

Conservation Commission

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

May 17, 2018

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on May 17, 2018. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 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 rules; which allow 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, Robert Palumbo, Thomas Ligor, Melvin P. Holmes and Paul Szwed.

Excused Members: Susan Weston, Elise Leduc and Associate Member, Greg Berman.

Also Present: Sam Haines, Greg Cummings, Nicole Lord, H. Baker, Chris White, Tad Chase, E.V. Sweeney, Tadhg Sweeney, Jim Mulvey, Matt Farrell, Bob Rego, Jim Haggerty, Michael Ball, Patti O'Keefe, Chris Gilbert, Tim Santos and Andrew Magee.

Request for Determination of Applicability:

1) Applicant: Kenneth & Dena Carlone

File Number: CC18-14

Representative: J.M. O'Reilly & Associates, Inc.

1 Indian Trail, Sagamore Beach

To construct a single-family dwelling within 100 feet of a Wetland Resource Area.

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

Matt Farrell along with Jim Haggerty addressed the members and briefly discussed the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated the only proposed work in the jurisdiction area is tree removal and landscaping in the outer 50-foot buffer. The work is located across the street from the Resource Area. Mr. Haines stated the only issue he identified is the property grades down toward the road, the Resource Area and an MS-4 catch basin, so he suggested the Commission place a condition on any Determination that erosion controls must be placed at the limit of work as shown on the plan of record.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Ligor seconded a Negative Two Determination.** With no discussion the motion carried. 5-0-0.

Chm. Gray recused himself from discussion and vote. Mr. Palumbo chaired the meeting.

2) Applicant: Gary Morgan

File Number: CC18-15

Representative: Bracken Engineering, Inc.

18 Emerson Ave, Bourne

To reconstruct and expand portions of existing deck including installation of new concrete footings, expansion of existing concrete pad; and raze and reconstruct existing shed within an AE Flood Zone.

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

(Reviewed Under State Act Only)

Mt. Haines announced that the representative from Bracken Engineering was not able to attend; however, due to the straightforward nature of the project, he's hoping the Commission will make a determination without representation.

Agent Comment – Mr. Haines stated the proposed work will be conducted on a flat lot, within the AE Flood Zone only. As long as the proposed work meets the building code, he didn't identify any issues with the project.

Board Comment – Mr. Palumbo asked if there is any reason to believe that the proposed work will not meet the building code. Mr. Haines indicated no.

Mr. Ligor asked if the proposed shed will require a foundation. Mr. Haines stated it is his understand that footings will be required in order to anchor the structure to the ground. Based on the size of the proposed structure, Mr. Haines doesn't feel flood vents will be required; but that will be up to the building inspector to determine.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Ligor moved, Mr. Holmes seconded a Negative Two Determination.** With no discussion the motion carried. 4-0-0.

Chm. Gray returned to chair the meeting.

3) Applicant: Gerald Atkins

File Number: CC18-16

Representative: Marsh Matters Environmental
20 Bradford Road, Sagamore Beach

To replace sewage disposal system including S.A.S. pump, chamber septic tank and conduits within an AE Flood Zone and 100 feet of a Wetland Resource Area.

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

Mike Ball addressed the members and briefly discussed the proposed project.

Board Comment – Mr. Holmes asked if this is a 3-bedroom home. Mr. Ball stated he believes it is.

Mr. Ligor asked if the existing cesspool is going to be filled. Mr. Ball stated it will be abandoned and filled. Mr. Ligor asked if it will be filled with all sand. Mr. Ball stated he believes so.

Agent Comment – Mr. Haines stated it's a tight site and a small lot. The proposed septic system is being placed as far away from the wetland as possible and the wetland delineation looks accurate. He didn't identify any issues with the project.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Ligor seconded a Negative Two Determination.** With no discussion the motion carried. 5-0-0.

Notice of Intent

Mr. Palumbo recused himself from discussion and vote.

1) Applicant: Jean Vendice and Ed Sodney

File Number: SE7-2021

Representative: River Hawk Environmental, LLC.

17 South Road, Pocasset

To construct a single-family dwelling, garage, guest house septic system, well, grading driveway, utilities, and elevated walkway within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, Letter from Division of Marine Fisheries and DEP Wetlands Change Mapping.

