

Conservation Commission

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

September 15, 2016

I. Call to order

Robert Palumbo, called to order the meeting of the Conservation Commission at 7:00 PM on September 15, 2016. Mr. Palumbo 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 By-law.

Note: Mr. Palumbo 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.

Members Present: Robert Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, Paul Szwed and Susan Weston (7:08).

Excused Members – Robert Gray

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Jim Mulvey, Paul Huehmer, Rosemary Huehmer, Carolann Brigham, Thomas Page, Tim Scully, Wayne Sampson, Brenda Gaskill, Paul Gaskill, John Fife, Mrs. Fife, Rita Sherrin, Joseph Agrillo Jr., Joseph Agrillo III, Jean Dow, Amanda Crouch-Smith, Catherine Sampson, Alberto Fernandez, Keith Mann, Lori Cooney, Dick Anderson, Rich Tabaczynski, Ron Matheson, Carol Brigham, Karen Gibides, Richard Anderson, Lesley Perry, Mardi Mauney and Barry Johnson.

Request for Determination of Applicability:

- 1) A. Wayne Sampson
A. Wayne Sampson– Representative
File Number CC16-46

429 Barlows Landing Road, Bourne
Hearing under State Act Only

Construct a garage and a three season porch within AE Flood Zone.

Mr. Sampson addressed the board. He referred to a map of his property and explained at one time, there was a stable on his property. With permission from the Town, the stable was moved to preserve it for the Historical Commission. He'd like to build a garage on a foundation where the stable was removed from. The garage will have to be moved slightly because of the zoning setback. Additionally, there is a screened porch attached to the back of the building. He'd like to make that a permanent three season porch and add a second floor master bedroom on top. The building inspector is requiring the existing sonotubes be replaced with a foundation. There is no change in the grading of the property. The project has been approved by the Historical Commission.

Board Comment – None.

Agent Comment – Mr. Haines performed a site visit on August 8, 2016. The site is completely flat and fully developed. The proposed garage will be located in a previously disturbed area. There are no issues with this project.

Additional Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Two Determination.** The motion carried unanimously.

Mr. Palumbo briefly explained the Determination to the applicant.

2) Thomas Page

Thomas Page – Representative

File Number CC16-47

37 Bourne Neck Drive, Bourne

Hearing under State Act Only

Enclose existing porch and relocate stairs within AE Flood Zone.

Mr. Page addressed the board. He is seeking to enclose his existing porch with regular windows and relocate the stairway. His wife has developed arthritis, the current

location of the stairs makes it difficult for her to gain access to the porch. He'd like to move the stairs closer to the driveway to make it easier for her.

Board Comment – None.

Agent Comment – Mr. Haines performed a site inspection on September 9, 2016, stating it is a straightforward project. The applicant will enclose the deck, install a flight of stairs and a small landing on sonotube footings. There are no issues with the project.

Additional Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried unanimously.

3) Joseph Agrillo Jr.

Joseph Agrillo Jr. – Representative

File Number CC16-48

144 Wings Neck Road, Bourne

Perform maintenance/repair to concrete walkway and railing on a stone groin within a VE Flood Zone and Wetland Resource Area.

Mr. Agrillo addressed the board. He referred to a plan depicting a jetty with a concrete walkway on it. The concrete is deteriorating and needs repair. He would like to saw cut and remove the steel railing posts imbedded in the concrete, install new railings and repair the concrete in the same location.

Board Comment - Mr. Palumbo asked how the applicant will prevent debris from going into the water. Mr. Agrillo stated he will install a wood form on the side, anchor it and brace it appropriately; larger gaps in the stone will be filled by hand with a pre-mixed stiff batch of concrete. This will prevent any poured concrete from running into the water. Fine cracks will be filled with Owens Corning insulation. This will keep the runoff contained. Mr. Palumbo asked if the existing concrete will all be removed. Mr. Agrillo stated it will be removed in sections; some of the concrete is usable.

