

Select Board Meeting Notice **Amended** AGENDA



Date

September 5, 2023

Time

7:00 PM

Location

Bourne Veterans' Community Building
239 Main St., Buzzards Bay
Or virtually (see information below)

The Zoom chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute. Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line:
1-929-205-6099

Zoom Meeting ID: 869 5775 5505

Password: BOURNE

All items within the meeting agenda are subject to deliberation and vote(s) by the Select Board.

7:00 PM Call Public Session to Order in Open Session

1. Moment of Silence to recognize our troops and our public safety personnel
2. Salute to the flag
3. Reading of the Vision and Mission Statements
4. Public comment on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. Consent Agenda
 - a. \$100 donation to the Library from the Tradewinds Condo Owners Trust
 - b. Discussion and possible vote to approve the request from Mass Maritime Parents' Association to hang a banner across Main St. 3 weeks' before their craft fair event on Dec. 9, 2023.
6. Parking waiver request for a wedding at Sagamore Beach on Sept. 9, 2023
7. Request by Studio 721 to use Buzzards Bay Park for a country line dancing class on Oct. 6, 2023.
8. **Appointment of Catherine Walton to the Cable, Internet, Telecommunications Advisory Committee (CITAC) for a term ending June 30, 2024.**
9. **Designate and appoint a Select Board Member to the Cable, Internet, Telecommunications Advisory Committee (CITAC) for a term ending June 30, 2024.**
10. Discussion and update - Community Engagement Committee
11. Discussion and update - emergency refugee housing
12. Policy
 - a. 2nd Reading – various revisions to the Select Board's "Rules of Procedure"
 - b. Select Board budget priorities for FY25
13. Town Administrator's Report
14. Minutes: 08.08.23 (retreat), 08.15.23
15. Future Agenda Items
16. Committee Reports
17. Correspondence

TOWN CLERK BOURNE

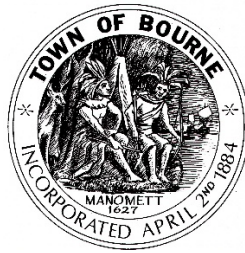
2023 AUG 31 PM 2:21

RECEIVED

18. Next Meeting Date: Sept. 12, 2023 – BOSC hearing at 6:30 pm for 300 Main Street
 Sept. 12, 2023 – Select Board @ 7 pm – annual audit & DPW budget review
 Sept. 19, 2023
19. Adjourn

Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, 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

TOWN OF BOURNE



Vision

Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

Mission

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Select Board
Minutes of Tuesday, September 5, 2023
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually**

**TA Marlene McCollem
ATA Liz Hartsgrove**

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair (remote)
Anne-Marie Siroonian, Clerk
Peter Meier

RECEIVED
2023 OCT -5 PM 2:51
TOWN CLERK BOURNE

Others: Wendy Lajoie, Alex Schofield, Wendi Howland, Kathy Fox-Alfano, Susan Bianchi (remote), Steve Schrader (remote), Cindy Pezza (remote), Scott Lajoie (remote), Kelly Snover (remote), Rebecca Snover (remote), Peter Perroni (remote), Victor Maglio (remote), Sarah Nathe (remote), John York (remote), Catherine Walton, Liz Brown, Beth Russell, Marie Oliva, Mavis Robinson, Fred Carbone, Susan Baracchini, Bill Doherty (remote), Neil Langille (remote), Lisa Grobleski (remote), Kristi Hawkes (remote), Steve Kay, Andrew, Alice Zinkevich, State Representative Steven Xiarhos, Tim Scully, Police Chief Brandon Esip (remote), Amy Sharpe, and Will Alms (remote).

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute. Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

Michael Rausch, Bourne Enterprise, acknowledged that he is recording the meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099** entering the ID/pass above.

Zoom Meeting ID: 869 5775 5505 Password : BOURNE

All items within the meeting agenda are subject to deliberation and vote(s) by the Select Board.

Chair Mastrangelo said that Jared MacDonald is excused from this meeting.

7:00 PM Call Public Session to Order in Open Session

- 1. Moment of Silence to recognize our Troops and our public safety personnel.** – Chair Mastrangelo said that she would like to recognize Richard White, a former Bourne Police Officer and State Trooper who passed away last week. Also, she expressed condolences to the family of the young person that died in the train accident the night before.
- 2. Salute to the Flag.**
- 3. Reading of the Vision and Mission Statements:**

Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

Wendy Lajoie of Sagamore Beach said that she was there to speak about dog licensing. She said that her family has lived in Sagamore Beach for 6 years, and previously lived in Mashpee for 12 years. She said in all that time they have never missed a year of licensing and this year, like many other families in town, they missed the license due date and that they do not know how they missed it, and they received a \$50.00 fine, per dog, in the mail. She said that she paid the fine, and they are licensed now, and they will move on, although she is not sure how so many people missed it. She said she is a little dismayed that there is no leniency for first time offenders.

Ms. Lajoie said she is at the meeting to ask for a request for change in how long a license is valid for. She said that in Mashpee the license coincides with the dog's vaccination, which can be for up to 3 years. She brought in the fee structure for dog licensing in Mashpee to show how Bourne may be able to make the change in their process.

Alex Schofield of Pocasset said that he has been a resident for 16 years. He showed a picture of his dog. He said that his family also received the \$50. fine in the mail for not licensing his dog. He said that many families received this fine, and he feels that this was a "gotcha game" for the Town of Bourne. He said that he is requesting that dog owners be notified when it is time to license their dogs by either mail or email. He said that several people in town were told that the town has no obligation to notify dog owners of the fee, and this leaves a bad taste in his mouth.

Wendie Howland said she is soon to be the Clerk of the Cable, Internet, Telecommunications Advisory Committee. She said that this committee has been formed to work on getting the town better broadband service. She talked about the service in town and how poor it is. She gave out handouts to the meeting attendees that have the information for the public to do testing of their broadband. She said that there have been some listening sessions scheduled and they are not very convenient for town residents.

Kathy Fox-Alfano, Vice Chair of the Jonathan Bourne Public Library Board of Trustees. She said that they have been working all summer on their strategic plan, while being led by Library Director Irja Finn and Assistant Town Administrator Liz Hartsgrrove. She said that this plan is important because it is needed to get money from the State. She said that the plan is in the review stage currently and will be presented at the Select Board meeting next week.

5. Consent Agenda

- a. \$100 donation to the Library from the Tradewinds Condo Owners Trust.**
- b. Discuss and possible vote to approve the request from Mass Maritime Parents' Association to hang a banner across Main St. 3 weeks before their craft fair event on Dec. 9, 2023**

Susan Bianchi of the Mass Maritime parents' Association said that they are having their second annual Christmas Fair and she said that they are requesting to hang their banner across Main Street.

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to approve the Consent Agenda as printed on September 5th, 2023.

Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

6. Parking waiver request for a wedding at Sagamore Beach on Sept. 9, 2023.

Cindy Pezza said that she is having a brief wedding ceremony on Saturday, September 9th on Sagamore Beach at the north public lot entrance. She said that there will be out of town guests parking there and she would like to not have them ticketed. There was some discussion about the parking issues in the area, and the lack of parking spaces in this lot.

Voted: Peter Meier moved, and Melissa Ferretti seconded, that the Select Board approve the parking waiver request for a wedding at Sagamore Beach on September 9th, 2023, from 3 to 6 PM.

Chair Mastrangelo said that they cannot guarantee parking and parking is available at Clark Field without stickers. There cannot be any illegal parking on the street or in the area.

Roll Call Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – no, Peter Meier – yes, and Chair Mastrangelo – abstain. **Vote:** 2-1-1.

7. Request by Studio 721 to use Buzzards Bay Park for a country line dancing class on Oct. 6, 2023.

Peter Meier asked if the staff has any issues with this request, and the Town Administrator, Marlene McCollem, said that the application is in order.

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to approve the use of Buzzards Bay Park Pavilion on October 6th, 2023, from 5 to 6:30 PM.

Roll Call Vote: Peter Meier – yes, Anne-Marie Siroonian – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

8. Appointment of Catherine Walton to the Cable, Internet, Telecommunications Advisory Committee (CITAC) for a term ending on June 30, 2024.

Catherine Walton said that she is applying to be a part of this committee. She said that her experience includes over 3 years of managing escalated software and hardware contractual issues. She listed many of her attributes and accomplishments that would make her a good fit for the committee.

Anne-Marie Siroonian asked Ms. Walton what she sees as a priority for this committee. Ms. Walton said that she thinks gathering data to tell the story is a priority.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the Appointment of Catherine Walton to the Cable, Internet, Telecommunications Advisory Committee for a term ending on June 30, 2024.

Roll Call Vote: Peter Meier – yes, Anne-Marie Siroonian – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

9. Designate and appoint a Select Board member to the Cable, Internet, Telecommunications Advisory Committee (CITAC) for a term ending on June 30, 2024.

Anne-Marie Siroonian volunteered as the Select Board's liaison for the Cable, Internet, Telecommunications Advisory Committee.

Voted: Peter Meier moved, and Melissa Ferretti seconded to appoint Anne-Marie Siroonian as the liaison for the Cable, Internet, Telecommunications Advisory Committee with a term ending on June 30, 2024.

Roll Call Vote: Peter Meier – yes, Anne-Marie Siroonian – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

10. Discussion and update – Community Engagement Committee.

Kathy Fox-Alfano said she is the Interim Chair of the Community Engagement Committee. She said that in 2019 the town granted an appropriation of \$50,000. to start the BCEC (Bourne Community Engagement Committee). She said that in 2020 only two events were held, a few events in 2021, 1 in 2022, and this year that have had a lot of events. They have spent the money down to \$1,317.

Marie Oliva from the Cape Cod Canal Region Chamber of Commerce said that they have been the recipient of many grants from the Bourne Community Engagement Committee. She found them to be invaluable to them as it boosts tourism and economic development. She said the events are community events and most are free. She said that they really appreciate the support from the Select Board.

Mavis Robinson from the Bourne Historical Society said that the BCEC has allowed them to put on events and collaborate in a way that they would not normally be able to do. She said that they filed for a grant from the BCEC in 2020, and the small amount that they were given for seeds has blossomed into a daffodil festival. She said that they use the money for new events, and not for the events that they already do.

Ms. Fox-Alfano said that since they have run out of money, they would like an article on the warrant for the Town Meeting. She also said they are reviewing their guidelines to see how they reformat what they are doing so they can be of more assistance to the town.

Chair Mastrangelo said that she was interested in finding out more about their guidelines and how much each event cost and what the amount was that was given from the BCEC for each event. She also wants to know what the criteria are for deciding what event gets funding. She would like this information before they make their decision.

11. Discussion and update – emergency refugee housing.

Chair Mastrangelo said that she asked the Town Administrator to give an update on emergency refugee housing, and not just part of the Town Administrator's report, but as an agenda item. She said that this is not an area that the Select Board has a lot of input in. She said that it is a program of the state that the state government is working through.

The following is the report that Ms. McCollem read aloud regarding the emergency refugee housing: "On August 8th, the Governor declared a State of Emergency in response to unfolding humanitarian crisis in order to address an acute shortage of temporary emergency housing units. She said that state agencies are taking steps to provide aid to unhoused immigrant families and expectant mothers in many cities and towns throughout Massachusetts, including the Town of Bourne. As a result, Joint Base Cape Cod and local hotel or motel rooms have been designated by the state as emergency shelters where these families can access safe housing and basic necessities.

As town officials, we stand ready to cooperate to the extent feasible and are committed to sharing information with our colleagues in the Administration, however, we are being extremely diligent to not divert any local resources, including staff time, to offset the Commonwealth's response. The Town Departments will continue to provide the same level of services to all members of the community as fairly as possible, and we are being careful to not give this initiative preferential treatment. The Commonwealth has made it clear that it is taking responsibility for the response to the refugee crisis and has not asked the local municipality here to assume any of the associated costs.

A few towns on the Cape, including Bourne, have contracted with the Massachusetts Emergency Management Agency, MEMA, to provide one paramedic and a spare ambulance to JBCC. All of these expenses are fully covered by MEMA and the paramedics are being hired on a rotating basis from all of the participating towns at their detail rates. Normal town staffing is not negatively impacted, and town budgets are not being used to pay for this effort. Currently the hotel or motel rooms being utilized in Bourne are not supported by an onsite service provider. I have requested that the Commonwealth assign a service provider to the Bourne locations, but that request cannot be accommodated at this time. However, the state has assigned a liaison for town staff to contact as concerns arise in real time. Representatives of the town, including myself, the Assistant Town Administrator, Health Department staff, and the Police Chief met with the liaison last Friday afternoon to open the line of communication and share information and questions. I also received a phone call from the administration last week informing me that the Governor has mobilized the National Guard including prioritizing assignment of guardsmen to the unattended sites throughout the Commonwealth, which would include Bourne.

The Department of Education has also been working closely with the Superintendent and her staff at Bourne Public Schools to register approximately 55 school age children who are housed at both JBCC and the hotel/motel units, along with providing additional per student funding and language translation resources, to support the transition of these new students.

This is a very fluid situation and the circumstances we're currently working with may change with very little notice. The Governor's office has been working very closely with us to give the town as much notice and information as possible so that we can be prepared to respond fairly and appropriately."

Ms. Siroonian asked if it is what the town considers per pupil expenditure or what the state considers per pupil expenditure and Ms. McCollum said that she cannot speak in detail about the schools. She said she will defer the school questions to the School Committee and Superintendent.

Chair Mastrangelo said that as Select Board members, they work with the Town Administrator to make sure that things are handled within Bourne the best that they can do.

