

Conservation Commission

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

July 13, 2017

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on July 13, 2017. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

Members Present: Robert Gray, Thomas Ligor, Melvin P. Holmes, Susan Weston, Rob Palumbo and Elise Leduc.

Excused Members: Paul Szwed

Also Present: Sam Haines, Jim Mulvey, Sandy Keese, Stephen Doyle, Cambron Bright, Walter Weld, K. Brooks, Sallie Riggs, Brandon Konkell, Dana Vesty, Paul Duffey and Daniel Chauvin.

Request for Determination of Applicability:

1) Lindsay Sugden

File # CC17-24

Representative: McKinnon & Keese Eng.

4 Snow Circle

To replace existing failed cesspool with a Title V SAS within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Sandy Keese addressed the board and discussed the proposed project, to replace the SAS (leaching area), which is located 54' from the Resource Area.

Board Comment – Mr. Holmes asked for clarification of the proposed location. Ms. Keese described the proposed location and discussed the challenges associated with the project because of the size of lot.

A brief discussion transpired with regard to the trees that will be removed during the replacement.

Agent Comment – A site inspection was performed on July 5, 2017. Mr. Haines stated it's difficult to delineate the Coastal Bank on this property. He stated based on surrounding topography, it appears that this was a historic home that was built into the Coastal Bank. The plan shows a deck on the seaward side of the property; however during the site inspection, Mr. Haines observed a fully enclosed space. Ms. Keese explained that's an area where the property owner kept her dog, just above that is where the deck is located. Mr. Haines stated the enclosed space appears to be additional living space with a full foundation. He notified the Board of Health that there may be additional living space in that area. Mr. Haines expressed concern of a storm water catch basin adjacent to the site. Should the Commission issue a Negative Determination, he suggested adding a condition that BMPs must be utilized to prevent sedimentation into the storm water system. Ms. Keese asked if silt socks are preferred or hay bales or a combination of both. Mr. Haines stated there are silt barriers that can be placed directly into the catch basin or whatever the best management practice to prevent sedimentation will be acceptable. Ms. Keese agreed.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Ligor seconded a Negative Two Determination** With no discussion, the motion carried. 6-0-0.

2) Colonial Gas

File # CC17-25

Representative: Tighe & Bond

12 Bayview Avenue

To install a residential gas line within an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

(Hearing Under State Act Only)

Dana Vesty addressed the board and discussed the proposed project, installation of a residential gas line.

Board Comment – None.

Agent Comment – A site inspection was performed on July 5, 2017. Mr. Haines stated this is a straightforward utility installation and he has no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Ms. Leduc seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-0.

3) Joanne & Ellen Flanagan

File # CC17-26

Representative: Stephen Doyle & Associates

47 Salt Marsh Lane

To install a new Title V septic system and abandon the existing substandard septic components within an AE Flood Zone.

(Hearing under State Act Only)

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Stephen Doyle addressed to board and described the proposed project. He referred to the plan and discussed the layout of the property and the proposed location of the leaching area and the septic tank.

Board Comment – Mr. Holmes asked how many bedrooms the home has. Mr. Doyle stated the home has five bedrooms.

Agent Comment – A site inspection was performed on July 5, 2017. Mr. Haines stated this is a straightforward upgrade and he has no issues with the project as proposed.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Ligor seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-0.

4) Paul C. Duffey
File # CC17-27
Representative: Same
7 Little Bay Lane, Bourne

To permit coastal stairs and deck within an AE Flood Zone and within a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, letter from previous land owner and DEP Wetlands Change Mapping.

Paul Duffey addressed the board. He stated he was before the Commission last year for this project and neglected to file an RDA. He stated someone attending his open house informed the agent of this and the agent educated him on the proper channels to follow.

Board Comment – None.

