

Bourne Conservation Commission
Public Meeting Minutes
June 15, 2023

Chm. Robert Gray called to order the meeting of the Conservation Commission at 6:30 p.m. conducted in person on Thursday, June 15, 2023, held in the Bourne Veterans Community Building, 239 Main Street Buzzards Bay, MA 02532. 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. Chapter 131 Section 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw. Chm. Gray asked if a member of the public wishes to comment they will first clearly state their full name for the record. Chm. Gray asked if anyone was recording at this time, other than the Conservation Department.

Commission members present: Chm. Gray, Vice-chair Palumbo, Sarah Butler, Greg Berman and Paul Szwed.

Excused members: Peter Holmes and Susan Weston.

Professional staff in attendance: Stephanie Fitch, Conservation agent, David Rebello, Stephanie Hoban, Brad Holmes, Rebecca Crawford, Doug Schneider, Zac Basinski, Theresa Sprague and Derek Redgate.

Continuances:

DEP File Number: SE7-2234, 18 Lester Ave continued to August 3rd, 2023

DEP File Number: SE7-2241, 45 Harbor Drive continued to July 20th, 2023

DEP File Number: SE7-2172, 96 Megansett Road continued to July 20th, 2023

1. **Request to Extend Order of Conditions- DEP File Number: SE7-2011: 819 Head of the Bay Road (Lot 1), Bourne Joesph Botti Company c/o Rebello Home Improvements.** Proposed raze and rebuild of existing dwelling utilizing the existing foundation, with a proposed attached garage and upgraded septic system. Within 100 ft. of a wetland resource area. The current Extension permit expires on 6/20/23.

David Rebello, representative for the applicant requested a 1 year extension to the Order of Conditions. Motion made by vice-chair Palumbo and seconded by Ms. Butler to grant the 1 year extension. All in favor. Motion carried. **5-0-0.**

1. **Request for Determination-File Number: CC23-16: 6 Scotch House Cove Rd, Cataumet c/o Priscilla Beck.** Post-facto approval of a new structure approx. 288SF located in an AE flood zone in same location as previous 220SF structure.

Ms. Fitch explained that this was brought to her attention on May 26th. It is the replacement of a structure in the same location within the AE flood zone. Ms. Fitch shared photos and you could see there is no foundation to this structure. Ms. Fitch was fine with the work as is, but wanted to make sure it was properly permitted as it is within Conservation jurisdiction. Ms. Beck confirmed she did receive a building permit.

No member comments.

No public comments.

Motion made by Mr. Palumbo for a Negative Two Determination seconded by Ms. Butler. All in favor. Motion carried. **5-0-0.**

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Notice of Intent:

1. **Notice of Intent-DEP File Number: SE7-2253: 11 Bryant Road, Gray Gables, Matthew Bertarelli c/o Strong Point Engineering Solutions, Inc.** Repair a septic system on an existing single-house lot within portions of Land Subject to Coastal Storm Flowage (LSCSF) and the 100 ft. buffer zone to coastal bank. The work will take place within a V flood zone and 100 ft. of wetland resource area.

Stephanie Hoban, representative for the homeowners, explained the proposed septic upgrade. This is an upgrade of an existing cesspool located behind the home roughly 40 ft. from Buzzards Bay. They are upgrading from a cesspool to a Title V compliant standard septic system. The septic will be relocated to the front of the house further away from the resource area. The pump chamber and part of the soil absorption system (SAS) will be located within the 100 ft. buffer. The proposed SAS is a Presby Advanced Enviro-Septic (AES) Wastewater Treatment System, which provides treatment of wastewater prior to releasing it into the ground, thereby reducing risks to public health, surface and ground waters, and the environment.

Ms. Fitch read her report. This is the removal of a cesspool within the 25' buffer to a coastal bank and velocity zone, and the installation of I/A technology that is going on the landward side of the house, which the Commission likes to see. There is no addition of impervious surface. There is sediment control on the site plan and most of the work is occurring on the landward side of the house. Ms. Fitch had no concerns. Additionally, the coastal bank is armored and stability shouldn't be an issue. Ms. Fitch observed that the sea wall was redone at some point and surfaced with marble. The only building permit on file was from 2015 for windows and siding, there are no conservation permits on record. The bank has been armored for a long time, but she was unable to tell from historical footage when the marble was installed. The house was built in the 1935.