Fred Carbone said that he and his wife own the Bay Motor Inn and they adhere to the Board of Health's Rules and Regulations. He said that the Town of Yarmouth was supposed to get 100 immigrants, but their Town Administrator and Board of Health evoked the regulation that states that guest unit occupancy to be limited to 3 weeks in any year. He said that no one should be living in a hotel room. He said that he sees people that are frustrated because they need food and money, and they don't have working papers and they want to work. He asked what will happen in the winter. He said that we need to help these people and get them into better living situations than hotels and a better plan should have been in place for these people.

Susan Baracchini of Pocasset said that she was PTA President when Hurricane Katrina hit, and she said that the Town of Bourne was involved in aiding the refugees from the storm. She said that she struggles with this now because when she goes on vacation, she brings money to do the things that she and her family enjoy. Ms. Baracchini also said that her great grandparents came to this country legally, with sponsors, the way that it is stated in the immigration laws. She said that this needs to be figured out on a local level, as she is worried about the schools. She said that the town does not have the infrastructure to support 55 students who have a barrier with English being the language in which the subjects are taught. She said that there are so many elements that have not been put in place. She said that business owners are losing revenue by putting these people in hotel rooms, that otherwise they would be making money from renting. She said she is calling upon the Select Board to craft a letter that says what the town needs to keep these families in town.

Bill Doherty, Chair of the Board of Health, said that he concerned because at the end of the 90-day period he is obligated to notify the authorities that the Emergency Shelter term is up, and he is wondering how to enforce it, and does the Select Board have a plan to evict these people at that time. He also said that removing a child from school after 60 days causes a significant disruption in the child's educational process. Mr. Doherty asked the Select Board if they have a method that they intend to use to enforce the emergency shelter regulations. Chair Mastrangelo said that she does not have an answer for him on that. She then asked Mr. Doherty about the 3-week limitation on staying

in a motel or hotel for 3 weeks, and Mr. Doherty said that it is in place, and his question to the Select Board is who he notifies to evict these people at the time when the emergency shelter regulations go up.

Mr. Carbone said that he has been told by a State Representative that this is to be done on the local level and needs to be done by the Town Administrator and the Board of Health.

Steve Kay of Buzzards Bay said that Governor Healey on June 23rd spent \$750,000. for billboards in Texas and Florida encouraging people to come to Massachusetts because of her policies, and now the town has to manage it. He said that we are endorsing the illegal effects of the non-border. He wanted to know what the Police Department has done about vetting the people to see if they are drug dealers or if they have any communicable diseases. He asked Ms. McCollem why she had not questioned Governor Healey about the spending of \$750,000. of taxpayer money to promote what is happening. A gentleman from Marstons Mills said that Mr. Kay is correct. He reiterated what Mr. Kay said about these people being in the country illegally and that they violated Federal Law to be in this country.

Alice Zinkevich of Sagamore Beach said that there are 120 countries coming into this country and our government at the top and the bottom is a mess. She said that no one cares about the health of these people and what diseases they will bring to the schools. Chair Mastrangelo said that all the people that are coming to Bourne are going through a vetting process in Boston, and although she is not sure of what it is, she will find out. She also said that Bourne has standards regarding vaccinations in its schools. Chair Mastrangelo also said that this is not a forum for discussing the immigration problem in the United States, and it is an agenda item to speak about a particular situation in Bourne and how it is affecting the community in the current time.

Sue Baracchini also said that the security at Joint Base Cape Cod (JBCC) is important, and the fact that unvetted people are on the base is disgusting because they are putting the military families at risk.

State Representative Steven Xiarhos said that he tries to listen, learn, and lead. He said that tonight he hears the frustration. He said that when he was a police officer in Yarmouth twenty years ago, he would deal with the people that were living in motels. He said that no one is allowed to live in motels as they are designed for transient use, and it is against the state law. He said that he is here to help the town and will go to the governor for answers. He said he wrote a 3-page letter on August 28th and would like it to be part of tonight's meeting record. He talked about the security at JBCC. He also talked about the issues of families living in motel rooms.

John York said that he thinks it is great that all these people came to give their opinions tonight. He talked about a story of World War 2 when JBCC housed German prisoners, and many of them moved here after the war. He said housing people on Cape Cod is not new. He said that we house about 50 baseball players every year also. He said that there is a long-standing tradition of pitching in for the common good as determined by our elected officials.

Chair Mastrangelo closed the agenda item out. She said that there have been a lot of interesting comments made and she does not think that the Select Board is going to take any action this evening

as some research is needed and questions need to be answered. She said that she appreciates everyone's concerns and thanked all for coming to the meeting.

Tim Scully of Buzzards Bay asked if there will be a follow up with the answers and will the Select Board explain what they find out about the situation. Chair Mastrangelo said that she will try to do it soon, and it might be a couple of weeks. She said that the Town Administrator might have some comments at next week's meeting.

12. Policy

a. 2nd Reading – various revisions to the Select Board's "Rules of Procedure".

Chair Mastrangelo said that the second reading of the "Rules of Procedure" is in the meeting packet. She talked about some of the changes from the last reading. Ms. Siroonian said that some of the changes were just the language. There were some minor changes in the procedures for executive session minutes. She talked about the agenda procedures and the order of agenda items. Peter Meier suggested that the Town Administrator's report be put up in order on the agenda, and Melissa Ferretti agreed. There was some discussion about correspondence.

John York suggested that when there is a presentation made at a Select Board meeting, that a copy of it gets left for the town.

Chair Mastrangelo read aloud the correspondence procedures. She said that they will also post a FAQ sheet for the public with clear directions on how to communicate with the Select Board. There was a discussion about what correspondence goes to the Town Administrator. The Select Board then discussed the re-appointments of committee members.

Mr. York asked again about the correspondence policies and Chair Mastrangelo said that when they have the correspondence, they are supposed to discuss whether they need to take action on it, when they're going to take action, and when they're going to schedule an agenda item. Chair Mastrangelo said that they will take this back to the Policy Subcommittee.

b. Select Board budget priorities for FY25.

Ms. McCollem said she is getting organized for the next budget cycle. She would like this to be a regular agenda item for a little while. Chair Mastrangelo thought that this would be a good idea too.

Amy Sharpe from Monument Beach said that regarding the budget process, the town should update their zoning bylaws and to get consultants to work on it. She said that communication in town is important as well, and it should be a job for someone in town. There was some more discussion about codifying the zoning bylaws, and Ms. McCollem said that it should be a capital item brought forward by the Planning Board.

13. Town Administrator's Report

Ms. McCollem said that maintenance on the Bourne Bridge will begin shortly, although she has not received the official start date yet. She said they are planning for the lane restrictions to go into place in the evening on Saturday, September 16th. She said that they are expecting that traffic impacts will be severe, and the Police Department and DPW are working creatively together on ways to modify some of the local streets to possibly help the network perform better.

