

**Bourne Conservation Commission
Public Meeting Minutes
August 17, 2023**

Commission Members Present: Chm. Robert Gray, Greg Berman, Paul Szwed, Sarah Butler, Susan Weston, Peter Holmes, and Joseph Soares.

Excused Members: Vice Chair Palumbo.

Professional Staff in Attendance: Stephanie Fitch, Conservation Agent.

Chm. Robert Gray called to order the meeting of the Conservation Commission at 6:30 PM, conducted in person on Thursday, August 17th, 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 Wetland 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.

Chm. Gray addressed some issues that have been appearing in social media, particularly Facebook postings that are addressing matters about the Conservation Commission. He said that Commissioners cannot and should not respond to any postings that addresses an issue that is presently before the Commission in a public meeting or a public hearing and to do so would violate the Open Meeting Law. He said that once a review of a matter by the Commission has commenced, all discussion must occur during the posted public meeting or public hearing. Members cannot communicate with other members or with the public. He said that if anyone is interested in a matter that is before the Commission, they may call the Conservation Department and the staff may answer their questions. He added that there has been a lot of misinformation on Facebook.

Chm. Gray reiterated that Commissioners cannot and should not respond to any emails on matters that are before the Commission. He said that as for the emails that the Conservation Department has received regarding the pier project that is on the agenda tonight, the Conservation Commission has received correspondence from 37 people regarding this project. The Conservation Committee members have all received copies and the correspondence is now part of the public record and copies are available at this meeting and will be attached to this meeting's minutes.

REQUEST FOR DETERMINATION

- 1.) **Request for Determination File Number: CC-23-19, 18 Windsor Road, Cataumet, John LoMedico.** Post-facto filing of an upgrade to an existing boathouse. This project is located in a VE flood zone and within coastal wetland resource areas. **Continued from 7/20/2023.**

Continued to September 7th, by request of the applicant.

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- 2.) **Request for Determination File Number: CC-23-26, 18 Island Drive, Pocasset, Richard Frye c/o Wet Tech Land Design, Inc.** Remove an existing stone wall and replace with a deck/veranda. This project is located in an AE flood zone and within 100 ft. of wetland resource areas.

Wayne Tavares, a landscape architect and a Professional Wetlands Scientist with Wet Tech Land Design showed pictures of and explained the proposed project of replacing the stone wall and installing a porch. He said that it is replicating the same area of coverage that is being used now. He said that the only thing missing from the original plan was the dry well that leads to the gutter system as requested by the Agent. He said that the project is 70.5 feet away from flagged wetlands which are across the street, although the measurement of the plan says 25.75 feet from the sideline of the road.

Conservation Agent, Stevie Fitch, said that she has no concerns. All work is in previously disturbed areas.

Paul Szwed asks for runoff protection during construction. Ms. Fitch said she agrees a silt fence would be beneficial. Mr. Tavares agrees to a straw wattle and says he will add it to the plan and send it to the department.

No public comment.

Motion made for a Negative Two Determination by Mr. Holmes and seconded by Ms. Weston All in favor. **Motion carried. 6-0-0.**

- 3.) **Request for Determination File Number: CC-23-25, 89 Bellavista Drive, Pocasset, Joseph Frew c/o Shay Environmental Services.** To replace a failed septic system with new Title V compliant system. This project is located in an AE flood zone and within 100ft. of a wetland resource area.

Carmen Shay of Shay Environmental Services explained the project and said that it is for a Board of Health verified 3-bedroom house. He said that they are proposing replacement with a new septic tank and leaching field.

Ms. Fitch gave her report. She said that the entire property is in the AE flood zone which is shown on the plan. She said they also have priority habitat in the backyard where they will be filling the old tank and the leach pit, which is exempt under MESA. Mr. Shay said that erosion controls are on the plan that he handed to Ms. Fitch which she requested due to the steep grade of the yard leading to the salt marsh. Ms. Fitch said that when they go in front of the Board of Health, if there are any major revisions then they may need to discuss a notice of intent and MESA filing, especially if a redesign means they need to install in the backyard.

No public comment.