Bob Rego addressed the members and provided a brief presentation for the proposed project. He discussed the need to submit a revised plan based on feedback received from the agent regarding the elevated walkway. The representative also discussed the applicant's desire to perform limited vista clearing.

Board Comment – Mr. Ligor opened a brief discussion regarding the number of trees the applicant is proposing to remove.

Agent Comment – Mr. Haines stated the proposed vista clearing was not included in the original application nor was it advertised for this project; so the Commission will have to determine whether that should come under a separate filing. Mr. Haines mentioned on May 14th he emailed the representative asking for a stamped engineering detail for the elevated walkway. The representative was also informed that the walkway cannot extend beyond the seaward edge of the marsh under current regulations because it is located

within a Velocity Zone. The plan shows approximately 113' of walkway, while the marsh appears to be between 85' - 90'. Mr. Haines noted discrepancies between the filing and his observations; the filing does not show a wetland restriction, but based on his mapping, there does appear to be a restriction on the marsh. Also, the filing shows 25 linear feet of Coastal Bank impacts; however, he did not see a Bank noted on the plan or staked in the field. The filing shows 440 sq. ft. of saltmarsh impacts but no impacts to BVW. Based on the plan, it looks like 360 sq. ft. of marsh will be impacted and 60 sq. ft. of BVW. Because they are awaiting a response from The Natural Heritage & Endangered Species Program, engineering details and a revised plan needs to be submitted, Mr. Haines recommended continuing the filing to June 7, 2018.

Board Comment – Chm. Gray questioned how the impacts to the saltmarsh and BVW were calculated. Mr. Rego briefly explained how the impacts were calculated. A brief discussion transpired regarding the size of the pilings being proposed. Chm. Gray suggested recalculating the impacts based on the square footage of the piles because if the walkway meets the height to width ratio, the impacts to the saltmarsh and the BVW is considered benign. Chm. Gray referred to the DMF letter which offers height to width ratio suggestions.

After a brief discussion regarding the proposed vista clearing, it was decided that the agent will meet the applicant onsite to determine if a view shed can be established or if it will require a separate filing. Chm. Gray suggested they determine the number of trees proposed to be removed and then return with a tree count. Mr. Haines stated it will be beneficial to him for them to flag a view shed in the field.

Mr. Ligor noted that a pool is proposed on the plan yet it is not included in the project description. A brief discussion transpired regarding the type of pool being proposed and how it will be sanitized. Mr. Ligor asked that specifics regarding the proposed pool be available at the continued hearing.

Public Comment – Tadhg Sweeney of 29 South Road addressed the members. He asked for clarification regarding who currently owns the property. He also questioned whether architectural plans have been submitted. Mr. Haines stated the Conservation Commission does not require architectural plans, but a building permit requires them. Mr. Sweeney expressed concern over the proposed tree removal on the property. Mr. Haines explained the property owner has the right to clear trees on the site that fall outside of the Commission's jurisdiction. Mr. Rego explained to Mr. Sweeney the tree clearing that's being proposed.

Mr. Sweeney expressed concern over the loss of wildlife habitat. Mr. Ligor agreed and stated maintaining a wildlife habitat for whatever species currently living on the site is

one of his goals. A brief discussion transpired regarding the Priority Habitat that's located on the site. Mr. Haines stated they are awaiting a response from The Natural Heritage & Endangered Species Program. He explained that Natural Heritage's primary focus will be on the saltmarsh walkway because that is the only part of the project that's within their mapped habitat; the house, driveway and septic system all appear to be outside of mapped habitat.

A brief discussion transpired regarding water access at the end of the walkway.

Chm. Gray made note that the site isn't currently mapped as habitat for Eastern box turtles. He suggested if anyone has seen that species in the area, to document it and notify The Natural Heritage & Endangered Species Program. He went on to explain the measures that would need to be taken with future projects in mapped habitat areas. A discussion ensued.

Tad Chase, an abutter across the street thanked the Commission for being cognizant of the wild life in the area. Mr. Chase then raised concern that the proposed garage will be located within the Velocity Zone. Chm. Gray informed him that the entire house, garage and all of the septic components will be located outside of the Velocity Zone.

Chm. Gray thanked everyone for their input.

At the request of the representative the hearing was continued to June 7, 2018, for further information and review.