Agent Comment – Mr. Haines stated at their June 15th hearing, the Commission discussed the violation on this property which consists of the unpermitted reconstruction of the coastal stairway as well as a patio paver walkway that had been installed along the salt marsh. Mr. Haines spoke to the representative and on the day that they spoke, Mr. Duffey removed the patio pavers from the salt marsh. Mr. Haines

re-inspected on July 11th and the paver pathway had been removed. Mr. Haines feels that area will bounce back on its own, so he doesn't feel mitigation is necessary as long as it's understood that no other pathway can be installed. In terms of the stairway, Mr. Haines stated he reviewed the minutes and the audio recordings from the original May 5, 2016 Conservation Hearing which was in regard to the original violation observed by the former agent, Brendan. It is Mr. Haines' interpretation of the materials that the Commission at that time requested an after-the-fact RDA on the access stairs based on a letter that Mr. Duffey had from the previous landowner which discussed the existence of a stairway in approximately the same footprint. Mr. Haines stated the Resource Areas are approximated on the plan so he'd like to stamp the plan with the Commission's standard language; action by the Commission does not indicate acceptance of the Resource Area delineation. Mr. Haines noted that the dimensions of the walkway on the plan are correct. He also noted that the real estate listing, which was provided by a Bourne resident, lists the house as having a boat dock/slip. Should the Commission decide to issue a Negative Determination, Mr. Haines recommends that a condition be added that the landing at the base of the coastal stairs is not to be used as a boat dock or slip and no storage or mooring of watercraft is allowed on the salt marsh.

Board Comment – Mr. Ligor asked what the probability is that the vegetation damage will repair itself. Mr. Haines stated there doesn't appear to have been any excavation performed; the pavers were just placed on top of the marsh. There is some dead material present, but it should repair itself fairly quickly. Chm. Gray agreed.

Ms. Weston opened a brief discussion with regard to the approximate age of the landing at the base of the stairs and the letter from the previous homeowner that discusses the stairway.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Leduc moved, Mr. Ligor seconded a Negative Determination with the condition suggested by the agent that the landing at the base of the coastal stairs may not to be used as a boat dock or slip and no storage or mooring of watercraft is allowed on the salt marsh.** With no discussion, the motion carried. 6-0-0.

Notice of Intent:

1) Town of Bourne

File Number: SE7-1979

Representative: George Sala, Superintendent Public Works

90 Main Street

Town of Bourne Department of Public Works has petitioned to continue improvements to include new walk ways, playground, a splash pad and landscape plantings; which are being performed in two phases within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, Operation & Maintenance Plan and DEP Wetlands Change Mapping.

Sallie Riggs and Brandon Konkel addressed the board. Ms. Riggs stated Mr. Sala wasn't able to attend. She provided a brief history of the project, thanked the Commission for their support and turned the presentation over to Mr. Konkel. Mr. Konkel stated Phase I of the project is wrapping up and they will now focus on Phase II which consists of installing two playground areas, a splash pad, a small pavilion, a larger pavilion and reinforced turf for a farmer's market purpose. He provided a brief description of the materials that will be used for the sidewalks, playground surfacing and splash pad and discussed the storm water management system. Mr. Konkel stated they will be following the best management practices for pollution prevention during construction and an Operation & Maintenance Plan has been submitted for maintenance of the landscaping, the rain gardens and the storm water infiltration systems.

Board Comment – Mr. Holmes stated he performed a site visit with the agent and asked if there's a proposed system to collect the water and reuse it. Mr. Konkel stated certain elements will be put in place during construction that will allow for a reuse system to easily be installed in the future when funding becomes available; however, that is not part of this project. For now, they will use rain and moisture sensors to minimize the amount of water that will be used for the irrigation.

Ms. Leduc discussed the possibility of having sensors at the splash pad to prevent water from spraying all day when it's not in use or when it's raining. Mr. Konkel stated the splash pad is divided into three zones, each zone has a push button that must be pressed in order to activate the water in that zone. It will be set to automatically shut off and would only be reactivated when the button is pushed again.

Ms. Leduc questioned where the excess water from the splash pad will be collected. Mr. Konkel briefly explained the process. A discussion ensued.

Mr. Ligor asked what species of trees will be planted. Mr. Konkel stated Red Maples and Oaks are being proposed. Mr. Haines stated not all of the proposed plants are native; however, he did review the plant list and there are no invasive plants on the list.