Motion made for a Negative Two Determination by Mr. Holmes and seconded by Ms. Weston. All in favor. **Motion carried. 6-0-0.**

NOTICE OF INTENT

- 1.) **Notice of Intent: 394 Scraggy Neck Road, Cataumet, Thomas Cibotti c/o Falmouth Engineering, Inc.** Install a pile supported residential small, elevated pier, ramp, and float. The work will take place within a V flood zone and other wetland resource areas.

Ms. Fitch said that they didn't get the File number and it is SE7-2259.

Michael Borselli, Falmouth Engineering, representative for the applicant, Thomas Cibotti. He said that Mr. Cibotti is proposing a seasonal pier on the waters on Hospital Cove, and he has a single-family dwelling in a developed property. He is joined tonight by Jamy Madeja, attorney for Mr. Cibotti. Mr. Borselli said that they have designed this dock to meet all the regulations that were recently promulgated by the Conservation Commission that allow docks in these types of areas. He said he is also joined by Darron Kriegel of Megalodon who performed the shellfish and eelgrass surveys and report. He said they designed the pier to meet all regulation requirements and have the requisite water depth, without exceeding the maximum allowed length. He said the walkway will be pipe supported, 4-foot wide and will provide 6-foot separation from the salt marsh in accordance with DMF standards and a minimum of 5-foot of separation at knee high water for public access in accordance with DEP Division of Wetlands and Waterways. This project uses float stops to provide 4' separation from the bottom. He said that they can make the revision to 10 foot on center, from the 8 feet on center that is currently proposed, for the spacing of the pipes where they are crossing the salt marsh. This is also in priority habitat and they have received a positive response from MESA with no concern of a "take."

Ms. Fitch asked about plans for lighting and if there would be any water on the dock. Mr. Cibotti said that he would like seasonal water service and Ms. Fitch said to make sure it is added to the revised plan. Mr. Borselli said that if there is lighting it will be in accordance with the regulation. Ms. Fitch also asked about construction when it is landward of mean-high water. Mr. Borselli said the work will be done by barge outlining any areas where there is adequate water depth at high tide, and crossing the marsh it will be done by hand with hand equipment and labor. If there is need to lightweight track equipment, they will reach out to the Conservation Department.

Ms. Fitch said that they are waiting for a letter from the Division of Marine Fisheries, and she has met with DNR about the site, and they have not been there yet, and they want to look at distance to the navigation channel around Bassetts. Ms. Fitch talked about the distances between the rails and asked the Commission for some clarification on width requirements. Do they want 4' in between the rails, or have the entire footprint width be 4'. Chm. Gray said that the entire footprint should be within the 4 feet. Mr. Borselli said will submit a revised plan.

Greg Berman said that it would be good to have the distance from the navigation channel to the outer edge of the float on the plan. Paul Szwed asked if the pier is meant to replace the outhaul. Mr. Borselli said yes.

Zachary Basinski of Bracken Engineering said that the inside clearance, for ADA compliance, must be 36" between the rails. Susan Malcom of Cataumet said that she is a sailor, and she wants to know how they would allow for boats to get in and out of this tight navigation area. Chm. Gray said that they are awaiting information from the Harbormaster on the issue of navigation.

Chm. Gray said that the next hearing is the September 7th. Mr. Borselli asked to be continued until September 7th.

Darron Kriegel gave an overview of the shellfish findings. He said that they did 50 samples within the radius that were randomly selected with QGIS. He said they found some quahogs and the eelgrass that they found was not a bed and was not a healthy patch. He said that they picked the center point, where the boat would moor or dock at the end of the pier, and a radius around that as their location to pick samples. The report has been submitted.

- 2.) **Notice of Intent: DEP File Number: SE7-2255, 74 South Road, Pocasset, James and Patricia Filbin c/o Falmouth Engineering, Inc.** To install a pile supported residential small, elevated pier, ramp, and float. The work will take place within an AE flood zone, VE flood zone and within coastal wetland resource areas. **Continued from 8/03/2023.**

Michael Borselli, Falmouth Engineering, is also the representative for this applicant, James Filbin. He said that they went through the project proposal at the last meeting. He said they had not received the response letter and they now have received it and it says there will be not take. He said that they had some bookkeeping mater that they need to take care of, including float stops. He said that Mr. Filbin went out and surveyed all the locations of mooring in the area within 300 feet and they were added to the plan with the mooring numbers.