2) Applicant: Anne Serrell-Jones Trustee

File Number: SE7-2019

Representative: Holmes and McGrath, Inc.

382 Scraggy Neck Rd., Cataumet

To perform vegetation management by removing invasive Phragmites from the Bordering Vegetated Wetland and buffer zone within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Phragmites Management Protocol Revised Site Plan and DEP Wetlands Change Mapping.

Tim Santos along with Andrew Magee addressed the members and discussed the Phragmites Management Plan. Mr. Magee provided a few facts about Phragmites, the proposed management strategy and the proposed restoration plan.

Board Comment – None.

Agent Comment – Mr. Haines stated the only concern he had was the original delineation showed the area on the plan as BVW, but it's his contention that the area is actually saltmarsh not BVW. The plan has been revised to reflect this and Mean High Water was also added to the revised plan. Otherwise, this is a straightforward invasive species management project and he didn't identify any issues with the proposed work. Mr. Haines suggested applying the standard Additional Special Condition; herbicide application must be performed by a licensed applicator. Herbicide must be applied directly to the cut stem of the invasive plant; no foliar spraying of herbicides are permitted under this Order.

Chm. Gray asked if any of the herbicide will escape from the targeted plant through the root system and will it have any affect on any of the other vegetation that isn't the target vegetation. Mr. Magee stated no and explained the process. A discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved, Mr. Szwed seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 7, 9, 10, 12, 15, 22, 27, 28, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 number; 2, and ASC (1) herbicide application must be performed by a licensed applicator. Herbicide must be applied directly to the cut stem of the invasive plant; no foliar spraying of herbicides are permitted under this Order.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Palumbo moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0.

3) Applicant: Massachusetts Maritime Academy

File Number: SE7-2020

Representative: Baxter NYE Engineering and Surveying

101 Academy Drive, Buzzards Bay

To construct a 1,519 sq. ft. addition to the Mess Deck / Food Service building with modification of existing paved parking area and improvements to existing storm water facilities within an AE Flood Zone.

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

(Reviewed Under State Act Only. Continued from May 3, 2018)

Mike Ball addressed the members. He stated there were two issues at the previous hearing; DEP hadn't issued a file number and there was a discrepancy with the project size. DEP has issued a file number with no comment and the plan has been corrected to reflect the proper square footage of the proposed project.

Board Comment – Mr. Ligor asked what the correction was. Mr. Ball stated the plan showed the addition to be slightly more than 1,600 sq. ft. That has been corrected to show the addition to be 1,517 sq. ft.

Agent Comment – Mr. Haines stated a file number was received as was a revised plan, so the filing and the plan now match.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved, Mr. Palumbo seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 7, 9, 10, 12, 15, 18, 19, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 number; 7.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0.

4) Applicant: Joseph Botti Company

File Number: SE7-2011

Representative: Farland Corp. Engineering

819 Head of the Bay Road (Lot 1), Buzzards Bay

To construct an attached garage and a subsurface sewage disposable system within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record, Alternatives Analysis, Redevelopment Guidelines of Rivers Protection Act and DEP Wetlands Change Mapping.

(Continued from 4/19/18)

Chris Gilbert distributed a revised plan to the members. He discussed the proposed project, to raze and rebuild an existing dwelling with a proposed garage, driveway and septic system. He stated since the last meeting, his client asked him to revise the plan, changing the dwelling from a three-bedroom to a four-bedroom.

Chm. Gray questioned whether the representative was able to find out additional information requested previously as to whether the stream is intermittent or perennial. Mr. Gilbert stated he was unable to obtain additional information. Mr. Haines stated he too was unable to obtain additional information as to whether the stream was classified as perennial or intermittent under a study that was performed in 2007. Chm. Gray expressed concern that by establishing the river as perennial with this filing, that would require future filings in Hideaway Village within two hundred feet of the Riverfront to meet Riverfront Standards unnecessarily. Mr. Haines stated the representative provided the plans based on Riverfront Standards for this filing and they're willing to move forward with the project meeting Riverfront Standards. He suggested that the Commission conditioning the Order. A discussion ensued.

Chm. Gray asked if the representative contacted Atlantic Design who conducted a study of the river back in 2007. Mr. Gilbert stated he contacted LAC Environmental who provided the original determination for Atlantic Design, but they were unable to provide any information on the results of the study.