Mr. Ligor referred to the submitted photographs and noted large gaps. He asked how the applicant will fill those in. Mr. Agrillo stated they will be filled in with stone and

mortar. Mr. Ligor stated he runs the risk of mortar getting into the water. Mr. Agrillo agreed there may be a slight risk. Mr. Ligor asked how he will prevent that. Mr. Agrillo stated he'll use a stiff concrete and insulation. Mr. Ligor asked how the walkway will be structurally sound. A brief discussion transpired with regard to the methods Mr. Agrillo will use to make the walkway structurally sound and to also prevent concrete/debris from falling in the water.

Mr. Holmes asked how long the project will take. Mr. Agrillo stated he will have to work with the tide; so, approximately three weeks.

Mr. Ligor asked why a concrete walk would have been installed on top of the jetty. Mr. Agrillo stated he didn't know; adding, there are floating piers at the end of the jetty. Mr. Ligor asked if the floating piers were there prior to the groin or after. Mr. Agrillo stated he doesn't know the whole history of the property; however, he did some research and found a plan from the 1940s which shows the jetty, a boat ramp and a railroad track.

Mr. Palumbo asked if the applicant ever considered installing an aluminum walkway with posts and do away with the concrete altogether. Mr. Agrillo stated that would be a bigger project and would require a Notice of Intent.

Mr. Haines asked where the applicant will be stockpiling his materials. Mr. Agrillo stated primarily, the material will be brought in daily; however, he will also be utilizing a neighbor's property. All materials will be removed on a daily basis.

Agent Comment – Mr. Haines performed a site inspection on September 8, 2016. The walkway has deteriorated; to the point that it's unsafe. His only concern was the material stockpiling of materials; which has been addressed. Mr. Haines asked Mr. Agrillo if he'll be hand delivering the concrete. Mr. Agrillo reiterated all of the holes and gaps will be plugged in by hand and when it's time, a pump truck will pump the concrete out to the pier. Mr. Haines recommends having erosion controls on site in case of inclement weather. Mr. Agrillo agreed. Mr. Haines has no other issues with the project.

Additional Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Two Determination.** The motion carried. 5-0-1. Ms. Weston abstained.

4) Colonial Gas

Amanda Crouch-Smith – Representative – Tighe & Bond

File Number CC16-49

17 Pasture Road, Bourne

Install a residential service connection within an AE and VE Flood Zone.

Ms. Crouch-Smith addressed the board. She stated this is a basic residential gas extension. She referred to a map to pinpoint the location of the residence. She also noted an area that is subject to Coastal Storm Flowage, the location of a Coastal Bank and Buffer Zone as well as a large isolated Wetland. There will be approximately 586 sq. ft. of work within the unpaved dirt driveway and a small area of lawn. Once the installation is complete, it will be backhauled and restored to its current state.

Agent Comment – Mr. Haines performed a site visit. The site is relatively flat. Work will be performed in an existing gravel driveway. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously.

5) Colonial Gas

Amanda Crouch-Smith – Representative – Tighe & Bond

File Number CC16-50

117 Williams Avenue, Bourne

Install a residential service connection within 100 feet of a Wetland Resource Area.

Ms. Crouch-Smith addressed the board. She referred to the map to describe the location of the property. She stated the proposed project falls outside of the Flood Zone so the only concern is the Buffer Zone to the pond. The map depicts the 50' buffer and the

100' buffer. The installation will occur within the 50'-100' zone. The proposed gas line will be laid in the existing lawn and will be restored in kind.

Agent Comment – Mr. Haines stated this property grades down toward Flax Pond. He recommends having erosion controls on site in the event of inclement weather. Otherwise, it looks like a straightforward installation.

Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Three Determination.** The motion carried unanimously.

6) Colonial Gas

Amanda Crouch-Smith – Representative – Tighe & Bond

File Number CC16-51

12-29 Back River Road, Bourne

Gas line extension from #12 to #29 Back River Road within an AE Flood Zone and within 100 Feet of a Wetland Resource Area.

Ms. Crouch-Smith addressed the board. She referred to the map and explained a gas line does exist on Back River Road; however, it does not run the entire length of the road. The line will extend approximately 450 linear feet within the existing roadway with a 50' extension to the residence requiring the service. There's a cranberry bog to the southeast and a larger BVW system to the west. The only possible concern is approximately 735 sq. ft. of work falls within the 100 year Flood Zone. It also falls within the Bourne Back River ACEC; but, all of the work is within the existing roadway and lawn so no adverse impacts are expected.