Ms. Fitch said there was some confusion because Mr. Borselli had submitted the Mooring Site Plan and the Resource Area Site Plan. Ms. Fitch said that they did receive the National Heritage letter and it is all set. She said that the only permit on the revised plans that show the change in the edited resource areas, it still says sandy beach and it should say coastal beach. She said that width should be brought down to 36 inches instead of 48 inch clearance. There was some discussion about closing this Notice of Intent but due to the extra Thursday in August, it would be best to continue and close on September 7th.

No Public Comment.

Mr. Borselli requested a continuance until September 7th, 2023. Chm. Gray said that the matter shall continue until September 7th for a decision.

- 3.) **Notice of Intent: DEP File Number: SE7-2172, 96 Megansett Road, Cataumet, Cape Club Building, Inc. c/o Cape and Islands Engineering, Inc.** Construction, licensing, and maintenance of an access ramp leading to a walkway, pier, ramp, and float in the waters of Squeteague Harbor. The proposed work is located within coastal wetland resource areas, within a riverfront and in a VE flood zone. **Continued from 8/03/2023.**

Chm. Gray said that Mark Dibb of Cape and Islands Engineering is the representative and Matt Watsky is the attorney representing the applicant. Mr. Dibb said that they resubmitted plans and a response document on August 11th. Mr. Dibb explained that after the hearing they addressed the comments from the hearing, and he addressed those comments. He said that one comment was regarding water depths that were shown on the plan. He explained that when they first started this, it was under the old bylaw, and they had a much wider scope.

Mr. Dibb said that they did a new hydrological survey, and it came up with values within about a half of foot here and there and they are the current hydrologic depths based on using survey equipment and boat data. He said that lighting will meet the town regulations. He said that they did add the note that this is land containing shellfish, however when they did the survey, the quantities did not meet the standard for commercial or recreational value based on densities listed in the town regulations. He said they did not change the design to reduce the number of pilings due to it being a seasonal pier. He said they are proposing to remove the entire structure over to the platform during winter and given that it is seasonal they feel it is appropriate to use the piling spacing that they have designed.

Mr. Dibb said that the last comment was regarding a separation to moorings, and he said that they have reached out to both mooring holders and they do not have any written document of approval that either mooring would be moved. He said that they did provide a copy of the U.S. Army Corps of Engineers guidelines for the placement of fixed and floating structures in navigable waters. He talked about the guidelines and what the town regulates compared to their plans. He reminded the Commission that they were directed to measure 1/5 across the waterbody from mean low water to mean low water. He feels that the dock meets that regulation.

Chm. Gray asked Mr. Dibb to show the Commissioners where the seaward property line to 96 Megansett is and how much of the proposed structure is outside of the subject property by using the plan that is on the screen. There was discussion about the property lines and the construction lines. Chm. Gray asked Mr. Dibb how much of the structure is not on the subject parcel under the ownership of the Cape Club. Mr. Dibb said that the pier complies with the DEP standard for the 25-foot offset from the extended property. Chm. Gray said that this is dealing with commonwealth tidelands for a portion of the walkway, ramp, and the float. Chm. Gray asked Mr. Dibb if he agrees that the float is totally over the commonwealth tidelands and is not on the property at 96 Megansett. Chr. Gray said he is trying to establish that these are not private tidelands, and Mr. Dibb agreed. Chr. Gray asked if either Mr. Dibb or Attorney Matt Watsky knew if whether recreation was one of the interests of the Wetlands Protection Act, and Mr. Watsky answered that it is not one of the interests of the state Wetlands Protection Act and it is an interest under the bylaw.

Ms. Fitch said that she wanted to make sure everyone was on the same page regarding the state act and the local bylaw. She said that under the state act they have the resource areas of the salt marsh, land containing shellfish, land under ocean, and land subject to coastal storm flowage. She said that she believes that it meets the performance standards as set forth in the Wetland Protection Act. She said that she would like to see the structure more north/south orientated, and if not to make sure that it meets the 1.5 to 1 height to width ratio the entire way, because that is the best practice.