Mr. Ligor asked if a plan is in place for fertilizing all of the proposed lawn areas. Mr. Konkel stated they are currently working with the DPW to develop a plan to mitigate the amount of fertilizer that will be required. Mr. Ligor expressed concern that in the future, if they recycle the water, some of the nitrogen from the fertilizer will leach into it. He also expressed concern that some of the nitrogen could leach down to the canal. Mr. Konkel explained that a series of filters and pumps would have to be installed before any water would be recycled; even on the irrigation system. Mr. Ligor stated the Commission will have to evaluate the type of fertilizer that will be used. Mr. Konkel agreed. Ms. Riggs mentioned a conversation that transpired with the town administrator concerning the possibility of subcontracting the lawn maintenance to an outside company where it would be specified that low nitrogen fertilizer be used. Mr. Ligor asked if the same company would also cut the grass areas at the park. Ms. Riggs stated the DPW will cut the grass.

Agent Comment – Mr. Haines performed two site inspections with members of the Commission. He doesn't have any issues with the structural portion of the project as long as it receives the Board of Health's and the building inspector's approval; however, he expressed concerns with regard to water conservation and the turf grass management; mainly for nitrogen, but also for pesticides and herbicides. He stated the Commission has received an updated Operation & Maintenance Plan; however, there has not been a Turf Management Plan submitted. Mr. Haines was unable to speak to Mr. Sala to discuss this further and suggested that a Special Condition be added to the Order of Conditions requiring a Turf Management Plan be submitted that would have to be approved by the agent or the Commission at a later date. The plan should be specific with regard to fertilizer, pesticide and herbicide application.

Mr. Haines made note that starting next year, their MS4 Permit will require them to evaluate every public park for water conservation, fertilizer application and animal waste, to name a few.

Board Comment – None.

Public Comment – Mr. Mulvey also expressed concern over the use of fertilizer and agrees with the agent's suggestion of adding a Special Condition to the Order.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved, Ms. Weston seconded to close the public hearing.** With no discussion, the motion carried. 6-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1, 2, 3, 4, 7, 10, 12, 14, 15, 18, 19, 27 and 28, with no Special Conditions pursuant to the Bourne Wetlands Protection Bylaw; but a Special Condition requiring a Turf Management Plan specific to the application of fertilizer, pesticides and herbicides be supplied to Commission or its agent for approval.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved and Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 6-0-0.

Request to Extend Order of Conditions:

- 1) Ken Vona
File Number: SE7-1904
Representative: Warwick & Associates, Inc.
34 Baxendale Road

Home renovations, septic upgrade, and invasive species control within an AE Flood Zone and a Wetland Resource Area.

Agent Comment – Mr. Haines stated this is a one year request to continue with the invasive species management efforts and recommended granting the extension.

Chm. Gray entertained a motion. **Ms. Weston moved, Mr. Holmes seconded to grant the one year extension.** With no discussion, the motion carried. 6-0-0.

- 2) Monica Lewis, Trustee of ECJ Property Trust
File Number: SE7-1893
Representative: Sullivan Engineering & Consulting, Inc.

67 Pasture Road

Reconstruct existing licensed stone groin.

Agent Comment – Mr. Haines stated this request is for a one year extension to finalize plantings required in the Order of Conditions and recommended granting the extension.

Chm. Gray entertained a motion. **Ms. Weston moved, Mr. Holmes seconded to grant the one year extension.** With no discussion, the motion carried. 6-0-0.

Request for Certificate of Compliance:

1) Charles & Nancy Sweetman
File Number: SE7-1859
Representative: Atlantic Design Engineers
11 Phillips Road

Construction of a sloped stone revetment within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Agent Comment – A site inspection was performed on July 6, 2017. Based on site conditions, Mr. Haines recommended issuing the Certificate of Compliance.

Chm. Gray entertained a motion to issue the certificate. **Mr. Ligor moved, Ms. Weston seconded to issue the Certificate of Compliance.** With no discussion, the motion carried. 6-0-0.

Other Business:

- Lot 41 & 45 Winsor Road: Discussion of Bourne regulations and placement of seasonal floats on salt marsh.

Cambron Bright, a float owner, addressed the Commission. He stated in 1995, there were Notices of Intent filed and permits were granted in three year intervals, to allow the storage of 10 floats on the salt marsh. He discussed the results of a three year study that was performed by Dr. John Teal, which showed no significant or cumulative effect on the Wetland Resource or the shellfish resource in this area as a result of the floats being stored there. He explained that due to an illness, the person who typically filed the application to renew the permit failed to do so. He would like to file a Notice of Intent to renew the storage of the floats in the same area.

