

# **Conservation Commission**

## **Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

August 2, 2018

### **I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on August 2, 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, Rob Palumbo (7:02), Paul Szwed, Melvin P. Holmes, Elise Leduc and Associate Member, Greg Berman.

**Excused Members:** Thomas Ligor and Susan Weston.

**Also Present:** Sam Haines, Carol Mitchell, Jim Mulvey, Richard Selby, Jay Muncey, Peter Valeri, Richard Menkello, Dan Hayes, Earl Mayhofer, Brad Bertolo, Mike Ball, John Ross, Matt Mielbye, Tim Santos and Paul Pacela.

Chm. Gray asked for a moment of silence for former Conservation Commission member, Elizabeth (Betsy) Kiebala, who recently passed away.

**Request for Determination of Applicability:**

1) Applicant: Darlene and Ronald Chickosky

File Number: CC18-25

Representative: Peter Valeri

35 Studio Dr., Buzzards Bay

To upgrade current septic system 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.

Peter Valeri addressed the members and discussed the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated the project is located on a steep grade in an existing landscaped area. He recommended erosion controls be placed on the eastern edge of the work limit to prevent potential road drainage issue.

Board Comment – None.

Public Comment – None.

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

2) Applicant: Earl Mayhofer Jr.

File Number: CC18-26

Representative: Same

154 Puritan Rd., Buzzards Bay

To construct a deck and install a hot tub within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, Aerial Photographs, Email Correspondence between applicant and previous agent and DEP Wetlands Change Mapping.

Mr. Mayhofer addressed the members. He stated the agent inspected the area and emailed him some questions. Mr. Haines suggested he should present the proposed project and they'll address the questions later in the presentation. Mr. Mayhofer stated he has requested a lot of permits over the years and this will probably be his last project on the

property. He is proposing to install a two-person hot tub. He stated it will not be any closer to the Resource Area than what is currently existing. He provided a brief description of the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated the shed and deck were permitted in 2011 under file number CC11-52. He couldn't find any permitting for the dock. He looked at aerial photographs and found the dock dating back to 2008, but nothing before that. The dock was not shown on the 2011 plan; however, based on photos of the site at that time, the dock was in place when it was inspected by the previous agent. There was no discussion of that structure based upon the meeting minutes. Based on aerial topography, it looks like there was substantial work on the property between 2015 and 2016, including a retaining wall which the previous agent appears to be made aware via email.

Mr. Mayhofer stated there was an existing dock on the property when he purchased it in 2007. He never received a permit with the purchase. He stated the dock is a temporary dock and is removed in the winter time. He installs and removes pipes seasonally and moves it to the shore.

Agent Comment – Mr. Haines referred to site photographs to discuss stones that have been placed at the shore line. He stated he first observed the stones in the spring when he was onsite for a request to remove a tree that was overhanging the shed. He administratively approved that request and at the time he did not issue a violation for the stones because he wasn't sure of the age or history of that project and he was only there for the tree. Mr. Haines stated there is no evidence of the stones ever being permitted and based on aerials, the area had been lawn all the way to the water prior to the stone placement. Although he didn't issue a violation in the spring, he wanted the Commission to be aware of that feature at this point.

Mr. Mayhofer explained, after nine or ten years of living at this location, the area was eroding and his lawn was falling into the pond. He stated he was feeding and weed killing right up to the water so for erosion control, he replaced the lawn with stone. He showed the Commission photographs of the project and the pond's water level at different times of the year. He stated maybe it wasn't right of him to do that, but now there's no more erosion and the lawn is further away from the water.

Chm. Gray asked the agent what he used for aerials with regard to the dock. Mr. Haines stated he used Google Earth as well as what's available on the state mapping. He said going back prior to 2007/2008, the aerials become grainy and are hard to interpret.

Mr. Mayhofer introduced his neighbor, who corroborated that a dock was there at the time he purchased the property in 2007. Chm. Gray feels confident there has been a dock there for decades.

Board Comment – Ms. Leduc asked if the request to approve the deck is an after-the-fact request. Mr. Haines stated the request is for the landing area that the hot tub will be built on.