Ms. Fitch said that regarding the local bylaw, the easiest regulation to note is the mooring setback. She said that she does not think that they can issue an order of conditions for a project that does not solidly meet their regulations. She said that recreation and/or commercial uses are considered wetland resource values under their bylaw, article 3.7 and navigation falls under that value. She said that under the bylaw it says that you can deny a permit for a project that will have an adverse effect on the wetland resource value. She said that they included the 100-foot setback to ensure that projects would not impair the ability of the wetland resource area to provide for public recreation and/or commercial uses.

Ms. Fitch said that they are also struggling with the one fifth across the water body and she agrees that on this plan it meets the one fifth across the water body, although looking at the narrower section, it is greater than one fifth and it can impair navigation, and therefore recreational and commercial uses of the harbor. Sarah Butler asked if it was 100 feet from all mooring anchors. Mr. Dibb answered by saying that there are 3 shown on the plan, the one to the South is 90.8 feet, the one to the west is 111.9 feet, and the third is 48.7. Ms. Fitch added that all public comments and correspondence has been added into the public record.

Chm Gray emphasized one of the wetland values of recreation and commercial use that means, but is not limited to, the purposes for which the wetland resources areas are used by the public, such as navigation fishing, hunting, shellfish, swimming, water skiing, diving, walking etc., He said that the key sentence in this sentence is that a project must be designed so as to not impair the ability of the wetland resource area to provide for these public recreational and/or commercial uses.

Attorney Matt Watsky said that they were not provided with the emails that are now part of the record, so he would like to be provided with copies before the hearing is closed so they can review them and respond. Ms. Fitch will email a copy of emails to Atty. Watsky.

Attorney Watsky said that regarding the setback to moorings, as Mr. Dibb noted, the location of the existing moorings does not comply with Bourne's local standards or the Army Corps or DEP criteria. He said that there is a right to appeal the issuance of mooring permits, and he hopes to not have to do that. There was more discussion about the calculations for the one fifth across the water body and about what type of boat and size of boat that would go on the float, and about how it may impair recreational and commercial uses of the channel.

John York of Cataumet talked about median length of the boat and the guidelines. He said that using 91B as guidelines is not correct because they are for a mooring field and not individual moorings. He also said that when the Corps calculated the numbers, he said it is the high tide depth, but Mr. Dibb used the low tide depth. He said that this sort of confusion in the responses that he submitted, that this whole process suffers from a hurry up type atmosphere, where a professional engineer is under pressure to produce quickly and has not checked his own math, and he feel that it is something for the Commission to consider in this process. Mr. York also said that he emailed Ms. Fitch a plan with marked areas showing where the deepest points are and that she can show it later if needed.

Eric of Cataumet said he was there to speak from a fisherman's point of view. He said that he agreed with Mr. York as to the location of the deep water. He wants to know how the boats and kayakers are going to get around the dock and get to the deep side.

Joe McGurl brought a drawing of the channel to show the Commission about the 100-foot setback and the centerline. He said it is a textbook example of where not to install a dock. Mr. McGurl said that the applicant does not have the sandbar in his plans, and the sandbar makes it difficult to navigate in the channel. He reiterated that at low tide it is not very navigable. Mr. McGurl also said that if there is a hurricane, the dock would be blown into the bridge and there would be significant damage, and who would pay for it. He talked more about the regulations. Mr. McGurl said that there is an ideal location on the existing beach for the applicant to keep his dinghy in which he could use to get to his big boat moored in the harbor. He added that the building of this dock could result in revenue loss for the town. Chm. Gray asked Mr. McGurl if he had a dock, and he said he has a 3-foot-wide wooden walkway to access his dinghy and he realized that he doesn't need something 160 feet long.

Bill Fallon of Cataumet thanked the commission for their work on this proposal. He said that this is a small area and it is shallow. He said that he shellfishes there and he can't even get his dinghy in the harbor, so he ties it and walks up shore. He said that this would be a big project with little consideration for those around them, and it's clear that this applicant does not care for the environment.