Board Comment – None.

Agent Comment – Mr. Haines stated Mr. Bright contacted him with regard to the Order of Conditions from 1995 which allowed for the off-season storage of floats on the salt marsh on those properties. The Order expired and a Certificate of Compliance was issued this spring. He was asked whether a new Notice of Intent could be filed. It was Mr. Haines' opinion that their current regulations under BWR 1.16(1)(e)(9), would not allow for the seasonal storage on a Wetland Resource Area. Mr. Bright questioned whether a new Notice of Intent would be applicable since it's been shown that there was no cumulative impact on the Resource Area. Mr. Haines thought the applicant should appear before the Commission for an interpretation of the regulations prior to going to the expense of filing the application for a Notice of Intent.

Board Comment – Ms. Leduc asked if the original Notice of Intent was purely to store the floats on the salt marsh during the off-season and if that's what he's seeking again. Mr. Bright stated that's correct.

Mr. Palumbo asked how many floats would be stored. Mr. Bright stated there were ten; however, he has not contacted all the float owners to see if they are interested in pursuing the matter.

Mr. Ligor asked if the ten floats will all be stored in the same location. Mr. Bright stated they'd all be stored on the same salt marsh. He referred to the plan to pinpoint the location of the storage area. Mr. Haines stated they were stored on two separate lots. A brief discussion ensued.

Mr. Palumbo asked if the floats would be hauled away if the applicant's request isn't granted. Mr. Bright stated they'd either be hauled away for storage off-site or they'd be stored on the mooring as they were the previous winter; which is fine as long as there's no ice.

Mr. Holmes clarified that the study performed was performed on the impact of the ten floats to the Resource Area. Mr. Bright stated that was correct. Ms. Leduc asked if there was a written copy of the study. Chm. Gray stated it would have been submitted in the original filing. A brief discussion transpired concerning Dr. Teal's expertise.

Mr. Ligor voiced concern that the study is 20 years old and the floats may have a negative impact to the Resource Area now. Ms. Leduc asked if the salt marsh has been examined recently. Mr. Haines stated he performed a site inspection in the spring, specifically at lot 45, and although he's not a salt marsh expert, there didn't appear to be a significant impact caused by the floats that were being stored on it at that time.

Chm. Gray stated the floats are being stored in the off-season on grass that is dormant, there wouldn't be impact. He feels the language in the regulations was written to prevent storage during the growing season.

Mr. Ligor asked when the floats are typically removed from the water. Mr. Bright stated the float owners typically remove the floats at the end of November and return them to the water around March and always during high tide.

Chm. Gray noted that because the floats have been stored on the salt marsh year after year for such a long period of time, Mr. Haines would have observed damage to the marsh in that area.

A brief discussion transpired concerning the need to update some of the Commission's regulations.

Mr. Palumbo commented that had the individual filed the application in a timely manner, the extension would have been granted. Mr. Haines stated the Commission granted 5 or 6 extensions.

A brief discussion transpired concerning Dr. Teal's study and whether or not it included impacts to marine life living in the marsh.

Mr. Bright referred to the regulations and explained why he doesn't feel they apply in this case. After a lengthy discussion, the Commission decided it would be worthwhile for Mr. Bright to file a Notice of Intent.

Public Comment – Mr. Mulvey suggested specifying dates of dormant period vs. the growing period. Chm. Gray stated that may be a consideration at the time they review this matter. Chm. Gray offered his opinion on when he thinks the dormant season begins and ends.

Chm. Gray stated the Commission has the ability to revise the language in the regulations at any time, as long as that meeting is advertised two weeks in advance and the exact language of the proposed change is included in the advertisement.

- 130 Wings Neck Road: Violation for mowing, fence installation and placement of patio paver path within a Wetland Resource Area.

Mr. Haines shared photos of the site with the Commission. He stated on June 29th he received an anonymous tip that there had been a violation on this property. He visited the site on that day, no one was home. He found an open Order of Conditions for a septic installation only. Mr. Haines photo documented the violations. He stated based on aerial photography, the violations occurred sometime between May 23, 2015 and May 10,

2016. Mr. Haines issued a violation letter on July 7, 2017 via certified mail. He revisited the property on July 11th and knocked on the door, but no one was home. He has not heard back from the property owner regarding the violation but because of the holiday, suggested allowing the property owner to respond to the violation letter by the next hearing date.