Mr. Haines stated the first order of business is whether to approve the hot tub. The second question is permitting the dock. Mr. Haines stated it's obviously a historic structure and it doesn't appear that there's been any adverse impact as a result of it; but he thinks it needs a Chapter 91 License. As for the stone bank, it was clearly an unpermitted action under the Wetlands Protection Act and is illegal. Ms. Leduc stated it is also a grain size that is not natural to the area. Mr. Haines agreed that the stone is not native to the area. He stated enforcement for a historical action becomes more difficult but the Commission can discuss mitigation since the applicant is seeking action from the Commission.

Mr. Haines reiterated that the stoned area had previously been lawn. Chm. Gray stated he would prefer stone to grass.

Mr. Berman said the hot tub is not of high concern for him, but the unpermitted projects are. He questioned whether the stone was placed above high water pond. He stated there aren't any maps or engineering plans to review. A discussion transpired regarding the aerial photos Mr. Haines provided and the photographs Mr. Mayhofer submitted. Mr. Berman suggested either requiring a vegetated buffer be planted landward of the rock to serve as mitigation for the violation or require the property owner to remove all of the rock then plant a vegetated buffer. After a brief discussion, it was decided that the applicant would plant a five-foot strip of vegetation landward of the stone as remediation. Mr. Haines stated the planting and the hot tub installation must go hand-in-hand. He will work administratively with the property owner to finalize the details.

Public Comment – Jim Mulvey stated there is a long history of a walkway/pier being on this property. He discussed the need for fresh water oversight by the town and he provided a brief history of the pond.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Palumbo seconded a Negative Two Determination with the conditions previously stated.** With no discussion the motion carried. 5-0-0.

3) Applicant: Daniel Hayes

File Number: CC18-27

Representative: Same

20 Nairn Rd., Pocasset

To replace and upgrade existing post and rail cedar fence within a V Flood Zone and within a Wetland Resource Area.

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

Mr. Hayes addressed the board and discussed the proposed project.

Board Comment – Mr. Berman questioned whether the upgrade of the fence is an expansion or strictly the material. Mr. Hayes stated it is the material that will be upgraded; the proposed fence will be shortened by approximately 10%.

Ms. Leduc asked how the fence will be installed. Mr. Hayes stated it will be installed by Walpole Fence and the work will be performed by hand.

Agent Comment – Mr. Haines stated the work is limited. As long as the holes for the posts are hand dug and no equipment is on the bank, he doesn't think this will have an adverse impact on the Resource Area. The reason he required this project to come before the Commission rather than approving it administratively is because the fence and stairs are not on any plan at Town Hall. Since the structure is within multiple Resource Areas, he thought the Commission should review the project and legally permit the structure.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Palumbo seconded a Negative Two Determination.** With no discussion the motion carried. 5-0-0. Chm. Gray explained the appeal process to the applicant.

**Notice of Intent**

1) Applicant: George and Penelope Munsey

File Number: SE7-2025

Representative: Bracken Engineering, Inc.

5 Fabyan Way, Bourne

To construct a landing and set of Coastal Bank stairs within a V Flood Zone and within a Wetland Resource Area.

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

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

Brendan Mullaney addressed the board. He explained the Munsey's recently purchased the property and there was an outstanding Order of Conditions with some issues that had to be resolved prior to the sale and prior to the closing out of the former permit. That was done with some mitigation plantings at the rear of the property. They are now seeking to construct a set of Coastal Bank stairs to have access to Little Buttermilk Bay. The current access, a historic footpath, is somewhat eroded. He referred to site photographs and discussed the proposed project. He discussed the revision made to the plan which reflects a change in the proposed construction of the stairs from aluminum to; aluminum, wood, composite decking or a combination thereof. They are also proposing an approximate four-foot wide path. Mr. Mullaney discussed another revision to the plan not part of the original filing, a seven-foot extension off an upper story deck which would require one sonotube footing.

Board Comment – Mr. Berman asked if the Commission has made a stand on using pressure treated wood vs. composite decking. Mr. Haines stated to date, the Commission has not made a stand. A discussion transpired regarding pressure treated wood.

Mr. Berman asked for an explanation why the location for the proposed landing of the stairway is directly at the top of the Coastal Bank vs. having it entirely landward. Mr. Mullaney explained it is not a steep slope in that area and they are trying to minimize the footprint of the stairs themselves. Based on the profile, they felt that's where the landing could comfortably sit. He stated if the Commission desires, he could move it back and add a couple of sonotubes.