David Warr, Chair of the Conservation Commission on Cuttyhunk, said that he learned about this hearing, and it peaked his interest. He first commended the Commission for the number of items that they have on their agenda. He said that he supports the local bylaw of Bourne and he is at the meeting to offer his support in their efforts to protect the environment.

Linda Carpenter of Cataumet said she was there in support of Joe McGurl, as are many Cataumet residents. A few other Cataumet residents talked about the issues from the trees being cleared on the property of the proposed project, and there was more discussion about the harbor and the question about whether it is appropriate to install the dock that has been proposed.

Atty. Watsky said that there were assertions made by the public tonight that they think are factually incorrect and he feels that the record needs to be corrected and they need to be able to respond to them. He said if for no other reason than to make a record that they think is clear. He said that his request that he made previously to see the materials that have been submitted, to hear these comments, and have an opportunity to be able to respond to that request as it stands.

Ms. Fitch asked Atty. Watsky if they zoom in on the main issues that they have been discussing, the setback to the mooring, which cannot be changed as it is in the regulations, is they can have it changed in two weeks. Atty. Watsky answered that he already addressed it and if the Commission is going to vote to deny it solely based on the lack of 100 feet between the end of the dock and the moorings, then he recommends that it is something that can be addressed, and they just can't address it right now due to the mooring being where they don't belong. He said that they hope that they would be able to work with the neighbors and have moorings adjusted by agreement, but if that's not possible that there will be recourse available to them to appeal and push for a relocation of the moorings.

Chm. Gray said that the issues of the moorings have been discussed for six months and the dock has been under review for over a year and a half. He said that he doesn't understand what

Mr. Watsky is requesting relative to the mooring issue since he hadn't been able to give them a revised plan that shows compliance with the mooring setback as it is written in the bylaw regulations right now. Atty Watsky said that they are not going to be able to make a revision that shows compliance with that standard to satisfy the commission. He said he previously said that if they were to approve it, that they approve it with a condition that the dock cannot be built until it can comply with those standards.

Chm. Gray said that he believes that the applicant has not met the burden relative to the bylaw interest for recreational and commercial use. He said that he thinks the record has been substantiated with comments that were made tonight, and at previous hearings, that the design for this dock at this location would impair the recreational and commercial use of the wetland resource area. He said that he doesn't know what could be provided that would refute the photographic information and information that has been placed into the record. Chm. Gray said that he does not want to continue this for another three weeks because they had an opportunity from the last hearing until this day at 4:00 to check with the Conversation Department to find out what information had come in relative to this matter.

Chm. Gray asked Ms. Fitch if she concurs that 131.40 complies, and she said she does. She said that it does meet the performance standards. She said that it should be a denial of the Bourne Wetland Protection Bylaw due to BWR 1.16(1) (e) 16. b, section 3.7.2 of the bylaw article 3.7 and BWR 1.16(1) (e) 2.

Motion made to approve the dock pursuant to the Wetlands Protection Act, 310 CMR 10.00 and deny the project under the Town of Bourne Wetlands Protection Bylaw, 3.7 by Ms. Weston and seconded by Mr. Holmes. All in favor. **Motion carried. 6-0-0.**

- 4.) **Notice of Intent: DEP File Number: SE7-2258, Parking lot off 0 Sagamore Road, Sagamore Beach, Town of Bourne c/o BSC Group, Inc.** The proposed project at the site involves upgrading the parking lot and the stormwater management system, as well as repairing the existing emergency access ramp, walkover stairway, and beach nourishment. The project is located on or within 100 ft. of coastal wetland resource areas and in a V flood zone. **Continued from 8/03/2023.**

Continued to September 7th, by request of the applicant.

- 5.) **Notice of Intent: DEP File Number: SE7-2257, Parking lot off 280 Standish Road, Sagamore Beach, Town of Bourne c/o BSC Group, Inc.** The proposed project at the site involves upgrading the parking lot and its stormwater management system, as well as repairing the existing emergency access ramp, walkover stairway, and beach nourishment. The project is located on or within 100 ft. of coastal wetland resource areas and in a V flood zone. **Continued from 8/03/2023.**

Continued to September 7th, by request of the applicant.