Public Comment – Jim Mulvey suggested the Commission move forward based on their interpretation.

Chm. Gray asked the representative if he'd like to move forward as presented or continue the matter for further investigation. Mr. Ligor asked the representative when the last time it was that he looked at the river and if there was water flowing. Mr. Gilbert stated he's been to the site twice and each time the river was flowing. The members conversed over the site photographs. Mr. Haines stated there's an 8' wide, well-defined bank. He asked if it was for this property that the study in 2007 was performed for. Chm. Gray stated it was performed for this property. After a lengthy discussion regarding the study, it was decided the matter would be continued to allow the agent to conduct further research as to whether the stream was classified as intermittent or perennial.

With the consent of the representative, the matter was continued to June 7, 2018.

- 5) Applicant: Joseph Botti Company
File Number: SE7-2012
Representative: Farland Corp. Engineering
819 Head of the Bay Road (Lot 2), Buzzards Bay

To construct a single-family dwelling and attached garage; install a new Title 5 septic system; and all associated grading, landscaping, utilities, and appurtenances within 100 feet of a Wetland Resource Area.

(Continued from 4/19/18)

With the consent of the representative, the matter was continued to June 7, 2018.

- 6) Applicant: Steve Cook
File # SE7-2003
Representative: Civil Environmental Engineering
165 Jefferson Road, Gray Gables

To raze the existing house; construct a new single-family residence; driveway; swimming pool and perform filling and grading and all usual appurtenances within a V Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued to June 7, 2018)

- 7) Applicant: Patti and Kevin O'Keefe
File # SE7-1993
Representative: MM Environmental
130 Wings Neck Road, Pocasset

Reconstruct and enlarge a deck; permit an existing dog enclosure fence; remove a paver walkway and replace with elevated saltmarsh boardwalk and invasive species management within a V Flood Zone and a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record, Phragmites Management Protocol, Architectural detail for the deck and DEP Wetlands Change Mapping.

(Continued from 3/1/18)

Mike Ball along with Patti O'Keefe addressed the members. Mr. Ball thanked the members for allowing the matter to be continued several times since the original hearing

on December 21, 2017. He briefly discussed the pet enclosure that was constructed on the saltmarsh without a permit. This was a significant part of the discussion at the original hearing. Mr. Ball stated a new plan for the elevated boardwalk has been drafted and stamped by Michael Borselli of Falmouth Engineering; the original plan had been drafted by Warwick & Associates. The revised plan also shows the deck enlargement and the proposed Phragmites management. Mr. Ball briefly discussed the proposed deck expansion which was revised from 12' to 9' as a result of push back from the Commission at the original hearing.

Mr. Haines questioned whether the proposed deck will be cantilevered. Both Mr. Ball and Mrs. O'Keefe stated it will be.

Chm. Gray stated the Department of Marine Fisheries, with regard to elevated walkways, has changed their suggested height to width ratio from 1:1 to a height of 1.5:1. After a brief discussion, it was decided the proposed deck design would be acceptable as is. Mr. Haines stated he will contact DEP to discuss the DMF suggested ratio changes to see if they too will be implementing similar changes.

Chm. Gray opened a brief discussion regarding the pet enclosure. Mr. Ball presented his case as to why he feels the enclosure does not have a negative impact on the saltmarsh. Chm. Gray questioned whether the dogs themselves will adversely impact the marsh. Mr. Ball stated the O'Keefe's are diligent about picking up the dogs' excrement. Mrs. O'Keefe stated the enclosure is more for convenience in the morning and evening; the dogs are not penned up full-time.

Chm. Gray questioned the proposed Phragmites management. Mr. Ball discussed the total square footage of the marsh overtaken by Phragmites and the proposed management protocol. Mrs. O'Keefe stated she is not opposed to mowing as a means of managing the invasive species without the use of herbicides. A discussion regarding the use of herbicides ensued.

Board Comment – None.

Agent Comment – Mr. Haines stated he doesn't have an issue with the proposed deck expansion as long as it's cantilevered. As for the Phragmites management, he stated he has not found any research that suggests mowing more than twice per year is more beneficial with managing them. A brief discussion transpired regarding the potential benefits/drawbacks to increasing the number of mowings.