Mr. Berman asked if the proposed walkway will be permeable. Mr. Mullaney stated yes. Mr. Haines explained it's currently a naturalized area with shrubs so it will be an area devoid of shrubs.

Agent Comment – Mr. Haines stated he does not have an issue with the access stairs. The major issue that he sees is that the previous Order, SE7-1521, had an additional special condition that a 50-foot no touch zone was to be demarcated by a fence and the condition was to continue in perpetuity. He explained that the fifty-foot buffer had historically been mowed, so in order for a COC to be issued, the Commission required that the property

owner replant nearly the entire buffer zone prior to issuance of the certificate. Because of this, the Commission will have to determine whether they will allow the proposed project to go forward because part of it falls within the no touch zone. As for the landing, there has been some discussion in the past about allowing larger landings than the stairs require. It will be up to the Commission to determine whether they think the size of the proposed landing is appropriate. In terms of the footing/proposed deck expansion, this was not in the legal advertisement or in the notice. Mr. Haines discussed Open Meeting Law requirements, stating the Commission has leeway with minor alterations. One sonotube could be considered as minor so he'll leave it up to the Commission for interpretation.

Mr. Mullaney stated since they haven't received comments from The Natural Heritage & Endangered Species Program, the matter will have to be continued. He asked whether this revision can be included in the next agenda. Mr. Haines stated that should be acceptable. Mr. Palumbo agreed.

Mr. Berman opened a brief discussion regarding the no touch zone in the previous Order.

Mr. Palumbo stated what the Commission needs to determine is whether the proposed stairs will have an adverse impact on the Coastal Bank. Ms. Leduc noted that the stairs are out of the restricted zone, only a portion of the landing falls within the restricted area. Mr. Mullaney shared his opinion on the bylaw language regarding the fifty-foot no touch zone. A discussion ensued.

A brief discussion transpired regarding the size of the proposed landing. Mr. Mullaney offered to reduce the size of the landing.

Mr. Berman discussed concerns he has over allowing the expansion of the deck. A discussion transpired regarding the possibility of cantilevering the proposed deck expansion vs. installing the sonotube.

Public Comment – None.

At the request of the applicant, the matter was continued to August 16, 2018.

*Chm. Gray returned to chair the meeting.*

2) Applicant: John Ross

File # SE7-

Representative: Same

Off Mashnee Dike, Mashnee

For an aquaculture grant permit within a V Flood Zone and within a Wetland Resource Area.

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

Mr. Ross addressed the members. He explained that his original plan was to purchase large quahogs and throw them on the ocean floor to grow. He discovered that isn't happening and now has to purchase smaller quahogs and use caging and netting to protect them from predators. He stated he received approval from the Division of Marine Fisheries and the Army Corps of Engineers. He discussed the dimension of the cages, the number of cages he'll be using and the approximate square footage of the grant area where they'll be placed.

Chm. Gray opened a brief discussion regarding the grant location.

Board Comment – Mr. Berman asked if the Army Corps of Engineers is also an applicant. Mr. Haines stated no, that was a typographical error and the agenda was amended.

Agent Comment – Mr. Haines explained Mr. Ross came before the Commission as a discussion item when he wanted to direct seed the culturing of the quahogs without any associated gear. The plan has changed and the revision now includes the gear and floating and bottom cages for oysters. Mr. Haines admitted that he is not experienced with aquaculture so he relies on the Dept. of Natural Resources and the Division of Marine Fisheries for assistance with these types of projects. The Division of Marine Fisheries has issued a letter with a revised plan stating the project will not have a substantial adverse impact on shellfish or natural resources. DNR has expressed frustration that the plan has changed numerous times but they don't feel the revision will be an issue in terms of adversely impacting the natural resources. The site is mapped within rare species habitat. A response from The Natural Heritage & Endangered Species Program has not been received nor has a DEP file number; therefore, the matter will need to be continued to the August 16<sup>th</sup> hearing.

Board Comment – Mr. Berman advised Mr. Ross that the Barnstable County Cape Cod Cooperative Extension Marine program offers a course on the basics of shellfish aquaculture.

Public Comment – None.

Chm. Gray entertained a motion to continue to August 16, 2018. **Mr. Holmes moved, Ms. Leduc seconded to continue the matter to August 16, 2018.** With no discussion, the motion carried. 5-0-0.