Board Comment – None.

Agent Comment – The proposed project is within the ACEC, under the By-law there's a 200' adjoining land, so technically it is also within the Buffer Zone. There are no issues with the project.

Additional Board Comment – Mr. Ligor questioned what appeared to be a body of water in one of the photos. Ms. Crouch-Smith stated it was a shadow from the sun.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried unanimously.

5) Keith A. Mann

Rich Tabaczynski – Representative – Atlantic Design Engineer, LLC

File Number CC16-52

590 & 602 Head of the Bay Road, Buzzards Bay

Construction of solar array and installation of associated utilities within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Mr. Tabaczynski addressed the board. He explained the work that's being proposed in the Buffer Zone relates to a ground mounted solar array on the north side of the existing active cranberry bog on Mr. Mann's property. Also associated with the ground mounted solar array is proposed underground utilities which will run within the existing dirt roads that are adjacent to the cranberry bog. (An alternate run has been chosen outside of the Buffer Zone.) He referred to the map which shows the limits of the AE Flood Zone. The utilities will tie into the existing utility poles. There will be a stretch of underground utilities that will run in the Flood and Buffer Zones to the top of the Bank of the Bay. Erosion controls will be used because the proposed work will transpire on the side of an embankment. There will be minimal tree clearing; the proposed work will be performed in areas that have already been disturbed. The size of the array is under 4,000 sq. ft., which puts the project under the exemption of the Wetlands Protection Act for agricultural structures. The exemption also applies to the utility runs that are within the existing dirt roads adjacent to the cranberry bog.

Board Comment – Mr. Holmes reiterated the size; 3,930 sq. ft., and asked how many panels that would be. Mr. Tabaczynski stated that hasn't been finalized; but, it's probably a couple of hundred and will be spilt into a couple of arrays. Mr. Holmes asked which side of Head of the Bay Road will be dug. Mr. Tabaczynski stated the cranberry bog side.

Agent Comment – Mr. Haines stated there are two exemptions that potentially apply to this work. Before listing the exemptions, he made a correction for the record. Originally, the project was listed as 602 Head of the Bay Road; however, the work occurs on two contiguous parcels, 602 & 590. Mr. Haines spoke to the Assessor's Office to be sure all of the abutters were notified.

Mr. Haines then discussed the potential exemptions; the first is the utility exemption. He read the definition and stated this would apply everywhere except for the Flood Plain at Head of the Bay Road. The second exemption falls under agricultural use. Mr. Haines read the definition from 310 CMR 10.04 and stated that he spoke to the Town Planner, Corinne Moore, who informed him that since the array is below 250kw and its primary use is to supply power to the cranberry production and family residences; this is an acceptable agricultural accessory structure. These exemptions do not apply to the lower area in the Flood Plain.

An alternate analysis would be to bring the structure outside of the hundred foot; but that would require clearing approximately 2 acres of trees. Mr. Palumbo asked if there are currently any plans for clearing. Mr. Tabaczynski stated no. A brief discussion transpired pertaining to the alternate location.

Additional Board Comment – Mr. Ligor asked how high off the ground will the solar array be. Mr. Tabaczynski provided the height information. Mr. Ligor asked if there was ample room for wildlife to travel under the array and questioned whether or not migratory movements would be interfered with. Mr. Tabaczynski stated the supports for the panels are basic poles that are set into the ground; adding, there is ample room for travel under the array and migration will not be impeded.

Ms. Weston asked where on the map her home is located. Mr. Mann pinpointed the approximate location.

Mr. Palumbo asked for Public Comment. He asked the public to base their comments on this project only; previous projects aren't relative to this petition.

Public Comment – Ron Matheson addressed the board. He feels this project is another industrial electrical generating facility and opposes the project. He asked the board to postpone their vote to allow them time to research the project further before making a decision. Mr. Palumbo asked if Mr. Matheson has any concerns with the environmental impacts this project may have. Mr. Matheson did not discuss any concerns he simply reiterated his position.