Chm. Gray suggested a status report on the progress of the Phragmites management be submitted annually to the Commission. Mr. Haines stated based on the neighboring property, (who control their Phragmites by mowing) it will be a few years before measurable results are seen without the application of an herbicide; therefore, he suggested the applicant wait three years and file the status report along with their request for an extension. Mrs. O'Keefe asked whether the Commission would prefer the use of an herbicide. Mr. Haines stated he'd prefer herbicides not be used; however, he doesn't know how effective strictly mowing will be. Chm. Gray agreed. Mr. Haines stated this Order will allow for both; herbicide application and mowing. Mr. Haines stated he does not have any issue with the proposed height of the walkway at 3 feet. His major concern is the placement of the fence and its use as a dog pen. Overall, he doesn't feel the fence itself will have an adverse impact; however, he's concerned that approving the fence will set a precedent. Adding that although the O'Keefe's are diligent about cleaning up excrement, dogs dig, urinate and defecate; which could impact vegetation or add nutrients to the system. Mr. Haines expressed concern over the resale of the property and that a future homeowner may not be as diligent. He suggested, if the Commission allows this project to move forward, conditioning the Order a) the fence would have to be moved off the neighbor's property unless written permission is received b) he would like monitoring to determine whether there is any adverse impact to the dog area as a result of its use. If there is, the Commission needs to have a trigger to remove the fence.

Chm. Gray suggested conditioning the Order that the pet enclosure be subject to review each year to determine whether the marsh is being adversely impacted. A brief discussion transpired regarding the issuance of a Certificate of Compliance. Chm. Gray stated when the COC is issued, it can be conditioned that the annual review continue in perpetuity.

Mrs. O'Keefe expressed her willingness to comply with the Commission's requests.

Public Comment – Mr. Mulvey asked if subsurface disposal is being proposed. Mr. Haines stated no, the dog waste will be bagged and taken to the landfill.

Chm. Gray entertained a motion to close the public hearing. **Mr. Ligor moved, Mr. Holmes seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1-4, 7, 9, 10, 12, 15, 18, 22, 27-29 Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 20, 24, 25, with the following Additional Special Conditions, ASC (1) any proposed extension of the deck seaward of the existing structure must be cantilevered. No

ground disturbance is permitted closer to the Resource Area than the existing footings, ASC (2) this Order requires the complete removal of the patio paver walkway within the saltmarsh, ASC (3) this Order requires the complete removal of the unpermitted posts and fence within the delineated salt marsh if yearly monitoring by either the Bourne Conservation Agent or another wetland scientist determines that either the structure or its use as a dog enclosure is having an adverse impact on the salt marsh vegetation, ASC (4) this Order allows the mowing of invasive Phragmites a maximum of two to four times per year. Mowing should occur once when the ground is frozen to prevent soil compaction erosion and again prior to late summer during the tasseling period when most of the food reserves are stored in the upper portion of the plant. Improper use of mechanical methods such as cutting during the wrong time of year, cutting too frequently, cutting too short or when native plants are present can disrupt wildlife and destroy existing native plants. Mowing more often than allowed under this permit may result in enforcement under the Wetlands Protection Act and the Bourne's Wetlands Protection Bylaw, ASC (5) once an area has been mowed or cut, thatch should be raked, bagged and disposed of in an appropriate location to prevent seed spread and to allow sunlight to reach the soil surface, ASC (6) the following best management practices shall be employed during mowing activity; the mower deck must be set to a mower height greater than four inches to minimize impact on small animals and native plants, when mowing, the site must be dry enough to support the weight of the mower in order to avoid soil disturbance, equipment used to manage Phragmites must be cleaned properly of all debris before it is removed from the treatment site to prevent unintended spread of seeds from dry zones to other areas, ASC (7) any herbicide application must be performed by a licensed applicator. Herbicide must be applied directly to the cut stem of the invasive plant, no foliar spraying of herbicide is permitted under this Order, ASC (8) prior to any extension or issuance of a Certificate of Compliance, the applicant must have a wetland scientist monitor the saltmarsh to determine the effectiveness of the invasive species control method as well as determine whether the fence structure or its use as a dog enclosure has any adverse impact on the saltmarsh vegetation. The monitoring report must be provided to the Conservation Department prior to any request for extension or COC, ASC (9) the fence must be constructed on the subject property only unless the abutter permits the location in writing.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Holmes moved, Mr. Ligor seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0.

