access to the beach. As part of the enhancements to the 26 Monument Ave property, there are plans to install a separate seasonal ramp to facilitate beach access. A sand veneer will be implemented to facilitate sand nourishment gradually over time.

Ms. Fitch inquired about the splash apron, noting its relatively uncommon appearance on single-family homes. Mr. Dewar clarified that the splash apron is designed to manage runoff by allowing it to weep out rather than overflow. Additionally, Ms. Fitch raised concerns about heavy equipment usage on the beach. Mr. Dewar indicated that heavy equipment would primarily access the site from the top, but he agreed to confirm this detail. During the discussion, the performance of the revetment with a sand lens was addressed, and there was consideration of potentially requesting perpetual beach nourishment to be included as a condition in the order.

Ms. Fitch expressed her satisfaction with the decision to make the access seasonal, noting that this adjustment would help mitigate the risk of storm debris.

Mr. Soares inquired about the heavy equipment on the beach due to the heavy stones that need to be set, and also inquired about the stairs with a width limit of 4 feet. Mr. Gadbois expressed approval of the plan but sought clarification on the term "bank run gravel," ensuring it's well-draining and free of clay, as sometimes unintended materials are included in orders. Mr. Dewar mentioned that bank run gravel typically consists solely of gravel without any additional fine materials. Mr. Gadbois remarked that as long as the gravel doesn't contain clay. Vice Chair Palumbo asked if the slope adheres to CZM (Coastal Zone Management) recommendations, and Ms. Fitch confirmed this. Ms. Fitch, who had concerns about the apron, consulted with the Cape Cod Cooperative Extension, and they endorsed the design as well.

Ms. Weston inquired whether the revetment will be covered in sand should they need the sand to match. Ms. Fitch responded that she will stipulate the condition in the order, and they will conduct a sieve

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analysis accordingly. Ms. Weston inquired about the ramp for 26 Monument Ave. The new seasonal ramp will be constructed from wood and will incorporate provisions for anchoring it securely.
No public comment.

At the applicant's request and pending DEP file numbers, they have requested a continuance to April 4, 2024.

4. Applicant: Justin and Kimberly Zaccaria DEP File Number: SE7-
Representative: Bracken Engineering, Inc.
Project Address: 28 Monument Ave, Monument Beach
Proposed Project: Removal and replacement of an existing stone revetment within Land Subject to Coastal Storm Flowage. The work will take place within an AE flood zone, V flood zone and 100 ft. of wetland resource area.

The projects for 26 and 28 Monument Ave were filed in conjunction. Please refer to the information provided above. Continued to April 4, 2024.

5. Applicant: Alexander C. Caradimos DEP File Number: SE7-2285
Representative: Bracken Engineering, Inc.
Project Address: 16 County Road, Bourne
Proposed Project: The construction of a garage/guest house unit, installation of a new Title 5 septic system, driveway improvements with associated grading, landscaping and utilities. The work will take place in an AE flood zone and within 100 ft. of wetland resource area. **Continued form 3.07.2024.**

Rob Dewar, represented the project, elaborated on the plans for 16 County Road, which is situated close to the intersection of County and Trowbridge Road, tucked away towards the wooded area. The existing house and sheds are located to the North. Within the property, the middle section has been delineated as a Bordering Vegetated Wetland (BVW) by Brad Holmes and falls within the AE15 zone.

The proposed project is positioned on the southern side and will become the fourth structure on the property. It entails the construction of a three-bay garage on the first floor with residential planned for the second floor. Additionally, there are proposals for a new septic system installation and expansion of the driveway, with the inclusion of drywells.

It's important to note that the proposed project partially encroaches within the 100-foot setback to the BVW but remains entirely outside the 50-foot setback. Moreover, the septic leaching field is situated beyond the 150-foot setback as per the regulations of the Board of Health.

Ms. Fitch conducted a site visit accompanied by Brad Holmes of ECR to verify the Bordering Vegetated Wetland (BVW) lines. During the visit, Ms. Fitch requested Bracken Engineering to revise the plan as the driveway was encroaching upon the 50-foot buffer. She instructed them to adjust the driveway away from this buffer zone. However, due to the presence of an old foundation, a portion of the driveway will still traverse through this area, for which the installation of a silt fence is mandated if any work is to be carried out.

Ms. Fitch also inquired about the purpose of the 6x6 leach pit, which was confirmed to be intended for roof runoff collection. Apart from this, Ms. Fitch had no further concerns, emphasizing the need to condition and protect the 50-foot buffer zone in perpetuity for both building and landscaping purposes.