No comments from the Commission.

Public comment: The abutter adjacent to the property located at 7 Bryant Road asked how they are going to access the site to remove the cesspool. Ms. Hoban replied that the plan is to fill it in, once the new system is up and running and the pipe is cut off from the house. They plan to fill it in with sand that's on location because it is not accessible to get a heavy machine back there without having to go over one of the neighbor's property. The amount of space on either side is tight. There is 6ft. from the house to the property line on one side and 3ft. on the other. The smallest machine they have is about 8ft., so either way they would have to get permission. The abutter would like to request a marker on the northwest corner of the lot line because the landscaping has started to encroach. The chairman stated that the Commission has no ability to enforce those requests and the abutter should work with the engineer to work that out with the homeowner.

Motion made by Mr. Palumbo and seconded by Mr. Berman to close the public hearing. All in favor.
Motion carried. **5-0-0.**

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,5,7,10,11,14,18,21,22, 27 & 28 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 5,6,7&9.

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

Bylaw Conditions **Number 9** above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

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Motion made to move the draft to the final by Ms. Butler and seconded by Mr. Palumbo. All in favor.
Motion carried. **5-0-0.**

2. Notice of Intent- DEP File Number: SE7-2248: 780 Shore Road, Pocasset, Phillip & Mary Chetwynd c/o Brad Holmes, ECR. Proposed addition within 100 ft. of a wetland resource area.

Brad Holmes, representative for the homeowners, identified the resource areas on the property. There is an offsite BVW with associated buffer zone to the site and a FEMA flood zone at elevation 15 that runs across the property. There is a coastal bank because of the flood zone and is located facing around Shore Road. The top of coastal bank has been delineated by survey which also brings the 100 ft. buffer zone across the residence. They are seeking a single family home improvement project which consists of a 16 x 18 ft. addition to the side of the house. The addition is located just within the 50ft. buffer zone to the top of coastal bank. They are keeping this location because it will remain flush with the house and within an area of existing lawn and landscape.

Ms. Fitch shared photos with the Commission and explained that this is a small addition in a previously cleared area. The only reason it is within jurisdiction is because of a non-eroding coastal bank based on flood zone lines. The Commission doesn't want to see creep within the 50' unless permitted and in this situation asking them to pull it back 2' would make this simple design more intricate and costly for the homeowner. Ms. Fitch recommended the Commission to allow this 2' creep and keep the addition aligned with the house. Ms. Fitch would like to see roof runoff funneled to a drywell.

No public comments.

Motion made to close the public hearing by Ms. Butler and seconded by Mr. Palumbo. All in favor.
Motion carried. **5-0-0.**

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,7,9,10,12, 27 & 28 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 5, 6 &7.

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

ASC-1) Infiltration infrastructure for roof runoff is required.

Motion made to move the draft to the final by Ms. Butler and seconded by Mr. Palumbo. All in favor.
Motion carried. **5-0-0.**

3. Notice of Intent- DEP File Number: SE7-2252: 1 Tern Way & 534 Scraggy Neck Rd, Cataumet, RDC Realty Trust and JMC 2013 Realty Trust c/o Cape & Islands Engineering/ Crawford Land Management. Proposed invasive species land management plan. The work will take place within a V flood zone and 100 ft. of a wetland resource area.

Jennifer Crawford, Crawford Land Management and Doug Schneider, Cape & Islands Engineering, Inc. represented on behalf of the applicants at the two adjacent properties. The project focuses on non-native removal and re vegetation with native species to be conducive for long term vistas without pruning and high quality wildlife habitat appropriate for the site conditions. The project does span both properties which is why they filed it for both. The site conditions and species composition do vary quite a bit from one property to another. The species composition at the 534 Scraggy Neck Road parcel is almost entirely