Ms. McCollem said that she has received notice from the Army Corps that they will be performing a structural and mechanical inspection of the Sagamore Bridge on Wednesday, September 13th, from 9 AM to 2 PM. During this period there will be only one lane heading onto Cape Cod, and no wide loads will be permitted.

Ms. McCollem said that she received a phone call from Enbridge, which is the utility contractor coordinating the gas main relocation project, for the construction of the new canal bridges. They have begun their survey work.

Ms. McCollem said that investigations are continuing into building a new fire station at the existing Pocasset Fire Station site. The tech engineers will be on site this week and the OPM will have a representative there to observe the drilling. They will be working close to the playground so it will be posted as closed this Thursday. She said that an industrial hygienist will be conducting a hazardous materials survey on Wednesday, September 6th, and Thursday September 7th, in advance of any demolition that may be necessary in the future.

Ms. McCollem said that Town Counsel is continuing to work with the buyer on the closing of the Hoxie School, which has been extended due to delays regarding the historical restriction. She also said that they have migrated business certificates to a fully online process, and she thanked Assistant Town Administrator Liz Hartsgrove, and the Clerk's Office for their work on this transition.

Ms. McCollem said that the Splash Pad will be closed for the season starting next Monday, September 11th, and the swim floats have been removed. The Port-a Potties have been removed and she will await the Select Board's decision on the timeline for them to be in place in the future.

Ms. McCollem also said that they have removed a riser from a manhole on Savery Ave., that was causing concern for some residents. She thanked Josh Howard and Matt Quinn from the DPW for addressing this concern, however that this is a unique situation about the town's roles and responsibilities. She said that the manhole is part of a private community septic system that was abandoned in place and is not part of the municipal sewer system. She said that she made the judgement call to utilize DPW resources to mitigate a potential hazard in a public way that has been accepted by Town Meeting, and she said she is comfortable expending public funds to maintain the safety of that way.

Ms. McCollem also reported that the town and NextGrid have submitted the formal DRI application to the Cape Cod Commission for the renewable energy development office off Ernest Valeri Road.

Ms. McCollem also said that her office is receiving many inquiries about the closing of the parking lot at Calamar, and it is due to the owners doing private work on their parking lot. Residents should contact the management company with their questions and concerns.

14. Minutes – 08.08.23 (retreat), 08.15.23

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the minutes of August 8th, 2023.

Roll Call Vote: Peter Meier – yes, Anne-Marie Siroonian – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

Voted: Melissa Ferretti moved, and Peter Meier seconded to approve the minutes of August 15th, 2023.

Roll Call Vote: Peter Meier – yes, Anne-Marie Siroonian – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

15. Future Agenda items – September 19 - BCEC**16. Committee reports**

Ms. Siroonian said that she and Liz Brown of the BCEC met with the Finance Department and Ms. Hartsgrrove to work through a process for how funds get expended after they've been approved, and the event has passed.

17. Correspondence

Anne-Marie Siroonian read aloud the correspondence:

- Talent Bank C. Bresnahan – Recycling Committee.
- Talent Bank N. Schmidt – Commission on Disabilities.
- Talent Bank M. Smith – Recycling Committee.
- Talent Bank C. Walton – Multiple Committees.
- G. Henson Email – re: E. Coli Contamination & Boil Water Notice.
- J. Akins Email – re: Emergency Preparedness.
- Ocean Pines Board of Trustees Email – re: Planning Board Hearing Review.
- Falmouth Amateur Radio Association Request.
- P. Tortorella Letter – re: Tidal Ditches at King Philip Road.
- Final decision re the naming of Jarsolow Reef in Bourne.
- DEP Letter – Issuance of Draft Chapter 91 Waterways Permit Application.
- MBTA Email – re: Update to Compliance Guidelines for MBTA Communities.
- Abutter Notice – 11 Taylor Road N. Cape Light Compact Energy Efficiency Report – Bourne Q1.
- Cape Light Compact Energy Efficiency Report – Bourne Q2.
- Association to Preserve Cape Cod Annual Report.
- Lombardo Associates Letter – re: Wastewater Management Services.
- DEP Letter – Draft 6th Five Year Review JBCC Superfund Site.
- DEP Letter – Draft Annual Land Use Control Letter Report.
- DEP Letter – Draft Remedial Investigation/Feasibility Study Report.
- DEP Letter – Draft J-2 Northern Environmental Monitoring Report.
- DEP Letter – Draft Remedial Investigation Report for PFAS at Tanker Truck Rollover Sites.

- DEP Letter – Draft Technical Evaluation/Well Determination.
- DEP Letter – Proposed Plan for Old K Range

These are all on the Town's website.

- 18. Next meeting date: September 12, 2023 – BOSC hearing at 6:30 PM for 300 Main Street
September 12, 2023 – Select Board @ 7 PM – annual audit & DPW
budget review.
September 19, 2023**

19. Adjourn

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to adjourn.

Roll Call Vote: Peter Meier – yes, Anne-Marie Siroonian – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. **Vote:** 4-0-0.

This meeting of the Bourne Select Board was adjourned at 9:18 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

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.

From: [Irja Finn](#)
To: [Kathleen Thut](#)
Subject: \$100 Donation - Tradewinds Condo Owners Trust
Date: Wednesday, August 23, 2023 12:47:08 PM

Hi Kathleen!

For the next SB Meeting, \$100 donation.

Thanks,
irja

--

[Irja S. Finn, MSLIS](#)
Library Director
Jonathan Bourne Public Library
19 Sandwich Road
Bourne, MA 02532
508-759-0600 x 6103

From: [heidi sanoussi](#)
To: [Maria Simone](#); [Susan Bianchi](#)
Cc: [Betty Cavacco](#); [Laura Delmolino](#); [Laura Delmolino](#); [Kelley Souza](#)
Subject: MMAPA Craft Fair Street Banner
Date: Saturday, August 19, 2023 11:25:17 AM

Good Morning Maria,

The Massachusetts Maritime Academy Parents Association (MMAPA) is hosting our Second Annual Candy Cane Craft Fair fundraiser, benefiting the MMA cadets, at the Mass Maritime Clean Harbors Athletic Center on Saturday, December 9, 2023.

We would like to place an over the street banner to advertise on Main Street Buzzards Bay for the two weeks preceding the event. Please take it up at the next select board meeting for approval. Also please send us the specifications for the banner size and anything else our printer will need to know before creating the banner.

Thank you for your help with this matter.