A brief discussion transpired with regard to the historic site plan, the delineated wetland and the pathway that's depicted on the plan. Mr. Haines noted that the site plan on file was submitted strictly for a septic upgrade. Chm. Gray asked what the previous Order of Conditions was approving. Mr. Haines stated it approved that plan for a septic upgrade.

A brief discussion transpired with regard to the violation letter that was sent. Chm. Gray referred to the site photographs and questioned the type of vegetation growing on the property. Mr. Haines stated he observed Phragmites; however, he did not inventory all of the vegetation growing on site. Chm Gray asked the agent to pinpoint the extreme high water line to establish whether or not the area being mowed is salt marsh. He would like the agent to work with the property owner to file a Notice of Intent to establish a mowing schedule in an effort to suppress the Phragmites and to encourage the salt marsh vegetation that's being crowded out to grow. Mr. Haines stated under that condition, the property owner would still have to remove the fence and the patio pavers. Chm. Gray agreed as long as the pavers weren't approved under a previous filing.

A brief discussion transpired concerning whether or not the Commission would have approved the installation of patio pavers as a pathway on the salt marsh. Ms. Weston questioned whether or not the Commission previously approved a patio paver pathway. Mr. Haines stated he reviewed every Notice of Intent for this property and he did not find any filing for a patio paver pathway.

After further discussion, the Commission decided to wait for a response from the property owner before taking further action.

- 132 Wings Neck Road: Violation for unpermitted construction of salt marsh walkway.

Mr. Haines stated no formal violation has been issued. He explained while reviewing 130 Wings Neck Road, he observed that the neighbors at 132 had mowed the salt marsh and a wooden walkway was installed over the marsh. The mowing of the salt marsh was approved under a historic Order of Conditions, SE7-0943, which allowed for the mowing of salt hay. The order was not extended, nor were there any conditions applied in perpetuity for that work. Based on aerial photography, it appears that the unpermitted salt marsh walkway was constructed on this property sometime between December 30, 2010 and March 11, 2012. Based on assessor's information, the property was purchased by the current home owner in February 2013, after the walkway was already in place; therefore,

the current homeowners are not responsible for the walkway violation. Mr. Haines spoke to the homeowners who were told that everything was permitted correctly. Mr. Haines referred back to the historic Order of Conditions which allowed for the mowing four times per year. The homeowners are currently mowing every three weeks, because according to them, thought they were grandfathered in to mow the marsh whenever they would like. A lengthy discussion on how to proceed transpired.

Public Comment – Mr. Mulvey suggested conditioning that the property owners plant indigenous species as a way of eliminating the Phragmites. Chm. Gray doesn't feel that's necessary and explained by cutting the Phragmites lower, it allows the salt marsh vegetation to grow higher, thus becoming the dominant vegetation. The only way to keep it the dominant vegetation is to control the Phragmites by mowing.

After a lengthy discussion, the Commission decided that a new Notice of Intent should be filed along with a stamped survey plan with a delineation of that salt marsh for the mowing and the walkway.

- 9 Fabyan Way: Violation for unpermitted construction of stairway on Coastal Bank and illegal mooring on salt marsh.

Agent Comment – Mr. Haines stated on July 7, 2017 he was notified by DNR of a boat illegally moored on the salt marsh at 9 Fabyan Way. The DNR director informed the agent that the boat was being tied off to a set of coastal stairs as an illegal mooring. In reviewing the photos, it appears that the stairs are fairly new. Mr. Haines could not locate any record of the stairs being permitted with the Commission; however, after speaking with the homeowner, Mr. Chauvin can provide documentation that there were historic stairs in that area.

Chm. Gray asked Mr. Chauvin when he purchased the property. He stated it was in 2002. Mr. Chauvin expressed his regret and assured the board that the violation was not malicious in nature, but rather was caused by his ignorance and not properly educating his children, who use the boat, on the importance of caring for the salt marsh. He was also confused by the term, mooring, but has since educated himself with the Commission's Bylaws.