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invasive on the coastal bank; mostly with bittersweet and rugosa rose with small sporadic bayberry colonies down to the dune area. As you move closer north to the 1 Tern Way property, there are large boulders scattered that are set on the face of the bank. They have many invasive vines growing between them and in the summer months you can't even tell that there is rock under there, site photos were submitted. Eastern Red Cedar trees are present on the Scraggy Neck property and across both properties that interface between the dunes; the beach exhibits a little bit of erosion from previous winter storm seasons. The dune area is mostly dominated by beach grass and maritime shrubs you would expect to see in dune communities. There is a stronger presence of native species both on the coastal bank and in the upper buffer zone. The overarching activity for the entire project is the management of nonnative invasive species and replacement with native. After all of the initial treatments and removals, all of the areas get seeded with the seed mix indicated on the plan; to stabilize and protect from erosion until those seed mixes can germinate. The planting component because of the varying vegetation that's there will include a monitoring report for any unexpected conditions and maintenance of the project areas through the life of the permit.

Ms. Crawford addressed the winter storm erosion and they provisioned to included beach nourishment on that edge which is very minor and will also supplement with planting American beach grass in those zones to help build up the dune a little more. The imported sand is quantified on the plan. They haven't done the sieve analysis yet but they do have locations planned and they took notes to submit along with the source of sand they will be using, so that can be fully vetted and approved by staff before they do the work.

Ms. Fitch emailed with Mr. Johnson about the coastal bank that is within priority habitat only, not estimated habitat. She explained that priority habitat is not under the wetlands protection act but our regulations do state that wildlife habitat includes "All state rare species (plant and/or animal) officially listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife under 321 CMR8.00 et. seq., and from time to time amended, and those species of local significance which live within the wildlife habitat shall be fully protected by the By-law and their habitat must not be impaired in any way by a proposed project." Priority habitat is based on the known geographical extent of habitat for all state-listed rare species, both plants and animals, and is codified under the Massachusetts Endangered Species Act (MESA).

They have reached out to Natural Heritage and did a MESA checklist, Mr. Schneider confirmed they haven't had response back yet. Chm. Gray would like to incorporate any conditions from those letters into the Order if need be. In regards to the 10' path, Ms. Crawford said they plan to replace that in kind and not plant any root species there. Ms. Crawford explained it's really for potential access for the nourishment and would be difficult to replant if disturb during nourishment. Beach nourishment would depend on the storms and it essentially maybe an annual nourishment which will be reported in the monitoring reports.

At the request of the applicant the hearing is continued pending further information from NHESP. No public comment.

Motion to grant a continuance to July 20th by Ms. Butler and seconded by Mr. Szwed. All in favor.
Motion 5-0-0.

Chm. Gray recused himself from the next three hearings.

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- 4. Notice of Intent- DEP File Number: SE7-2250: 457 Circuit Ave, Pocasset, Kelly F. & Bryan D. Stenberg c/o Bracken Engineering, Inc.** Proposed raze and rebuild of a single-family dwelling, Title V septic upgrade with an I/A system, landscaping, grading and associated utility work. The work will take place within an AE flood zone and within 100 ft. of wetland resource area.

Zac Basinski PE, Bracken Engineering Inc. represented on behalf of the applicant. He explained the resource areas: Coastal beach, coastal bank and the AE15 flood zone. The applicants are looking to demo the existing structure with a new flood compliant structure, the structure would be elevated approximately 2 ft. higher with a new flood vent system put into the foundation. The new structure will be serviced with a new Title V septic system including nitrogen removal and located away from the resource areas as possible on the lot.

Ms. Fitch asked what will be going in place of the old patio in the back. Mr. Basinski answered turf grass.

Ms. Fitch reported that this is a flat lot with no trees in the densely developed area of Patuisset. This proposed project brings the structure slightly further landward than the existing structure and out of the 50' buffer and the septic system is on the further landward side of the lot. It includes downspout discharge infrastructure, whereas the current house doesn't even have gutters. They are increasing the footprint by approx. 300SF or a little more, but they are transitioning from a paved drive to a gravel drive and we can condition pervious driveway if the Commission so pleases. The toe of coastal bank is armored with a rock revetment and has some natural vegetation at the top of the bank. The site plan has erosion controls in place and those should be followed by the contractors to avoid track out onto the street.

No public comments.

Motion made to close the public hearing by Mr. Berman and seconded by Ms. Butler. All is favor. Chm. Gray abstained. Motion carried. **4-0-1.**

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,5,7,9,10,12,14,15,18,19,2,24, 27 & 28 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 5, 6, 7 & 9.