Sincerely,
Heidi Sanoussi, MMAPA Secretary
Susan Bianchi, MMAPA Fundraising & Events Coordinator

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



EA-23-55

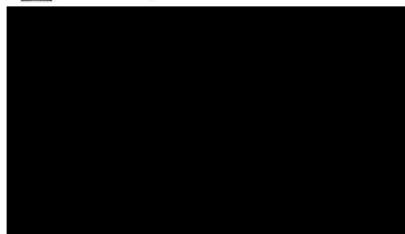
Use of Town Property Event Application

Status: Active

Submitted On: 8/17/2023

Applicant

 Julia Sykes



Primary Contact Information

Name*

Julia Sykes

Business/Organization Name (if applicable)

Studio 721

Mailing Address*

Cell Phone No.*



Email*

julia@thestudio721.com

Event Information

Organization/Individual Hosting the event*

Studio 721 - Julia Sykes

Type of Organization (LLC, non-profit)

Type of Event (i.e.
banquet/concert/fundraiser/party)*

Country Line Dance Class -
Collaboration with Studio 721 and
Monique of Salty Boots Line Dancing

Location of Event*

Buzzards Bay Park - Pavillion Only

Certain events taking place at Buzzards Bay Park may also require an additional permit from the U.S. Army Corps of Engineers. Based on your responses, you will be notified if you are required to apply.

Events held at Buzzards Bay Park are required to upload a site plan detailing where things will be set up. You will be able to upload this later in the application.

Date(s) of Event*

Oct 6, 2023

Set up/Clean up Dates ?

Hours (start and end times)*

5-6:30

Estimated overall attendance*

20-25 people estimated

of Staff/Volunteers*

2

Description of Event*

A Country Line Dance class - people learn line dances to popular country songs taught by Julia Sykes of Studio 721 and Monique Mae of Salty Boots Line Dancing

Will your event impact traffic?*

No

Will your event impact parking?*

No

Is event open to the public?*

Yes

Will admission be charged?*

Yes

Will there be alcohol service/ on-premise consumption?*

No



Will there be food?*

No

Will there be vendors?*

No

Will a tent be used?*

No

Will you be holding a raffle?

No

Use of Electricity/generators?*

No

Are you providing portable toilets?*

No

Will you be placing a banner across Main Street?*

No

Hold Harmless Agreement

Signature*

✓ Julia Sykes
Aug 17, 2023

Signature

Signature

✓ Julia Sykes
Aug 17, 2023

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Application Content and Attachments	8/17/2023, 12:53:14 PM	8/18/2023, 11:02:06 AM	Maria Simone	-
✓ Police Department Comments	8/18/2023, 11:02:06 AM	8/18/2023, 9:46:38 PM	Theodore Economides	8/24/2023

Label	Activated	Completed	Assignee	Due Date
✓ Fire Department Comments	8/18/2023, 11:02:06 AM	8/21/2023, 4:36:47 PM	David Pelonzi	-
✓ DPW Comments	8/18/2023, 11:02:06 AM	8/23/2023, 6:47:56 AM	Matthew Quinn	-
✓ Town Administrator's Comments	8/23/2023, 6:47:57 AM	8/31/2023, 1:57:14 PM	Maria Simone	-
✓ Select Board Vote	8/31/2023, 1:57:15 PM	-	-	-
📄 Temporary Event Permit Issued	-	-	-	-



Town of Bourne, MA

Aug 31, 2023

EA-23-55

DPW Comments

Use of Town Property Event Application

Status: Complete

Became Active: Aug 18, 2023

Assignee: Matthew Quinn

Completed: Aug 23, 2023

Applicant

Julia Sykes
julia@thestudio721.com

Comments

Matthew Quinn, Aug 23, 2023

All Set. We just ask to keep park clean. after event. Thanks



EA-23-57

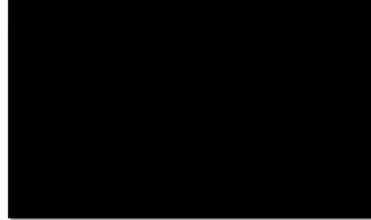
Use of Town Property Event Application

Status: Active

Submitted On: 8/24/2023

Applicant

 Cindy Pezza



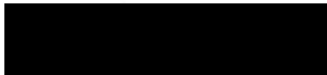
Primary Contact Information

Name*

Cindy Pezza

Business/Organization Name (if applicable)

Mailing Address*



Cell Phone No.*



Email*



Event Information

Organization/Individual Hosting the event*

Cindy Pezza and Jonathan Sorenti

Type of Organization (LLC, non-profit)

Type of Event (i.e.
banquet/concert/fundraiser/party)*

Wedding

Location of Event*

Town Beaches/Trails

Name Beach or Trails*

Date(s) of Event*

Sagamore Beach (second beach)

09/09/2023

Set up/Clean up Dates ?

Hours (start and end times)*

09/09/2023

3:30 p.m. -5:30 p.m. to include set up,
ceremony and pictures

Estimated overall attendance*

of Staff/Volunteers*

80

2

Description of Event*

Wedding ceremony and family pictures . We are looking to have the parking sticker requirement waived.

Will your event impact traffic?*

Will you event impact parking?*

No

Yes

Any event that will impact parking or traffic must reach out to the Police Department four weeks prior to event.

Is event open to the public?*

Will admission be charged?*

No

No

Will there be alcohol service/ on-premise consumption?*

?

Will there be food?*

No

No

Will there be vendors?*

Will a tent be used?*

No

No

Will you be holding a raffle?

No

Use of Electricity/generators?*

No

Are you providing portable toilets?*

No

Will you be placing a banner across Main Street?*

No

Hold Harmless Agreement

Signature*

✓ Cynthia Pezza
Aug 24, 2023

Signature

Signature

✓ Cynthia Pezza
Aug 24, 2023

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Application Content and Attachments	8/24/2023, 4:47:21 PM	8/25/2023, 9:00:42 AM	Maria Simone	-
✓ Police Department Comments	8/25/2023, 9:00:43 AM	8/25/2023, 3:19:52 PM	Brandon Esip	8/31/2023
✓ Fire Department Comments	8/25/2023, 9:00:43 AM	8/28/2023, 10:59:37 AM	David Pelonzi	-
✓ DPW Comments	8/25/2023, 9:00:43 AM	8/25/2023, 10:22:04 AM	Matthew Quinn	-

Label	Activated	Completed	Assignee	Due Date
✓ Town Administrator's Comments	8/31/2023, 1:57:42 PM	8/31/2023, 1:57:47 PM	Maria Simone	-
✓ Conservation Department	8/25/2023, 9:00:43 AM	8/25/2023, 1:43:17 PM	Stephanie Fitch	-
✓ DNR Comments	8/25/2023, 9:00:43 AM	8/31/2023, 1:57:42 PM	Christopher Southwood	-
✓ Select Board Vote	8/31/2023, 1:57:47 PM	-	-	-
📅 Temporary Event Permit Issued	-	-	-	-



Town of Bourne, MA

Aug 31, 2023

EA-23-57

Police Department Comments

Use of Town Property Event Application

Status: Complete

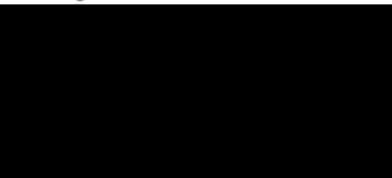
Became Active: Aug 25, 2023

Assignee: Brandon Esip

Completed: Aug 25, 2023

Applicant

Cindy Pezza



Comments

Brandon Esip, Aug 25, 2023

No Police Concerns.