3) Applicant: Richard Selby  
File Number: SE7-  
Representative: Richard Selby  
134 Wings Neck Road, Pocasset

Materials Reviewed – Site Photographs, Site Plan, Wetlands Delineation, Elevation Analysis, Research Material regarding Phragmites and DEP Wetlands Change Mapping.

Invasive Species Management within a V Flood Zone and within a Wetland Resource Area.

Richard Selby addressed the board and thanked them for their attention with his request. He introduced Mike Ball and Brad Bertolo, whom he hired to assist him with vegetative analysis and elevation analysis.

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

Mr. Selby provided a lengthy presentation regarding the proposed project; mowing of the Resource Area to prevent the growth of invasive species (Phragmites).

Board Comment – Mr. Palumbo asked where the applicant would like to mow. Mr. Selby replied seaward of the orange line which delineates the Resource Area on the submitted plan of record. Mr. Haines explained the area landward of the orange line is an existing landscaped area that's been mowed biweekly. Once Mr. Selby received the violation, he stopped mowing the area. Mr. Selby is requesting to maintain the area as a landscaped area and mow the saltmarsh at a maximum of four times per year. He stated the Commission recently allowed his neighbor to mow the invasive species on their property 2-4 times per year.

Mr. Palumbo stated Mr. Selby's point was received regarding preventing the invasive species growth before it gets out of hand; however, on the neighboring property, it was thick as a corn field. He stated he hasn't performed a site visit himself, but based on documentation provided, he doesn't see any Phragmites on Mr. Selby's property. Mr. Haines stated there are 10-12 individual stalks on Mr. Selby's property.

Agent Comment – Mr. Haines stated the filing is a result of a violation issued last year for mowing of the saltmarsh. There are a few homes in the area that were mowing the marsh as a turf lawn. During numerous site visits, it became evident that the saltmarsh

vegetation appeared healthier in the mowed areas than in the areas that were not mowed. He noted that there is plenty of seed source and plenty of Phragmites in the area. The delineation on the plan is a combination of a survey elevation observed at a neighboring property during a Spring high tide as well as Mike Ball's vegetation survey. Mr. Haines stated he agrees with the delineation and this is a strange area. He explained there was a DEP approved dune restoration as a result of the March 2<sup>nd</sup> winter storm, Riley; which has changed the hydrology, temporarily. There are currently a few individual stalks of Phragmites within the marsh on the property as well as a few other invasive species. It is clear to him that if nothing is done on this property, it will become a Phragmites monoculture. The Commission will have to determine whether the mowing is the correct application for this site. At the site inspection, some members of the Commission asked whether the rise in the area of elevation six on the plan is a Coastal Bank. They asked that the applicant provide survey transects, but the department has not been provided with them.

Brad Bertolo of J.C. Engineering addressed the members. He stated based on the nature of this property, it did not occur to him that there would be a Coastal Bank or any Resource Area that might need to be protected under the interest of the bylaw because; 1) it's not a sediment source for the beach, and 2) it's a grass slope that's been maintained. With the change in grade being so slight, he did not observe a Coastal Bank. Mr. Haines stated if it meets 92-1, it should be shown on the plan; then, it can be argued whether it has any functions or values. He feels every Resource Area should always be shown on the plan and it is up to the Commission to determine whether they would like to see transects prior to the next hearing. A discussion ensued.

Mr. Palumbo opened a brief discussion regarding the proposed mowing area.

Mr. Haines stated this filing is a result of a violation. Personally, he would like to see how effective hand pulling and individual spot treating will be, but he will let the Commission make a final determination.

Additional Board Comment – Mr. Szwed opened a brief discussion regarding the delineation on the plan.

Mr. Selby discussed the mowing schedule prior to receiving the violation.

Mr. Berman asked if the applicant has engaged an expert in Phragmites removal or implemented a monitoring plan. Mr. Selby stated he has not hired any experts other than the two identified that evening.

Mr. Palumbo noted that the neighbors, Mr. & Mrs. O'Keefe, cited the mowing of Mr. Selby's property as an argument for successful Phragmites management when presenting their own invasive species management request before the Commission. Ms. Leduc made the argument that at some point, Mr. Selby has to claim success; he no longer has the monoculture that he needs to continue to mow to control. She discussed her preference to discontinue mowing, at least temporarily, try the hand pulling/ individual drip treatment method for one year and allow the native vegetation the chance to regrow. She mentioned that it will be difficult to enforce mowing once it's allowed. She feels mowing the entire area for twelve individual stalks is excessive. Mr. Selby argued that his request to mow is really more of a prevention strategy as opposed to a reaction strategy. A discussion ensued.