Alberto Fernandez addressed the board and stated commercial solar panels have been strongly associated with the death of hundreds of thousands of birds worldwide. He opposes the project. Ms. Leduc asked what about the solar panels hurts the birds. Mr. Fernandez stated they create a significant amount of heat and radiation energy which

burns the birds. Ms. Leduc asked if that occurs when they land on top of them. He responded, they don't have to land on top of them; but those that do, are instantly dead; adding, the chemicals and pesticides used to control the weeds surrounding the panels are known to harm the environment as well. He fears these will leach into the bay, which he said is already compromised. Mr. Palumbo stated since there's an active cranberry bog on the site, the property owner would have to be cautious about using pesticides. Mr. Mann concurred; stating he's a licensed pesticide applicator.

Mr. Holmes addressed Mr. Fernandez's concerns; stating the majority of solar panels that cause bird migration deaths are the concave panels. Studies show the heat that is generated by concave panels have caused significant issues. The flat panels, which are the type proposed for this project, don't seem to cause half as much trouble with respect to the bird population.

Carol Brigham addressed the board. She agrees with Mr. Matheson and hopes the board postpones their vote. She is concerned about impacts that future generations will be dealing with as a result of this project.

Karen Gibides also requested that the board take more time to review the project. She feels the project is more complicated than it appears to be; requiring additional time to review.

A brief discussion transpired over concerns that this proposed project is tying into a previously approved wind turbine project located on Mr. Mann's property. Mr. Mann stated this is relatively small project compared to the wind turbine project and they are not related.

Mr. Haines explained the reason this project is allowed on this location is because it's under 250 kilowatts. If the solar array generated more than 250 kilowatts or was no longer a primary use for the bog/private residence, then, according to the Town Planner, it would no longer be considered an agricultural accessory structure. A discussion transpired with regard to concerns that Mr. Mann will seek to expand the project in the future. Mr. Mann stated he has no intentions on coming back in the future to request additional solar panels.

Mr. Fernandez expressed concerns that the transformer will produce an increased amount of noise on top of the already noisy wind turbines. Mr. Tabaczynski stated the transformer is relatively quiet. Additionally, the proposed location of the transformer is not near any residences. A discussion ensued.

Mr. Holmes asked approximately how many panels will be installed and Ms. Kiebala asked for the dimensions of the panels. Mr. Tabaczynski stated approximately two hundred 3'x5' panels will be installed.

Ms. Leduc asked if the noise produced by the transformer has been measured in decibels. Mr. Tabaczynski stated noise has never been an issue with previous solar projects. Mr. Palumbo stated noise isn't an issue the board is concerned with; their primary concern is impact on the environment.

Ms. Weston asked if the project requires permitting from any other departments. Mr. Haines stated the project will require a building permit, and approval from several other town departments; i.e., Planning, Zoning and Board of Health. He will inform these departments of the concerns expressed by the attendees.

Ms. Gibides asked what criteria needs to be met by the project in order to receive the board's approval and what would preclude the board from approving it. Mr. Palumbo asked Mr. Haines to review the criteria again since Ms. Gibides wasn't present when the agent explained the project. Mr. Haines reiterated his previous comments. A discussion ensued.

Ms. Gibides asked how much energy the farm requires and how much energy the proposed project will produce in reference to that. Mr. Mann stated the proposed project will produce slightly over 1/3 of the farm's total usage; nowhere near 100%.

Mr. Holmes reiterated his concern over Mr. Mann piecemealing the project. Mr. Ligor stated the project can't get any bigger because the applicant would lose his exemption.

Ms. Gibides asked if this project will expand into Plymouth. She also asked where the transformer will be located. Mr. Palumbo asked her to come up and look at the submitted plan. Mr. Mann described the location of the transformer.

Mr. Matheson asked if the project expands into Plymouth, would that cause the project to lose its exemption. Mr. Palumbo stated the board can't speculate on Mr. Mann's future project plans.

Ms. Gibides asked if abutters receive notification. Mr. Haines stated the immediate abutters were notified. She asked if Plymouth abutters were also notified. Mr. Mann stated they were. Mr. Haines explained the abutter notification process.

A brief discussion transpired pertaining to net-metering.

Mr. Mulvey asked if the project requires approval from the DEP or Army Corps. Of Engineers. Mr. Haines stated neither would be involved in this project and added, if the proposal was in the bogs or altered the bogs, then there would be state and federal interaction. Mr. Mulvey asked if a state or federal setback comes into play. Mr. Haines stated the 100 foot buffer is under the Massachusetts Wetland Protection Act and the town's By-law only.