Must abide by all beach regulations including no alcohol allowed on the beach.

We would forgo enforcement of any beach parking during the event.



Town of Bourne, MA

Aug 31, 2023

EA-23-57

DPW Comments

Use of Town Property Event Application

Status: Complete

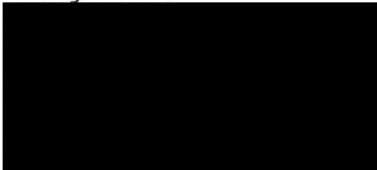
Became Active: Aug 25, 2023

Assignee: Matthew Quinn

Completed: Aug 25, 2023

Applicant

Cindy Pezza



Comments

Christopher Southwood, Aug 25, 2023

Parking permits are required at this location, dogs are not allowed on the beach until Oct 15th per bylaw 3.1.29d.,

Matthew Quinn, Aug 25, 2023

Parking permits are required at this location, dogs are not allowed on the beach until Oct 15th per bylaw 3.1.29d.,Also ask you to keep beach /area clean after event.

From: [Catherine Walton](#)
To: mmastrangelo@townofbourne.com; [Maria Simone](#); asgs2991@comcast.net
Subject: Committee Requests
Date: Thursday, August 24, 2023 9:05:50 PM

Good afternoon,

I'm reaching out because I would like to serve on the following committees. Over the past few months, I have been invited to participate in several conversations & meetings around these topics. My involvement with these committees will provide a broader understanding of each roadmap and its benefits to our community.

1. Bourne Cable, Internet and Telecommunications Advisory Committee
2. Roadway Traffic and Safety Committee- As a citizen, not a PB member
3. Cape Cod Water Protection Collaborative
4. Cape & Vineyard Electric Cooperative

Professional/Volunteer Experience -25+ years- Managing escalated contractual issues, collaboratively or directly figuring out the root cause, proposing and driving solutions to bring resolution and customer satisfaction. (examples below)

- 25+ years- Implementing metrics to enable data-driven decisions.-.
- 25+ years of experience organizing national and regional sporting events and competitions & creating or participating in fundraisers to benefit- programming for Seniors, Children, and Animals
- Nine years of managing event operations on the Boston Common Frog Pond, working cross-departmentally through three administrations.
- Created a Student Internship and reference program for Boston Public School Students
- Elected School Committee Member- participated in The Town of Bourne Teacher Association's collective bargaining agreements negotiations. Member of Budget and Facilities sub-committees.
- Current Bourne Planning Board member

Throughout my personal and professional career, I have had the opportunity to impact business outcomes by understanding people, identifying and implementing best practices, improving efficiencies, and making data-driven decisions to meet required strategic and financial goals.

1. A proven and referenceable commitment to Customer Service- Drove the "Customer First" thought process throughout organizations of 25 to 60k employees globally.
2. Exceptional and Referenceable team building skills.
3. Extensive experience with contractual/vendor/third party contractors, member/user compliance, negotiations, and oversight.

4. 25+ years of hands-on and team management experience implementing software and hardware. -Troubleshooting functionality, cloud migration issues, third-party integrations, Infrastructure- Networking, CATV, RF, and OTA distribution.
5. Assist customer-facing teams through customer Malware Attacks
6. Designed, managed, and improved processes to measure and track KPIs.
7. Built and managed 3-24x7 Customer support call centers, ICS teams, and 3rd party telecommunications contractors-
8. Extensive experience building and managing budgets, grant adherence, and strategic planning by maximizing operational resources, streamlining processes, and implementing cost-reduction methods to drive operational efficiency.
9. Implemented a customer advisory board and developed a global customer advocate team to identify and build referenceable customers by product suite. Grew Global User Group Participation by 76%.
10. 25 + years of experience managing and negotiating customer contracts and renewals.
11. Hands on-Signal Balance troubleshooting- Hospitality, Healthcare, and Senior Living Facilities- -(a critical and costly infrastructure challenge in this space)
12. Standardized distribution and project management processes to ensure contractual time and budget commitments. Implemented proactive signal balancing distribution method-reducing distribution service calls by 30% & increasing customer satisfaction from 79% to 91% in 12 months. vendors/Installations- Implemented oversight and accountability to identify and mitigate RISK.
13. Drove the creation and implementation of technical process documentation by function-troubleshooting software/hardware, Property Management Systems (PMS) integration issues, and network and cabling infrastructure issues, including Signal Balancing, Core Switch, IPTV, Broadband, and OTT service providers, Reducing repeat survey and implementation errors/costs by 82%.
14. Escalated Issues & Special Internal Discovery Projects Responsible for assessing and mitigating global project risks by developing internal teams and strategies to create and measure scalable organization-wide processes.

Thank you for your consideration.

Best,

Catherine Walton

[REDACTED]
[REDACTED]
[REDACTED]

I. Procedural Matters

In procedural matters not covered by the Rules or any provisions of the Charter or Town Bylaws, or statute, the Select Board ("the Board") shall be guided by Roberts Rules of Order, as most recently revised.

II. Procedures for Establishing Policies and Procedures

Adoption of new policies or changing existing policies regarding general town government is a responsibility of the Select Board ("the Board"). Policies will be adopted/amended only by the affirmative vote of a majority of members of the Board when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all policies or amendments to policies and thus to provide an opportunity for interested parties to react to proposed policies and to provide amendments will be presented as an agenda item to the Board in the following sequence:

1. Informational item – distributed with agenda and to Town Counsel
2. Discussion item – first reading of proposed policy or policies
3. Response from the Town Administrator; report from any committee with responsibility in the area addressed by the proposed policy; public discussion; Board discussion and directions for any redrafting
4. Action, which may include further discussion, adoption, rejection, may be taken at the discussion at the second reading, or at a subsequent meeting.
5. Town Counsel review prior to final reading.

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Board so directs.

The Select Board may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the Board. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation. The Board may divert from policy by super majority¹ vote of the members present.

III. Responsibilities of the Officers of the Board

The Chair shall:

- Preside at all meetings of the Board at which s/he is present. In doing so,
- S/he shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- Sign official documents that require the signature of the Chair, following a vote of the Board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meeting agendas with the Town Administrator;

¹ A "super majority" of a five member board is 4 of 5 people; 4 of 4 people; 3 of 3 people.

- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair;
- Serve as spokesperson of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair;
- Arrange for the orientation of new members, unless otherwise noted;

The Chair shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

The Vice Chair shall act in the place of the Chair during his/her absence at Board meetings. Should the Chair leave office, the Vice Chair shall assume the duties of the Chair until the Board elects a new Chair.