- 6.) **Notice of Intent: DEP File Number: SE7-2256, 60 Red Brook Harbor Road, Pocasset, Karen Fish-Will c/o Bracken Engineering, Inc.** To raze existing structures and rebuild a single-family dwelling, garage, pool, patio, and pool house. Installation of a Title V septic

system with Innovative/Alternative technology, landscaping, grading, and associated utility work. The work will take place within a V flood zone and 100 ft. of wetland resource areas.

Chm. Gray stepped out and Greg Berman took his place as Acting Chairman. Zac Basinski of Bracken Engineering said that he is the representative for the applicant and they are asking for a continuance. He said that they must add the riverfront area on to the plan after a conversation that was had earlier in the day with the staff in the Conservation Department. Mr. Basinski explained that the project is to raze the existing structure and rebuild a single-family home. He said that they will add a septic system in the back. He said that no structures will be any closer to the water than what is there today. The plan to restore the coastal access way will be removed from the plan and will be included in a different application at a later date.

Ms. Fitch said that the new house, garage, and pool, with a pool house, will be within the outer 50-foot buffer to the coast bank and no flood zone. She said that the septic system will be upgraded with an I/A system and will have multiple catch basins to collect stormwater.

Ms. Fitch said that she is asking all applicants now to be very transparent in terms of trees coming down on the lot. She also recommends restoration at top of coastal bank and to have owner stop mowing seaward of the top of bank.

Ms. Fitch asks if the property behind the house has a view easement. Mr. Basinski confirms that there is no view easement recorded with the deed.

Ms. Weston points out that the proposed pool is within 50' to the bank. Mr. Szwed asks that the pool be brought landward out of the 50' buffer.

No public comment.

Continued to September 7th, by request of the applicant.

REQUEST TO EXTEND THE ORDER OF CONDITIONS

- 1.) **DEP File Number: SE7-2087, 4 Fisher Lane, Sagamore Beach, Champe A. Fisher, Jr c/o Bracken Engineering, Inc.** Request to Extend Order of Conditions issued on August 28, 2020, and Amended on May 24, 2021. Proposed aluminum stairs with retractable lower section and permanent frame and rail to be installed to support retracted lower stairs within a V-Zone and within 100 ft. of a wetland resource area.
- 2.) **DEP File Number: SE7-2088, 6 Fisher Lane, Sagamore Beach, Mark Quenzel & Candace L. Fisher c/o Bracken Engineering, Inc.** Request to Extend Order of Conditions issued on August 28, 2020, and Amended on May 24, 2021. Proposed aluminum stairs with retractable lower section and permanent frame and rail to be installed to support retracted lower stairs within a V-Zone and within 100 ft. of a wetland resource area.
- 3.) **DEP File Number: SE7-2089, 8 Fisher Lane, Sagamore Beach, Sarah E. Fisher c/o Bracken Engineering, Inc.** Request to Extend Order of Conditions issued on August 28,

2020, and Amended on May 24, 2021. Proposed aluminum stairs with retractable lower section and permanent frame and rail to be installed to support retracted lower stairs within a V-Zone and within 100 ft. of a wetland resource area.

- 4.) **DEP File Number: SE7-2090, 10 Fisher Lane, Sagamore Beach, Sarah E. Fisher c/o Bracken Engineering, Inc.** Request to Extend Order of Conditions issued on August 28, 2020, and Amended on May 24, 2021. Proposed aluminum stairs with retractable lower section and permanent frame and rail to be installed to support retracted lower stairs within a V-Zone and within 100 ft. of a wetland resource area.
- 5.) **DEP File Number: SE7-2091, 16 Fisher Lane, Sagamore Beach, Robert and Gina Gendron c/o Bracken Engineering, Inc.** Request to Extend Order of Conditions issued on August 28, 2020, and Amended on May 24, 2021. Proposed aluminum stairs with retractable lower section and permanent frame and rail to be installed to support retracted lower stairs within a V-Zone and within 100 ft. of a wetland resource area.

Mr. Berman read aloud the above requests to extend the order of conditions.

Mr. Basinski of Bracken Engineering said that he is representing all the above applicants and their requests to extend the order of conditions. He said that they initially were going to come in for a certificate of compliance request, but while doing the review of the project, they noticed that there was an additional fence installed by a couple of applicants. He said they are asking for the extension to address the fence.