Ms. Kiebala stated in her opinion, this project meets the requirements of the law and like it or not, it sounds like a permissible project.

After a brief discussion, **Mr. Ligor moved and Ms. Kiebala seconded a Negative Five Determination.** After further discussion, the motion failed. 2-2-1. Mr. Holmes and Mr. Szwed opposed, Ms. Weston abstained.

Some of the board members feel as though they need to research the project further in order to decide whether or not the exemption would apply. Mr. Palumbo asked the applicant if he'd be willing to continue to the October 6, 2016 meeting. Ms. Weston suggested he provide additional information at the next meeting. After a brief discussion, Mr. Mann agreed to continue to the October 6th meeting.

Mr. Palumbo entertained a motion to approve the continuance. **Mr. Holmes moved and Ms. Weston seconded to approve the continuance.** 5-1-0. Mr. Ligor opposed.

Mr. Palumbo advised the audience there would be no further discussion on the matter.

Notice of Intent:

Request to Amend and Extend Oder of Conditions:

1) Town of Bourne

Barry Johnson – Bourne Open Space Committee

DEP File Number SE7-1879

212 Main Street, Bourne

Amend the existing Order of Conditions to include limited tree clearing and the installation of playground equipment within an AE Flood Zone and within 100 feet of a

Wetland Resource Area. Extend the Order of Conditions to allow additional work and maintenance to be performed.

Barry Johnson addressed the board. He introduced several members of the Open Space Committee, Richard Anderson and Les Perry. Another member, Mardi Mauney, was present earlier but left prior to their presentation. He acknowledged Mr. Haines and is extremely appreciative for the support he has given toward the project.

Mr. Johnson provided a brief history on the parcel and the project, an inclusive playground. He referred to the submitted plan and briefly described the layout of the project. He then introduced Lori Cooney who started a group called the Bourne Inclusive Playground Group which submitted an application to the CPC for funding of the inclusive playground. She described the layout of playground and the various pieces of playground equipment that will be installed at the site. She added that the walkways will be ADA compliant and the equipment will be installed on poured in place rubber. She stated it will be necessary to clear some trees on the site.

Board Comment – Mr. Ligor asked how many trees will be cleared. Mr. Haines stated it will be approximately 30-40 mature trees and added that the group has made an attempt to save the trees larger in diameter.

Les Perry, a certified arborist, spoke briefly about the condition of many of the trees on the site.

Ms. Leduc asked if the group entertained the idea to move one of the playground sections out of the Wetland Buffer. Ms. Cooney stated that section was chosen in an effort to save some of the larger trees. Mr. Haines elaborated, stating the playground equipment provider felt that changing the layout would interrupt the flow of the pathways. He added, there will be an 80' vegetated undisturbed buffer in between the Wetland Area and the playground. The playground would've had to have been redesigned to stay outside the 100'.

Mr. Palumbo asked for the agent's report.

Agent Comment – Mr. Haines stated the request is to amend and to extend since the original Order of Conditions expires in December 2016. Mr. Haines doesn't feel the additional work poses a risk to the Wetland Resource Area; otherwise, he would have asked for it to be moved. The entire project is within an AE Flood Zone.

Additional Board Comment – None

Public Comment – John Fife, an abutter, feels there are more suitable locations than this parcel; i.e., the Village Green or behind the Community Center. He added that there is a lot of wildlife in the area and their habitat will be disturbed. He noted that dirt bike riders are constantly riding around that area and thinks people may be living in tents near the site as well. Additionally, he was told he would not be allowed to remove any trees at the rear of his property because of the Buffer Zone and questioned why this group is allowed to remove trees. Mrs. Fife asked to see the plan. She feels this is not a suitable location for the playground.

Mr. Ligor questioned how much wildlife could be living in the area since there are dirt bike riders. A discussion ensued.

Mr. Palumbo stated the project was approved on this site. He asked for clarification as to what was originally approved. Mr. Haines stated the original project was vegetative maintenance, the pathways were approved, a Visitor's Center was approved and established and a bridge over an intermittent stream was approved and installed.