Mr. Haines stated based on past precedent, he recommends that an RDA be submitted for the reconstruction of the stairs so the Commission has on record the exact dimensions of those stairs and he can perform a site inspection. Mr. Haines stated in his opinion, the grounding of the boat is a clear violation. He'd like to issue a letter stating any future grounding of the boat within the salt marsh is a violation of the Wetlands Protection Act and will be subject to enforcement action.

A brief discussion transpired with regard to Mr. Chauvin possibly anchoring his boat on a bank off the marsh. Mr. Haines stated overnight anchoring of the boat without a permit becomes a DNR issue. Mr. Chauvin stated he applied for a mooring and is on the wait list. Mr. Palumbo suggested the property owner look into applying for an Outhaul Permit. A discussion ensued.

Public Comment – Mr. Mulvey discussed the number of pending mooring applications in that area. Mr. Haines stated there's currently a 1-2 year wait for a mooring to become available in Mr. Chauvin's location.

Mr. Haines reiterated to the property owner that he will need to work with him on the RDA for the stairs. Mr. Chauvin agreed and thanked the Commission.

- 125 Presidents Way: Ratification of Emergency Certification for replacement of failed septic system.

After a brief explanation, Chm. Gray entertained a motion. **Mr. Holmes moved, Ms. Weston seconded to ratify the Emergency Certification.** With no discussion, the motion carried. 6-0-0.

- Red Brook Pond fish passage and sluiceway: Ratification of Emergency Certification for drainage improvements to relieve pressure on dam and down-gradient structures.

Mr. Haines stated at the request of DNR, he issued the Emergency Certification for excavation around the sluiceway and the placement of a new drainage system to relieve pressure on the dam and road as shown on the December 2006 plan designed by JC Engineering. The reason it needed to proceed under an Emergency Certification was because a survey of the road showed more evidence of hydraulic pressure than was originally anticipated. Also, DNR has been waiting five months to obtain state approval for the work to proceed. Approval came on June 27th and the funds that were earmarked for the project had to be spent before July 1st.

A brief discussion transpired concerning the work that was performed.

Public Comment – Mr. Mulvey opened a brief discussion concerning maintenance needs at the herring run. Mr. Haines stated this work was unrelated to the herring run, it was an emergency repair to relieve pressure on the dam and the roadway. Mr. Mulvey stated it's a deficient herring run but asked if the increase in water flow will have any adverse effect on any use the run may receive. Mr. Haines stated DNR was surprised to find a number of small herring present. He doesn't think it will have any impact on the fish that are present as it was a relatively non-invasive procedure that was performed.

Ms. Weston moved, Mr. Holmes seconded to ratify the Emergency Certification.

With no discussion, the motion carried. 6-0-0.

- Discussion of residential service line connections and Flood Zone Policy 17-3

Mr. Haines would like the Commission's permission to administratively approve residential service line connection requests. After a brief discussion, Chm. Gray entertained a motion to give the agent the authority to process residential service line connections administratively. **Ms. Weston moved, Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

- Vote excused absent members, if necessary – **Mr. Ligor moved, Ms. Weston seconded to excuse Paul Szwed.** With no discussion, the motion carried. 6-0-0.

- Acceptance of Previous Meeting Minutes – None.

- Report of the Conservation Agent – Mr. Haines provided a brief update on the Sagamore Highlands beach access stairway.

Mr. Haines informed the members that he spoke with the DNR director concerning an increase of boats being stored on the salt marsh seasonally. He would like to create an educational form letter stating no adverse impacts to the salt marsh are allowed and to contact the agent. He explained DNR has been ticketing violators and they asked for the Conservation agent's support with this issue. Mr. Haines will hand out the letter if he sees a violation while out in the field. The letter will provide information on the value of the salt marsh and will ask the boat owner to refrain from storing their boat there.

Mr. Palumbo asked if the letter will suggest an alternative. Mr. Haines stated he and the DNR director have been discussing dinghy rack ideas for various locations and they will bring those ideas before the Commission soon. After a brief discussion, the Commission members were in agreement that Mr. Haines should draft the informational letter.

- Correspondence – None.

- Public Comment Period on Non-Agenda Items- None.

- Any other business that may legally come before the Commission – None.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Ms. Weston moved, Mr. Holmes seconded to adjourn. With no discussion, the motion carried. 6-0-0. The meeting adjourned at 8:52 PM.

Minutes submitted by: Carol Mitchell