Clerk of the Board shall sign all official documents requiring the signature of the Clerk, with the authorization of the Board, and shall be responsible for the minutes. S/he is responsible for recording minutes of any portion of meetings held in executive session for which the Town Administrator or Assistant Town Administrator is not present.

IV. Meetings of the Board

A meeting called for any time other than the regular meetings² shall be known as "special meetings." The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chair, in consultation with the Town Administrator, and with the informal consent of a majority of Board members, or whenever at least three (3) members of the Board make such a request in writing to the Chair or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions as it deems necessary. Such meetings will be posted in accordance with Open Meeting Law. A synopsis of transactions of informal meetings shall be made a part of the record of meeting minutes.

The Board shall meet to review and vote on the Warrant per the requirements of the Charter.

The Clerk of the Board is responsible for the minutes. The Town Administrator is responsible for the process of arranging for minutes to be drafted, circulated, reviewed, and voted upon by the Board according to the Public Records Law. A copy of the minutes shall be filed with the Office of the Town Clerk (Section 8-6(c) of the Charter).

V. Meeting Procedures

Board meetings shall be conducted in accordance with generally accepted rules note in Section 1, Procedural Matters. It is the practice that application of said procedure may be on a relatively informal basis.

² Tuesdays

A quorum shall consist of three members of the Board. As a practical courtesy, the meeting will identify any action involving the Town regarding critical or environmental matters, the adoption of policy, or appointments to be taken, whenever practicable, with the full Board in attendance. Actions by motions offered shall be seconded, discussed, and voted. Split votes will be identified by name in the meeting minutes. Equal yes/no votes result in a lost motion.

~~When there is more than one candidate for an opening on a board/committee the Board will vote for each opening with the candidate having the most votes being placed in an open position. This process will be repeated until all openings are filled. If the result of the Board vote yields a 2, 2, 1 vote, the two candidates that received two votes will be placed in two of the openings.~~

The Town Administrator or his/her designate, starting with the Assistant Town Administrator, shall attend, unless excused by the Chair of the Board at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised, and to recommend in all matters that fall within the jurisdiction of his/her office. S/he shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction as indicated in the Charter.

VI. Executive Session

Where practicable, executive sessions shall be scheduled prior to the regularly scheduled meeting time of 7:00 PM. All executive sessions shall be held in accordance with the Open Meeting Law. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive session, the Chair shall state the reasons for which an executive session is sought.

~~The Chair shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.~~

~~Draft Minutes~~ minutes of executive sessions shall be ~~available to drafted by~~ the Clerk (of the Board) ~~or designee~~ and Town Counsel in written form within 7 days of the session for edit and vote at the next executive session. ~~Unlike the case with open session, there is no right to tape record or videotape executive sessions.~~ Executive Sessions shall not be audio or video taped. The Board will then vote to disclose or withhold from disclosure the minutes depending on whether or not the reason for their being kept from disclosure still exists.

- If the vote is to disclose, the minutes will be filed by the ~~Clerk (of the Board)~~ Town Administrator's office in the Town Clerk's office.
- If the minutes are voted to be withheld from disclosure they will be delivered to the Town Clerk's Office by the Town Administrator's Office ~~by the Clerk (of the Board)~~ as hard copies and kept in a confidential file in accordance with Section 2.4.5 of the General Bylaws, in the Record Access Officer's (RAO)* files entitled "Withheld from Disclosure Select Board Executive Minutes."

*In Bourne, the Town Clerk is the RAO

The ~~Town Administrator~~~~Clerk (of the Board)~~ is responsible for this file and to bring all withheld from disclosure minutes before the Board for review at least annually prior to the Town Election ~~once in every six months~~ to determine if any should be disclosed. ~~This policy will help insure that closed session minutes are kept secret only as long as needed.~~

Any member of the Board and the Town Administrator/Assistant Town Administrator may request to view the minutes "withheld from disclosure" in the Town Clerk's Office through the process of signing and recording the date and time period of review. Once viewed, all documents are required to be placed in a new envelope, sealing it, and returned to the file.

VII. Agenda Procedures

The Board's business meetings generally shall be ~~the first and third on~~ Tuesdays, ~~of the month.~~⁴ The Board may call special meetings as required and as provided for by the Massachusetts Open Meeting Law.

The Town Administrator, in conjunction with the Chair, bears primary responsibility for coordinating and planning the agenda. The agenda shall include a "future topics" item where members can raise issues they want to be scheduled for discussion. Together they shall approve the agenda and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. Agenda requests shall be submitted to the Town Administrator and Chair for consideration by 12:00 noon on the Wednesday prior to the Tuesday business meeting. When practical, best attempts to submit requests with a longer lead time is recommended. Items added to the agenda after Wednesday at noon will be considered only out of necessity, emergency, or other cause satisfactory to the Town Administrator and the Chair.

Agenda items may include:

- ~~A.~~ Call to order
- ~~B.~~ Vision/Mission of the Board
- ~~C.~~ Moment of silence for our troops and first responders, Pledge of Allegiance
- ~~D.~~ Public comment which shall be limited to non-agenda items and not be longer than 3-minutes per speaker⁵
- ~~E.~~ Acceptance of meeting minutes (as required)
- ~~F.~~ Scheduled appointments (as required)
 - Hearings (as required)
 - Policy
 - Future Agenda Items
 - Consent Agenda
- ~~G.~~ Workshops which are generally a time for the members to discuss an item in-depth but not open for extensive public input
- ~~H.~~ Report of the Town Administrator
- ~~I.~~ Committee reports

Formatted: Bulleted + Level: 1 + Aligned at: 1.25 + Indent at: 1.5

⁴Due to holidays, election days, town meetings, the Board may alter the first and third Tuesday schedule.

⁵Public comment shall be limited to non-agenda items and be no longer than 3 minutes.

- Correspondence
- Other Select Board business – not open to deliberation
- Adjournment

~~M. Agenda order as noted above unless altered publicly at the meeting.~~

~~Reference materials for the Board should be provide to the TA no later than the close of business on the Thursday before a regular meeting. As a practical matter, Members of the Board, staff, the Town Administrator, or others who prepare reference material for consideration by the Board, the meeting should have such material available for Board members before the Thursday prior to the meeting. Generally, meeting materials will be sent to the Board by email the Friday before the meeting. Occasionally, supplemental materials will be sent to the Board members on the following Monday or Tuesday. If background information is insufficient or complicated, or if complex memos or motions are presented at the meeting which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material.~~

The agenda shall be available to the public per the Open Meeting Law in Town Hall and on the Town of Bourne website. To the extent practicable, a public version of the Board's meeting materials will also be posted online in advance of the meeting.

VIII. Correspondence Procedures

These procedures explain how correspondence is handled by the Select Board once received and what correspondence is included in the public packet at a Select Board meeting.