Mr. Palumbo opened a brief discussion regarding the landward mowing of the property.

Mr. Berman feels an expert's opinion on the matter will assist the Commission with making a determination.

Public Comment – Abutter, Matt Mielbye, addressed the members. He too received a violation for mowing the saltmarsh located on his property. He stated he stopped the mowing since receiving the violation and will be filing a similar request because he has a significant amount of Phragmites on his property and he will not be able to hand pull or spot treat them.

Mr. Berman suggested having an expert provide an opinion on all adjacent properties. A discussion regarding the cost of herbicide application vs. mowing transpired. Mr. Mielbye said the marsh on his property was healthy when he was mowing it. He stated he will not be able to afford to treat the area with an herbicide and will be filing a request to mow the area four times per year.

Mr. Mulvey asked if there is more than one targeted invasive species involved. Mr. Haines stated Phragmites is the major concern. Mr. Mulvey asked what problem is being caused by the invasive species and what is solved by their eradication. Mr. Selby stated Phragmites crowd the native vegetation, they become extremely difficult to eradicate and they are damaging to the ecosystem.

With no further discussion, Mr. Palumbo entertained a motion to continue the matter to August 16, 2018. **Ms. Leduc moved, Mr. Holmes seconded to continue the matter to August 16, 2018.** The motion carried. 4-0-0.

*Chm. Gray returned to chair the meeting.*

4) Applicant: Joseph and Karen Moore  
File Number: SE7-  
Representative: Holmes and McGrath, Inc.  
65 Winsor Road, Cataumet

To construct a third-floor expansion and kitchen addition; to include improvement to existing sewage system and all associated excavation, grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

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

Tim Santos addressed the board and discussed the proposed project.

Board Comment – Ms. Leduc opened a brief discussion regarding the square footage of the proposed addition.

Agent Comment – Mr. Haines stated the alternative septic system is required by the Board of Health in order to allow the addition. The location of the proposed septic system is in approximately the same location as the existing system. Mr. Haines stated he did not see erosion controls mentioned on the plan. Mr. Santos described the areas on the property where erosion control measures will be used and pinpointed them on the plan.

Mr. Holmes asked if the third-floor addition encompasses the entire residence. Mr. Santos replied yes. Mr. Haines stated the Commission has not had a third-floor addition request in the past.

Additional Agent Comment – Mr. Haines stated it is unusual that there are existing structural elements on the rear of the property. These structures will have to be removed and footings will need to be poured for a new flood compliant structure. The addition will not extend further into the Bank than what's existing. He explained that the house sits on a hill and portions of it are already located within the Bank. The plan shows an area of mitigation planting which he believes was an area of poison ivy that was previously mowed. The area needs to be replanted so he doesn't know if the Commission should consider that as mitigation. Since a DEP file number hasn't been issued, the matter will need to be continued.

Mr. Holmes asked how many additional bedrooms are being proposed. Mr. Santos stated there will be no increase in the number of bedrooms.

Chm. Gray noted that the riprap is already licensed. Mr. Santos stated that is correct.

Chm. Gray mentioned that the Commission does not have jurisdiction over the third-floor addition.

Chm. Gray asked if any member would like anything additional added to the plan so the plan may be revised. No one did.

Mr. Berman opened a discussion regarding pea gravel that was placed as temporary construction access.

A brief discussion transpired regarding work performed under a previous Order of Conditions.

Public Comment – None.

Chm. Gray entertained a motion to continue the matter to August 16, 2018. **Mr. Holmes moved, Mr. Palumbo seconded to continue the matter to August 16, 2018.** The motion carried. 5-0-0.

**Request for Certificate of Compliance:**

- 1) Applicant: Daniel Donovan  
File Number: SE7-1925  
Representative: Same  
3 Vineyard Circle, Sagamore Beach

To construct a single-family dwelling including new Title V septic system, all associated landscaping, grading, utilities and relocate an isolated vegetated wetland.