8) Applicant: Tahanto Associates, Inc.

File # SE7-1999

Representative: Design Consultants, Inc.

0 Tahanto Road, Pocasset

To demolish an existing 30' wooden pedestrian bridge and replace it with a 35' aluminum pedestrian bridge within a V Flood Zone and within a Wetland Resource Area.

(At the request of the representative this filing will be continued until June 7, 2018)

Other Business:

Mr. Haines explained due to a death in the family, he was unable to attend the May 3rd hearing. Several hearings were closed, but Draft Order weren't heard nor was the Final Order issued. Mr. Haines prepared Draft Orders for the following;

- Issuance of Order of Conditions for SE7-2016 for Joseph F. & Karen L. Moore at 65 Winsor Road, Cataumet.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1-4, 7, 9, 10-12, 14, 15, 18-20, 24, 27-29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 4-7, and 12 with no Additional Special Conditions.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Palumbo moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0.

- Issuance of Order of Conditions for SE7-2017 for Robert G. & Kathleen F. Ix at 464 Scraggy Neck Road, Cataumet.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1-7, 9-12, 14-16, 18, 19, 21, 27-29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 2, 4, 5, 6, 7 and 9, with the following Additional Special Conditions; ASC (1) the coastal access stairs shall not contain back risers on the stairs. Risers prohibit light penetration and vegetation growth on the Coastal Bank, ASC (2) the restoration of the Coastal Bank is not approved as part of this Order. Nourishment of the Bank was provided by the Massachusetts Department of Environmental Protection as part of the March 2, 2018 Emergency Declaration and any future remediation or work must be performed under a separate filing, ASC (3) any vegetation or tree removal within the fifty-foot buffer to the Coastal Bank must be replaced within the buffer with similar species at a ratio of two plantings for every one removal, ASC (4) the existing shed

within the fifty-foot buffer may remain in place; however, any new structures shall be set back at least fifty feet from any Wetland Resource Area per Article 3.7 of the Town of Bourne's Wetlands Protection Bylaw.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Palumbo moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0.

- Issuance of Order of Conditions for SE7-2018 for John J. Flatley at 52 Pasture Road, Cataumet. – Mr. Haines stated there was a question at the hearing as to whether the agent felt drainage was necessary in the form of drywells or swales. Mr. Haines looked at the project and being that the tennis court is flat with a fifty-foot naturalized buffer, he doesn't feel that drywells are required. He stated it's easy enough to add them should the Commission feels they are necessary. Mr. Palumbo stated he didn't feel they were necessary at the meeting but it was an issue that was raised. Mr. Ligor agreed.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 7, 9, 10, 12, 14, 15, 18, 19, 21, 27, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 2-7, with no Additional Special Conditions.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0

- Vote excused absent members, if necessary – **Mr. Ligor moved, Mr. Holmes seconded to excuse Ms. Weston, Ms. Leduc and Mr. Berman** With no discussion, the motion carried. 5-0-0.

- Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of January 18, 2018. **Mr. Ligor moved, Mr. Palumbo seconded to approve the minutes of January 18, 2018.** With no discussion, the motion carried. 4-0-1. Mr. Szwed abstained.

Chm. Gray entertained a motion to approve the minutes of March 1, 2018. **Mr. Ligor moved, Mr. Palumbo seconded to approve the minutes of March 1, 2018.** With no discussion, the motion carried. 4-0-1. Mr. Szwed abstained.

Chm. Gray entertained a motion to approve the minutes of March 15, 2018. **Mr. Ligor moved, Mr. Palumbo seconded to approve the minutes of March 15, 2018.** With no discussion, the motion carried. 4-0-1. Mr. Szwed abstained.

- Report of the Conservation Agent – Mr. Haines informed the members of some of the administrative approvals he recently performed.

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

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

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

II. Adjournment

Mr. Holmes moved, Mr. Palumbo seconded to adjourn. With no discussion, the motion carried. 5-0-0. The meeting adjourned at 9:18 PM.

Minutes submitted by: Carol Mitchell