Bylaw Condition Number 9 above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made to move the draft to the final by Mr. Berman and seconded by Ms. Butler. All is favor. Chm. Gray abstained. Motion carried. **4-0-1.**

- 5. Notice of Intent- DEP File Number: SE7-2251: 435 Circuit Ave, Pocasset, Paul H. & Carey Stenberg c/o Bracken Engineering, Inc.** Proposed raze and rebuild of a single-family dwelling, Title V septic upgrade with an I/A system, landscaping, grading and associated utility work. The work will take place within an AE flood zone and within 100 ft. of wetland resource area.

Zac Basinski PE, Bracken Engineering Inc. represented on behalf of the applicant. He explained the resource areas associated with Red Brook Harbor: Coastal beach, coastal bank and the AE15 flood zone. The applicants are looking to raze the existing structure with a new flood compliant structure, this house is going down from 5 to 4 bedrooms. The new structure will be centered on the lot to accommodate the septic location. The new structure will be serviced with a new Title V septic system including nitrogen removal.

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Ms. Fitch gave her report on the project which is another raze and rebuild on Patuisset with an increase of approx. 300 SF of impervious surface. It is a flat, developed lot with very few trees. There is no existing driveway and the plan proposes a gravel drive. This design also includes downspout discharge infrastructure and has erosion controls on the plan. Both the existing and proposed structures are within the 50' buffer to the coastal bank. The toe of the coastal bank is armored with a seawall, which the owner says they redid a few years ago, although the Conservation department does not have any permits on record. There is no vegetation protecting the top of the bank aside from turf grass.

She believes this project meets the performance standards of the Act, although some improvements, specifically natural vegetation, could be included to better protect the interests of the Act and an already impaired watershed.

No public comment.

Motion made to close the public hearing by Mr. Berman and seconded by Ms. Butler. All is favor. Chm. Gray abstained. Motion carried. **4-0-1.**

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,5,7,9,10,12,14,15,18,19,21,24, 27, 28 & 29 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 5, 6, 7 & 9.

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

ASC-1) A 5' native vegetated strip is required to be planted at the top of the coastal bank and remain in perpetuity.

Bylaw Condition Number 9 above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made to move the draft to the final by Mr. Berman and seconded by Ms. Butler. All is favor. Chm. Gray abstained. Motion carried. **4-0-1.**

- 6. Notice of Intent: DEP File Number: SE7-2249: 168 Leeward Road, Mashnee Island, Daniel Beksha c/o Bracken Engineering, Inc.** Proposed raze and rebuild of a single-family dwelling, Title V septic upgrade, landscaping, grading and associated utility work. The work will take place within an AE flood zone.

Zac Basinski PE, Bracken Engineering, Inc. represented the project on behalf of the applicants. They proposed to raze the existing single family dwelling, constructed on a pier system design; to offset the gross floor area calculations under the zoning bylaw because of the AE flood zone. The removal of existing septic components and replaced with a 1,500 gallon septic tank, 1000 gallon pump chamber and an innovative Alternative, Perc-Rite soil absorption system. They have added a drywell to mitigate runoff of the associated pitch in the gravel driveway. The proposed project has been designed to mitigate any potential impacts to the resource area and will provide an overall benefit to the environment.

Ms. Fitch said this falls under the State Act Only – AE flood zone. This proposed raze and rebuild adds approximately 300SF of impervious surface, but does include downspout discharge infrastructure and an additional drywell. Erosion controls are included on the site plan. The oak tree is protected but the two cedar trees are to be determined once they start the septic work.

No concerns as proposed.

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No public comment.

Motion made to close the public hearing by Ms. Butler and seconded by Mr. Berman. All is favor. Chm. Gray abstained. Motion carried. **4-0-1.**

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,5,7,10,12, 15,18,19,21,24, 27, 28 & 29 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 5, 6, 7 & 9.

Bylaw Conditions Number 9 above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made to move the draft to the final by Ms. Butler and seconded by Mr. Berman. All is favor. Chm. Gray abstained. Motion carried. **4-0-1.**

Chm. Gray returned.