Agent Comment – A site visit was performed and despite a statement from Green Seal that the property was in substantial compliance, he believes the project is in violation of several conditions of the Order. Mr. Haines thinks a site visit from the Commission may be required going forward, but he’s going to have the survey company resurvey the delineation lines and the limit of work lines. That will be done the following week.

Chm. Gray asked for specific violations. Mr. Haines stated there was a condition disallowing work from being performed beyond the limit of work that they did not adhere to, there was supposed to be two years of monitoring for a replication area. The replication area doesn’t look wet and it looks like they excavated without following through on anything. Mr. Haines stated there were several others but at that time he could not recall what they are.

Chm. Gray entertained a motion to deny the Certificate of Compliance. **Ms. Leduc moved, Mr. Holmes seconded to deny the Certificate of Compliance.** With no discussion, the motion carried. 5-0-0.

2) Applicant: Melanie S. Summer & Amantha T. Butler  
File Number: SE7-1893  
Representative: Sullivan Engineering  
67 Pasture Rd., Scraggy Neck

To reconstruct existing licensed stone groin within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Agent Comment – A site inspection was not performed because the property is a rental property and the owners did not want the agent disturbing the renters. A site visit is scheduled for the following Tuesday.

Chm. Gray entertained a motion to postpone action on this request until August 16, 2018. **Mr. Palumbo moved, Mr. Holmes seconded to postpone action on this request until August 16, 2018.** With no discussion, the motion carried. 5-0-0.

**Other Business:**

- 95 Tahanto Road – Violation for unpermitted tree clearing within Riverfront Area, 100 feet of a Wetland Resource Area and Ae Flood Zone. – Mr. Haines stated on July 23, 2018, he received several complaints about tree clearing of two large mature trees being removed within the Riverfront Area at 95 Tahanto Road. The first tree was approximately 60 feet from the seawall. The second was approximately 108 feet, so they're both within the Riverfront Area. The department did not coordinate the removal with the homeowner so they were in violation. By the time Mr. Haines arrived, the trees were damaged to the point that they weren't recoverable so he allowed them to be taken down fully. The trees were located in an existing landscaped area but they did appear healthy and a few Cedar trees had also been damaged by the tree company. Mr. Haines issued a letter on July 26<sup>th</sup> but since the homeowners recently moved to this property, they did not receive it because the assessor's information hadn't been updated. The Commission received a letter from Attorney Alex Joyce requesting that the matter be rescheduled to August 16, 2018.

Chm. Gray entertained a motion to reschedule the matter to August 16, 2018. **Mr. Holmes moved, Mr. Palumbo seconded to continue the matter to August 16, 2018.** With no discussion, the motion carried. 5-0-0.

- 93 Gilder Road – Violation for mowing Coastal Dune vegetation. – Mr. Haines stated mowing occurred through town property across the Coastal Dune through the vegetation. Mr. Haines issued a violation letter on July 26, 2018, but he hasn't heard from the homeowner. He will attempt to contact them again and will place a cease and desist notice on the beach. He stated not only is this a violation but it is also trespassing. He thinks the Commission should be ready to move forward with enforcement if he doesn't hear from the homeowner by the next hearing. A discussion transpired regarding the resiliency of beach grass.

- 83 Gilder Road - Violation for mowing Coastal Dune vegetation. – Mr. Haines stated it is a similar situation as what occurred next door. He was unsuccessful with contacting this property owner so the same applies; the Commission should be ready to move forward with enforcement if he doesn't hear from the homeowner by the next hearing.

- Vote excused absent members, if necessary – **Mr. Palumbo moved, Mr. Holmes seconded to excuse the absent members.** With no discussion, the motion carried. 5-0-0.

- Acceptance of Previous Meeting Minutes – Chm Gray entertained a motion to approve the minutes of the June 7, 2018 meeting. Mr. Haines noted several revisions. **Mr. Holmes moved, Ms. Leduc seconded to approve the minutes of the June 7, 2018 meeting as revised.** With no discussion, the motion carried. 5-0-0.

- Report of the Conservation Agent – None.

- Public Comment Period on Non-Agenda Items – Ms. Leduc opened a brief discussion regarding the Girl Scout's project to restore a foot path at the Four Ponds Conservation Area.

- 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. Palumbo moved, Mr. Holmes seconded to adjourn.** With no discussion, the motion carried. 5-0-0. The meeting adjourned at 9:15 PM.

Minutes submitted by: Carol Mitchell