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She noted that although most of the lawn area falls outside the 100-foot buffer, the local bylaw, due to the site being within an ACEC, extends the buffer zone to 200 feet. Ms. Fitch discussed this matter with the homeowner on-site, who expressed no intention of extensively altering the lawn area. Currently, the site comprises wooded areas, an existing access road, a dirt road, and an old foundation.

Ms. Fitch expressed her preference against having a fertilized lawn in such close proximity to the BVW but mentioned that she would provide some educational information for the homeowner on this matter. They will condition the maximum area of lawn to the limit of work.

No Public comment.

Vice chair Palumbo made a motion to close the public hearing seconded by Mr. Soares.

Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes. Chair Gray abstained. **Motion carried 4-0-1.**

Mr. Soares had to step out of the meeting momentarily.

Draft Order of Conditions contains all general conditions and special conditions pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40. 1, 3, 5, 7, 10, 11, 14, 15, 16, 19, 29, 30 and 31. Special conditions pursuant to the Bourne Wetland Protection Bylaw, Article 3.7 including 1, 3,4,5,6 and 7.

**ADDITIONAL SPECIAL CONDITIONS pursuant to the Bourne Wetland Protection By-Law
Article 3.7**

Special Condition Numbers 15 & 16 and Bylaw Conditions Numbers 1& 3 above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made by vice chair Palumbo to move the draft to the final and seconded by Ms. Butler.

Roll call: Mr. Gadbois-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes. Chair Gray and Mr. Soares abstained. **Motion carried 4-0-2.**

Mr. Soares returned to the meeting.

6. Applicant: John J. LoMedico DEP File Number: **SE7-2286**
Representative: Bracken Engineering, Inc.
Project Address: 18 Winsor Road, Cataumet
Proposed Project: Reinforcing a portion of denuded salt marsh and various mitigation plantings adjacent to the salt marsh and all associated landscaping and grading. The work will take place in a Velocity flood zone and within 100 ft. of wetland resource areas. **Continued from 3.07.2024.**

Mr. Dewar delegated the project to Matthew Lautenberger of Wilkinson Ecological Design, Inc., who outlined the plan. The constructed Reinforced Salt Marsh will be situated adjacent to the existing peat shelf, near the southwestern deck support post. It will extend approximately 5 feet seaward from the peat shelf and run approximately 26 feet in a southerly direction. This structure will be approximately 24 inches high and composed of 50% 3-6 inch rounded cobble, 25% coir fiber and compost, and 25% compatible sediment. A 20-inch diameter fiber roll will be placed within the Reinforced Salt Marsh at the seaward edge to provide protection against tidal action.

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Additionally, in conjunction with the salt marsh restoration effort, native shrubs and herbaceous plants will be planted within the 50-foot buffer to the salt marsh. The project team has addressed comments from the Division of Marine Fisheries (DMF).

Ms. Fitch remarked, this all began with the boat house RDA last summer. I am pleased to see this proposed work and eagerly anticipate closely monitoring the project's progress.

Vice chair Palumbo made a motion to close the public hearing and seconded by Ms. Butler.
Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes. Chair Gray abstained. **Motion carried 4-0-1.**

Draft Order of Conditions contains all general conditions and special conditions pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40. 1, 2, 3, 7, 12, 29 and 30. Special conditions pursuant to the Bourne Wetland Protection Bylaw, Article 3.7 including 6.

ADDITIONAL SPECIAL CONDITIONS pursuant to the Bourne Wetland Protection By-Law Article 3.7

ASC-1) Ongoing maintenance by Wilkinson Design or their designee of the reinforced salt marsh authorized under this OOC is allowed in perpetuity.

ASC-2) The work permitted under this order must follow work protocols as described in *Work Protocols for Reinforced Salt Marsh and Supplemental Planting* by Wilkinson Ecological Design, dated January 29, 2024, revised March 6, 2024[4]. Any deviations from the approved protocols must be discussed with the Conservation Department.

ASC-3) All comments and conditions specified in the Division of Marine Fisheries Letter dated 2/21/2024 and signed by Amanda Davis are to be incorporated in this OOC.

Bylaw Conditions Number ASC-1 above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made to move the draft to the final by Mr. Soares and Seconded by vice chair Palumbo.
Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes. Chair Gray abstained. **Motion carried 4-0-1.**

7. Applicant: Town of Bourne c/o Timothy Lydon DEP File Number: **SE7-2269**
Representative: Daniel Cannata of VHB Inc.
Project Address: 0 Old Monument Neck Rd, Bourne (Mass Coastal Railway Layout)
Proposed Project: Bourne Rail Trail Phase 1. Work consists of constructing a 10-foot wide shared use path (SUP) along the west side of the existing Mass Coastal Railway Corridor between the existing parking areas at the Tidal Flats Recreation Area on Monument Neck Road near its intersection with President's Road. **Continued to April 4, 2024.**

Chair Gray returned to preside over the meeting.