7. **Notice of Intent: DEP File Number: SE7-2245: 72 Megansett Road, Cataumet, The Elizabeth Martin Fideli Discretionary Trust c/o Coastal Engineering Co., Inc.** Removal and replacement of a single-family home, construction of an accessory dwelling, swimming pool, sewage disposal system and associated site improvements. The work will take place within an AE flood zone, V flood zone and 100 ft. of wetland resource area. **Continued from 5/18/23.**

Derek Redgate with Coastal Engineering Co., represented the project on behalf of the applicants; along with Theresa Sprague from BlueFlax Design who prepared the mitigation plan. Mr. Redgate gave an overview of the project which is to raze two separate existing dwellings and replace with a new house and separate pool structure. The resource area is an existing coastal bank along Squeteague Harbor, the plans show a 50' and 100' setback. The majority of the site is subject to coastal flooding with zone x covering a portion of the site. The proposed project includes a new single family dwelling, pool and pool house. The new house will be located where the existing septic is and the new septic system will be relocated outside the 100' buffer. Also represented on the plan is the erosion and sedimentation control. The limit of work shows no work or activity within 50' of coastal bank. The mitigation ideas are in the area of costal bank and fencing will be pulled away. The new pool house is within the 100' and in an already disturb area. The improved drainage system will include 3 drywells to capture roof run off. This project will also go before the Zoning Board of Appeals. Theresa Sprague from BlueFlax Design gave her report on the mitigation plan. They proposed to remove 2,100 sf of lawn that's directly abutting coastal bank, which is armored by a revetment. They proposed to replant the area with native species and are removing two existing cedar trees within the 50' buffer; to mitigate 5 additional cedar trees will be replanted on the southern property line. Overall there is a 181 sf increase with the pool patio within the 100' buffer, therefore with the lawn removal is believed to be better protection of the resource area. There are invasive species to be selectively removed near the revetment and on the southeastern portion of the lot, which is heavily vegetated with bittersweet and honeysuckle to be removed to stop spreading through the lot. There are proposed pitch pine removals within the flood plain and replanting of nonnative arborvitaes.

Ms. Fitch reported that the majority of this project is occurring within LSCSF only, not within the buffer to the armored coastal bank. She requested a few changes from the engineer and received revised plans. There is now a drywell for both pool backwash and roof runoff. The engineer confirmed that the pier and groin do not have Ch. 91 licenses. And they have submitted a planting plan. She was very pleased to see

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the >10' vegetated buffer at the TOB and additional plantings throughout the site. She recommended the Commission condition annual reports with photos for the mitigation plantings.

Mr. Schneider found the Ch. 91 license #7666 issued in 2008 valid for 15 years which ends in 2023.

Public comment: John York resident of Cataumet asked which drywells will collect the runoff from the pool. Mr. Schneider said the two drywells furthest from the pool will collect the roof runoff and a third drywell was added for the pool. Mr. York had concerns over the possible discharge amount from the pool and impacts to the ecosystem from the pool draining into the intertidal zone. He also asked if the intent is a saltwater pool, does that go into the order of conditions. Mr. York also expressed his concern for the loss of the pitch pines.

Ms. Sprague explained that the decline of the pitch pine was due to the turpentine beetle and that if they were to introduce them in another location on site the infestation may cause them to be diseased and die.

Ms. Fitch explained that the Board of Health oversees the illicit discharge regulation. She has also heard of pool companies who pump into a truck and haul away and there is no way to enforce the type of pool. The Commission discussed how pool companies do not drawn down to the bottom at the end of the season, taking roughly only 6-12" down and did not think there would be a concern.

Mr. York asked if the pool house would generate gray water.

Mr. Schneider explained the pool house is a small room, 1 bedroom with bathroom and associated sewage system; All combined with the main house they have calculated 7 bedrooms with the Board of Health.

There was a discussion on the riverfront area delineation and decided to condition the Order to confirm that it is not in a riverfront. If so, they would need to open the hearing again and condition the standards for redevelopment.

Motion to close the public hearing by Ms. Butler and seconded by Mr. Berman.

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,5,7,9,10,12,14, 15,16,18,19,21, 27, 28 & 29 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 5, 6, 7 & 9.

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

ASC-1) Pool water must be drained into the approved drywell. No pool water can be discharged into any wetland resource areas.