Ms. Fitch said that they missed their compliance report that was due 60 days after the installation. She said there is a sand nourishment report that was missed also. She said they did submit some photos and she would like to see all the additional special conditions as outlined in the order met over the next year.

No public comment.

Motion made for 4 Fisher Lane to extend the order of conditions for a year by Ms. Butler and seconded by Mr. Soares. All in favor. **Motion carried. 5-0-0.**

Motion made to extend the order of conditions for a year for 6 Fisher Lane, by Ms. Butler and seconded by Mr. Soares. All in favor. **Motion carried. 5-0-0.**

Motion made to extend the order of conditions for a year for 8 Fisher Lane, by Ms. Butler and seconded by Mr. Soares. All in favor. **Motion carried. 5-0-0.**

Motion made to extend the order of conditions for a year for 10 Fisher Lane, by Ms. Butler and seconded by Mr. Soares. All in favor. **Motion carried. 5-0-0.**

Motion made to extend the order of conditions for a year for 16 Fisher Lane, by Ms. Butler and seconded by Mr. Soares. All in favor. **Motion carried. 5-0-0.**

REQUEST FOR CERTIFICATE OF COMPLIANCE

- 1.) **DEP File Number: SE7-2201, 4 Richmond Road, Pocasset, Josephine B. Smith c/o Bracken Engineering, Inc.** Certificate of Compliance requested for Order of Conditions issued on 4/22/2022. The project included an installation of a tight tank with any and all associated grading, landscaping, and appurtenances. The project is located in an AE flood zone.

Ms. Fitch said a site visit was done today, August 17, 2023, and she recommends issuance of the COC.

Motion made to issue a certificate of compliance, by Mr. Holmes and seconded by Ms. Butler. All in favor. **Motion carried. 5-0-0.**

- 2.) **DEP File Number: SE7-2091, 128 Wings Neck Road, Pocasset, Sophia Catrambone c/o Bracken Engineering, Inc.** Certificate of Compliance requested for Order of Conditions issued on 9/26/2018. The project is located in a V-Flood Zone and within 100 ft. of a wetland resource area, included the installation of a stone patio, retaining walls and landscape improvements.

Ms. Fitch said a site visit was done today, August 17, 2023, and she does not recommend issuance of the COC. The issue is there is an additional special condition as part of the order with a shed that was required to be anchored. The Certificate of Compliance was denied, and Mr. Basinski said he would amend it and bring it back.

Chm. Gray rejoined the meeting.

- Approve minutes 4/06/2023 (executive session) and 6/01/2023.

Motion made to accept and release the executive session meeting minutes of April 6th, 2023, by Ms. Butler and seconded by Mr. Holmes. **Motion carried 5-0-1. Ms. Weston abstained.**

Motion made to accept and release the meeting minutes of June 1st, 2023, by Mr. Berman and seconded by Ms. Butler. **Motion carried 6-0-0.**

- Report of the Conservation Agent.

Ms. Fitch said she sent out a notice about storage of seasonal ramps and floats in resource areas based on how the regulations have been revised over the last year. She said that at 4 Windmill Road on Buttermilk Bay, they have been storing their floats and ramp on the coastal beach year-round, and the homeowner is trying to work with the Conservation Department. The homeowner said that it would cost \$8,000 to \$10,000 to tow them and store them. She said that she discussed other options with the homeowner. Ms. Fitch asked the Commission for advice on this situation and sawhorses were suggested, and Chm. Gray said that it could be a compromise. Another

possibility was to store them on his dock. There was more discussion about the storage of ramps and floats. It was decided that she will continue to work with the homeowner with this situation.

- Vote to excuse absent members.

Motion made to excuse Rob Palumbo from the meeting by Ms. Weston and seconded by Mr. Berman. **Motion carried 6-0-0.**

- Adjourn

Motion made to adjourn the meeting by Ms. Weston and seconded by Ms. Butler. **Motion carried 6-0-0.**

The meeting was adjourned at 9:23 PM.

Meeting minutes typed by – Kim Johnson, Recording Secretary
Audio recorded by the Conservation Department

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.