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Request to Extend the Order of Conditions

1. Applicant: Denis J. Walsh Et Al DEP File Number: **SE7-2045**
Representative: Wilkinson Ecological Design Inc.
Project Address: 272 Scraggy Neck Rd, Pocasset
Proposed Project: Request to extend the Order of Conditions for an additional year to ensure plantings have sufficient time to establish on the Coastal Bank prior to closing the Order of Conditions. The Order was issued on 1/2/2019, extended via Covid Order 42, and is set to expire on 4/8/2024.

Matt Lautenberger of Wilkinson Ecological Design explained that they are requesting a one-year extension to ensure the plantings have adequate time to establish on the Coastal Bank. He presented photos of the project, indicating that it is still thriving. He pointed out areas where the fiber roll was exposed, noting that the grass in those areas is significantly improving compared to the previous year.

Ms. Fitch was glad to see Wilkinson's continued involvement and monitoring. She mentioned that there is no report required in the order of conditions, and she found the provided photos to be very helpful.

No public comment.

Ms. Weston made a motion to grant the one year extension and seconded by vice chair Palumbo. Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes. **Motion carried 5-0-0.**

Request for Certificate of Compliance

1. Applicant: Robert & Linda Morse DEP File Number: **SE7-1942**
Representative: Cape and Islands Engineering, Inc.
Project Address: 90 Circuit Avenue, Pocasset
Proposed Project: Request for an Invalid Certificate of Compliance for the Order of Conditions issued on 5/23/2016. The proposed project included to raze the existing single family dwelling and construct and maintain a new single family dwelling with decks, patios, landscape retaining walls and with the associated clearing, grading, utilities and landscaping. The project is located in the velocity flood zone and within 100-feet of a wetland resource area. The work never started.

Ms. Fitch conducted a site visit on 3/21/24 and recommended issuance.

Ms. Weston made a motion to grant the COC and seconded by vice chair Palumbo.

Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes. **Motion carried 5-0-0.**

2. Applicant: Brian Hebb Scusset Realty, LLC DEP File Number: **SE7-2192**
Representative: Hebb Builders, Inc.
Project Address: 117 Phillips Road, Sagamore Beach
Proposed Project: Request for Certificate of Compliance for Order of Conditions issued on March 18, 2022. Proposed reconstruction of the existing single family dwelling located within 100 ft. of a wetland resource area and in a V flood zone. **Continued from 3.07.2024.**

Ms. Fitch conducted a seconded site visit on 3/21/24 and recommended issuance.

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Ms. Weston made a motion to grant the COC extension and seconded by vice chair Palumbo.
Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes. **Motion carried 5-0-0.**

3. Applicant: Charles Primmerman DEP File Number: **SE7-2149**
Representative: Falmouth Engineering, Inc.
Project Address: 110 Circuit Ave, Pocasset
Proposed Project: Request for Certificate of Compliance for Order of Conditions issued on July 26, 2021. Demolition and removal of the existing house and garage. Construction of a new house. Existing septic tank and pump chamber relocated within an AE Flood Zone, Velocity Flood Zone and within 100 ft. of a wetland resource area.

Ms. Fitch conducted a site visit on 3/21/24 and recommended issuance.
Ms. Weston made a motion to grant the COC extension and seconded by vice chair Palumbo.
Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes. **Motion carried 5-0-0.**

➤ **Other Business:**

1. Chip Coen, 17 Scotch House Cove. Request for administrative approval to revise special conditions under OOC SE7-2232 and request a field change.

Chip Coen requested a field change to his plan and special conditions of the Order of Conditions (OOC) from the commission. He explained that the change is necessary due to another eelgrass survey on record, which indicates that float stops or legs are no longer required to protect the eelgrass at 48". The recent survey showed no eelgrass present, and he proposed adjusting the construction timeline to be lifted after mid-April accordingly. Furthermore, he mentioned that the Division of Marine Fisheries (DMF) was on-site and confirmed that there are no limitations regarding work in any eelgrass area. They are allowing 365 day operation.

Ms. Fitch shared correspondence she had with DMF, noting that they typically don't mandate a time-of-year restriction specific to eelgrass. Instead, their focus lies in avoiding direct impacts and minimizing indirect impacts. She emphasized that minimizing turbidity is beneficial regardless of the season. However, she highlighted that if time-of-year restrictions were required, they would pertain to eelgrass monitoring during the growing season to accurately reflect the bed. The suitable growing season for this purpose is from June through September.