ASC-2) A report of mitigation planting and invasive removal must be submitted to the Conservation Department annually for three years. The report must include photos. Any plants that do not survive within the three years must be replaced.

ASC-3) Engineer must provide documentation to the Conservation Department proving that the site is out of the riverfront area as defined in 310 CMR 10.58.

Bylaw Conditions Number 9 above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made to move the draft to the final by Ms. Butler and seconded by Mr. Berman. All in favor.
Motion carried. **5-0-0.**

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8. **Notice of Intent-DEP File Number: SE7-2247: 3 & 5 Plow Penny Way, Bourne, Frank C. Graves and Christine M. Dugan c/o Cape and Islands Engineering, Inc.** Reconstruct previously permitted elevated timber walkway. The work will take place within an AE flood zone and within a salt marsh and ACEC.

Hearing closed 6/1/2023. Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,7, 8, 9,10,12, 18, 22, 21, 27, 28 & 29 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 6, 7, 11, 18, 22 & 23.

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

ASC-1) The third and fourth recommendations made in the Division of Marine Fisheries letter dated May 26, 2023 and signed by Amanda Davis shall be incorporated into this OOC.

ASC-2) This boardwalk was not reviewed for and is not permitted for the use of motorized vessels. No ramp, float, or other structure shall ever be added to this structure such that this structure should function as a dock. This permit is for the construction of a walkway only.

ASC-3) No storage is allowed in the wetland resource area in any season. Boats, structures, and any other objects must be stored in an upland location.

ASC-4) Construction must be done during the dormant season of the salt marsh.

ASC-5) The use of swamp mats during construction is required.

ASC-6) Elevations of the new structure must meet or exceed those of the existing structure.

ASC-7) New posts must be installed in the same holes as previous posts.

Bylaw Conditions Numbers **ASC-2 and ASC-3** above shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Motion made to move the draft to the final by Ms. Butler and seconded by Mr. Berman. Vice-chair Palumbo- abstained. Motion carried. **4-0-1.**

- Discussion of ongoing issue at 38C Cottage Row regarding vegetation management and Landscaping Policy 10-1.

Ms. Fitch shared photos and the landscape policy 10-1 with the Commission. She received a complaint that started in May of 2022 which was a highly disputed civil matter between the Hideaway Village Association and the homeowner at 38C Cottage Row regarding the landscape maintenance rules and regulations. The association has their own view shed policy and wanted the homeowner to trim and prune shrubs and one tree. The homeowner was opposed to this and considered it a natural area. Ms. Fitch clarified the Conservation Department's jurisdiction with the parties involved and as a result brought this before the Commission to make the final call if an RDA needs to be filed. Hideaway Village is within a flood zone and a well-developed area. This

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property is considered an existing landscaped area not in a buffer to a resource. According to Ch.131 section 40 there are no performance standards in the flood zone. View shed is not protected in the Wetlands Protection Act and is not in the Town of Bourne Bylaw. The Commission has no authority in this matter. Chm. Gray explained their role is to make sure permits are in place for protected areas. The attorney for the homeowner and the president of the Hideaway Village Association were both present.

- Continued discussion and possible vote on proposed amendments to the BWR 1.09 Fees. Motion made to accept the revised language by Ms. Butler and seconded by Mr. Szwed. All in favor. Motion carried. **5-0-0.**
- Continued discussion and possible vote on Conservation Restriction policy. Motion made by vice-chair Palumbo and seconded by Ms. Butler to give the Conservation Agent authority to add conditions as needed to specific sites using the State CR form.
- Report of the Conservation Agent.
20 Bell Buoy Road- A site visit was made on June 6th, 2023 to follow up on the work at 0 Circuit Ave that was required per Enforcement Order issued on June 1, 2023. It appears the sand has been removed and in compliance with what was required by the Bourne Conservation Commission.
Ms. Butler reported an issue with Japanese Knotweed at Eel pond growing to the height of the new Osprey pole.
- Vote to excuse absent members.
Motion made to excuse absent members. All in favor. Motion carried. **5-0-0.**

Adjourned 9:22PM.

Minutes typed by Amalia Amado- Conservation Secretary II
Audio recorded by Conservation Department