Mrs. Fife continued to express her concerns over the location of the playground. Mr. Johnson stated the project has been vetted since January; work has already begun on the site. Mr. Johnson explained the group's vision and why this location was chosen for the project.

Mr. Palumbo entertained a motion on the applicant's request to amend the original Order of Conditions. **Mr. Holmes moved to amend the existing Order of Conditions to include what the applicant is requesting. Mr. Ligor seconded.** With no discussion, the motion carried unanimously.

Mr. Palumbo entertained a motion to extend the Order of Conditions. **Mr. Ligor moved and Mr. Holmes seconded to extend the Order of Conditions.** With no discussion, the motion carried unanimously.

Other Business:

- Notice of Violation – Removal of trees and construction of a retaining wall at 39 Buttermilk Way within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Haines stated he received an anonymous call on September 12, 2016, regarding the clearing of trees and several truckloads of fill on the property. He visited the

property and confirmed some tree work and brush clearing had occurred. The site was partially graded but still contained piles of unstabilized soil. He asked the property owner to spread the soil and stabilize it with erosion controls; rather than leaving it in piles as he was concerned about sedimentation. The work was done within the Flood Zone and within 100 feet of the Coastal Bank. The property owner was instructed to halt additional work including the installation of a retaining wall he was preparing to build. Mr. Haines is recommending an after the fact filing for the tree clearing and the fill. Mr. Haines stated he would like to work quickly with the homeowner to resolve this violation.

Mr. Huehmer along with his wife, Rosemary, addressed the board. He apologized for not following the proper procedure prior to starting the work. He did not realize he needed the Commission's approval prior to beginning the work. He briefly discussed their reasons for the project and apologized again. He submitted a plan of the proposed work.

After a brief discussion, Mr. Palumbo asked Mr. Huehmer to work with the agent to file an RDA for the October 6th meeting. Mr. Palumbo advised the property owners to cease all work until then; unless an emergency situation arose. Mr. Huehmer agreed.

- Notice of Violation – Unauthorized vegetation clearing and vehicle parking on Town of Bourne Conservation Land at 16 Central Boulevard. Alteration is within AE Flood Zone, 100 feet of Wetland Resource Area, and an Area of Critical Environmental Concern (ACEC).

Mr. Haines received a call on September 1, 2016, and was notified of illegal cutting and a vehicle parking on Town of Bourne Conservation Land. He visited the site on September 6th and observed a work van parked on town property. He issued a Notice of Violation to the property owners of 321 Shore Road. On September 8, 2016, Mr. Haines spoke to Marc Vigeant, the property owner at 321, he was aware of the notification, he recognized that per the violation, the area must be allowed to revegetate naturally and no further parking is allowed on town property. Mr. Haines recommends no further action other than monitoring the area to make sure the property owner complies.

Mr. Ligor moved and Mr. Holmes seconded to accept the agent's recommendation on this violation at 16 Central Blvd. With no discussion, the motion carried unanimously.

- Open Meeting Law Complaint regarding meeting minutes from 8/7/14, 8/21/14, 2/19/15, 5/7/15, 8/6/15, 10/15/15 and 11/19/15.

Mr. Palumbo entertained a motion to approve the response letter submitted by Town Counsel and sent out to all parties filed on August 15, 2016, for the alleged Open Meeting Law violations. **Mr. Ligor moved and Mr. Holmes seconded to approve the response letter.** With no discussion, the motion carried unanimously.

- Vote excused Absent Members, if necessary.

Mr. Holmes moved and Mr. Ligor seconded to excuse the chairman, Robert Gray. With no discussion, the motion carried unanimously.

- Acceptance of the September 1, 2016 Meeting Minutes.

Mr. Palumbo entertained a motion to approve the September 1st meeting minutes. Ms. Leduc noted an amendment to the September 1, 2016 meeting minutes. The board concurred. **Ms. Kiebala moved and Mr. Holmes seconded to approve the September 1, 2016 meeting minutes as amended.** With no further discussion, the motion carried unanimously.

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

- Report of the Conservation Agent – 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

Mr. Palumbo entertained a motion to adjourn. **Mr. Holmes moved and Ms. Kiebala seconded to adjourn.** With no discussion, the motion carried unanimously. The meeting adjourned at 9:07 PM.