Following recent discussions with the Massachusetts Division of Marine Fisheries, the United States Army Corps of Engineers, and the Massachusetts Department of Environmental Protection. Ms. Fitch addressed the commission and discussed to eliminate special conditions #10, 11, and 12 in accordance with Bourne Wetland Protection By-Law Article 3.7. In their place, the following conditions were established: "The applicant is informed that compliance with the Bourne Wetland Protection Bylaw and its corresponding regulations does not exempt the permittee or any other individual from adhering to all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations."

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Furthermore, the BCC opted to completely remove Additional Special Condition #6 due to the Division of Marine Fisheries' standard practice of not imposing time-of-year restrictions on work related to eelgrass.

The proposed field change on the P.E. stamped plan, adjusting the measurement from 48" to 2.5' separation, and sought input from the commission.

Ms. Weston motioned to approve the field change as discussed, which was seconded by Vice Chair Palumbo. Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes. **Motion carried 5-0-0.**

2. Correction of a clerical error on the signature page of Order of Conditions SE7-2152.
The Commission endorsed the corrected signature page.

3. Approve the minutes of the meetings held on May 20th, 2021 and June 3rd, 2021.

Motion made to approve previous minutes of May 20th, 2021 and June 3rd, 2021.

Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes. **Motion carried 5-0-0.**

4. Enforcement Orders: 30 Marsh Pond Road, 20 Tower Lane and 54 Arlington Drive.

30 Marsh Pond and 3 Vineyard Circle merged together:

On March 6, 2024 the Bourne Conservation Department observed several violations of the ongoing conditions of SE7- 1925. Violations include mowing within Isolated Vegetated Wetlands, work outside the Limit of Work of SE7-1925, and work within the area labeled "Area Cleared Jan 2015" on the plan of record dated 7/15/2015. Additional violations of the Wetlands Protection Act include unpermitted clear cutting and mowing within Land Subject to Coastal Storm Flowage and the buffer to BVW. A restoration plan shall be filed with the issuing authority on or before 6/3/2024 to bring the site back in compliance with all ongoing conditions of SE7-1925. The plan must include restoration of the two Isolated Vegetated Wetlands as delineated on the plan of record dated 7/15/2015.

Motion made to issue the enforcement order by vice chair Palumbo and seconded by Mr. Soares. Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray-yes. **Motion carried 5-0-0.**

20 Tower Lane:

On February 15, 2024 the Bourne Conservation Department completed a site inspection in response to a request for Certificate of Compliance. The agent noticed several outstanding issues that would prevent the issuance of the Certificate of Compliance and that are in violation of the site plans of record for SE7-2098. A restoration plan shall be filed with the issuing authority on or before 6/3/2024 to bring the site back in compliance with all conditions of SE7-2098. The plan must include stabilization and maintenance of the coastal bank per plan C-112 dated 2/26/2021, bringing the three rain gardens in compliance with

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the OOC per plan C-106 dated 2/26/2021, and completing all other landscaping as proposed on the site plan of record dated 10/21/2021.

Motion made to issue the enforcement order by Ms. Weston and seconded by Mr. Soares. Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray- yes.

Motion carried 5-0-0.

54 Arlington Drive:

During a site visit in August 2023, the Bourne Conservation Department observed newly constructed coastal banks stairs that were installed without a permit from the Conservation Commission. A violation letter was sent to the homeowner on August 25, 2023. Emails were exchanged and the final decision was that an after-the-fact Notice of Intent would need to be filed. The homeowner has not filed an NOI application since the email exchanges in September 2023. An NOI must be filed with the Bourne Conservation Commission for post-facto approval of the coastal bank stairs. The plan must show how the stairs meet the Best Management Practices (BMPs) as outlined in MassDEP and CZM's Coastal Manual. If the existing stairs do not meet the BMPs, then they will need to be rebuilt.

Motion made to issue the enforcement order by Ms. Weston and seconded by vice chair Palumbo. Roll call: Mr. Soares-yes, vice chair Palumbo-yes, Ms. Butler-yes and Ms. Weston-yes and chair Gray-yes. **Motion carried 5-0-0.**

➤ **Report of the Conservation Agent.**

Ms. Fitch presented to the Finance Committee and the Select Board regarding the new bylaw proposal aimed at removing the \$2,500 cap for consultation fees. This proposal will be included on the warrant for Town Meeting in May.

Ms. Fitch informed the Commission that the Building Committee will be presenting a proposal for the South Side Fire Station, which includes proposing to utilize the conservation area on Shore Road, consisting of 3-3.5 acres of the ballfield. Further details will be presented during the meeting on April 4, 2024.

➤ **Vote to excuse absent members Mr. Szwed and Mr. Holmes. All in favor. Motion carried 5-0-0.**

Meeting adjourned 9:13 PM.

Minutes typed by Amalia Amado, Conservation Secretary II.

Audio recorded by the Conservation department.

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.