There will be a Correspondence agenda item at each Select Board meeting to notify the public of correspondence received by the full Select Board. Correspondences may include, but are not limited to, the following:

- Communications from town, state, or federal agencies.
- Communications from town committees or boards.
- Announcements of non-profit events.
- Letters or emails to the full Select Board to notify the Board of an event or opinion on an issue, or to request that the Select Board address a specific issue at a public meeting.

Correspondence from individual residents of Bourne will only be included in the Board's packet when a Select Board Member notifies the Chair with a request to include it in the meeting materials. If the Chair determines it should be included, the Chair will instruct the Town Administrator to place it in the packet for the next meeting.

When an individual Select Board member receives correspondence from a citizen that requires staff action, it is recommended that the Board member reply and have the citizen contact the TA or appropriate department head directly.

Correspondence to the full Select Board will be reviewed by the Chair, for consideration to be included in the public packet, ~~to the Select Board~~ when it includes the name and address of the

Commented [MM1]: Also create a public facing instruction sheet/FAQ to post on the webpage with clear directions on how to communicate to the Board.

writer, also contact information in the form of an email or telephone number must be included. Anonymous correspondence without a name and address will not be responded to, or included in the public correspondence record.

Correspondence received by the Select Board before noon on the Thursday prior to the next Tuesday meeting will be included as correspondence on the agenda, unless there is an exception due to public records applicability.

The Clerk of the Select Board is responsible for replying to acknowledge receipt of correspondence and for forwarding the correspondence to the Chair for review. Receipt will not be acknowledged when the Board is listed as a "CC" recipient and correspondence with the Board listed as a "CC" may not be included in the public packet.

Individual Select Board members may reply to correspondence received, but to avoid an open meeting law violation "Reply All" should not be used when an email is received by the "All Select Board Member" and an individual member does reply.

Correspondence deemed to be public record will be available in hard copy, or digitally, on the town website in the applicable agenda packet.

Correspondence that requires immediate action of the Board will be taken up at the next scheduled meeting.

Correspondence that requires ~~further discussion and deliberation~~ may be discussed, however, no action may be taken until it is placed ~~cannot be discussed prior to the next meeting; however, it may be placed as a regular item on the next available meeting agenda, at the request of a member of the Board.~~ Board members who would like an agenda item related to a piece of correspondence should make the request during the correspondence agenda item at the posted meeting where the correspondence is listed ~~is received~~.

PUBLIC RECORDS APPLICABILITY

Commented [MM2]: Disclaimer on the FAQ page

It must be understood that written or email correspondence related to the activity of a public body or municipal employee is deemed a public record under the law and is subject to disclosure to the press and to private individuals upon request. The term "public records" is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. C.4, S.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addressees (not received as a "cc") at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees, committee members acting in their official capacity and the public emailing to employees or committee members should have no expectation of privacy in their use of electronic mail.

~~1. Correspondences may include, but are not limited to, the following:~~

- ~~A. Communications from town, state, or federal agencies.~~
- ~~B. Communications from town committees or boards.~~
- ~~C. Announcements of non-profit events.~~
- ~~D. Letters or emails from the public.*~~

~~Correspondences may be submitted to the Select Board/Town Administrator's Office, to the Town Administrator and/or to the Chair. Correspondences received before the Thursday prior to the Tuesday business meeting will be considered for inclusion. Once received, it is the responsibility of the Town Administrator and Chair to review the correspondences to be included in public record. Items of correspondence that are exempt from public disclosure pursuant to the Public Records Law (Chapter 4, Section 7 of the Massachusetts General Laws), or relate to subject matters that qualify for an executive session under the Open Meeting Law (Chapter 30A, Sections 18-25 of the Massachusetts General Laws), will be marked as "Confidential Correspondence" and will not be subject to review in public session, unless it coincides with an agenda item. As appropriate, the Town Administrator, Chair, or Clerk will respond to each correspondence from D, noted above.~~

~~The correspondences will be available in hard copy form and on the town website along with the agenda packets. Any required action of the Board received within the correspondence shall be taken up no earlier than the next scheduled meeting.~~

~~Non-agenda items that require subsidiary discussion should be placed as a regular item at the request of the proponent.~~

IX. Appointments

As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 ~~about their availability for reappointment~~ if they wish to be considered for appointment to another term. The Town Administrator will ensure that the Board receive by June 1st a list of appointment vacancies to be filled by the Board.

~~The Chair of any appointed Committee should notify the Select Board if there is just cause for enforcing Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.~~

~~The Board shall request each appointed committee chair to submit a report and written record of attendance for each member of his/her committee for the fiscal year. Any absences excused by the committee for good cause shall be noted in said record and report, along with any other information that might be helpful to the Board in making decisions concerning the appointment or reappointment of members to said committee. The Board shall enforce Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.~~

~~*Correspondences may be submitted via hard copy letter to the Select Board/Town Administrator's Office by mail or in person and date-stamped. Emails may also be considered public record. Regardless of format, the correspondence must include name and address.~~

Commented [MM3]: Develop the procedure for appointment for contested seats – nomination process

When the bylaw states, or when the Board or Town Administrator requests, a designee of another board or committee, the board or committee making the designation will vote the appointment of their representative. The board or committee shall notify the Town Administrator of the action taken. The Select Board shall ~~take action of the recommendations(s)~~ take action to appoint the designee at the next business meeting.

All candidates for appointment should be prepared to address the Board and answer any questions.

When there are more candidates than open seats available for any committee, there will be a motion made to nominate candidates. Once nominations are made, each Select Board member will vote for as many candidate as there are open seats. Candidates will be appointed according to the voting results with the candidate receiving the highest number of votes taking the first vacant seat, then the next highest filling subsequent seats until all open seats are filled. In the event of a tie, there will be a runoff vote taken between the candidates with the same number of votes to fill any remaining vacancies.

Upon an appointment to a board or committee, as authorized by the Town of Bourne Charter, the appointee shall receive a Certificate of Appointment signed by a majority of the members of the Board or Town Administrator. Each appointee must present the signed appointment slip to the Town Clerk or his/her authorized designee to be sworn in. The appointee shall have the Town Clerk/or designee sign and date the appointment slip and will bring the slip back to the Select Board/Town Administrator's Office for their records. Once the appointee is sworn in by the Town Clerk the appointee is authorized to cast a vote at a meeting of the board or committee to which s/he is appointed.

Committees in which members of the Select Board are seated either as ex-officio, committee as required by statute or as requested by outside governmental and non-governmental agencies shall not be greater than one (1) year and shall not extend beyond an individual's term of office unless otherwise specified.

X. New Committee Procedures

The Board will choose one of its members to attend the first meeting of a newly established committee. Any board, committee or commission ("committee") appointed by the Board shall be responsible to the Board.

At the first meeting, the designated Board member will read the charge by the Board and answer any questions by committee members so that each member understands the scope of the committee. Committee Meeting Procedures will also be given to each member and discussed. The members of the committee will establish a regular meeting schedule and determine the date of the next meeting.

The designated Board member shall conduct the initial election of officers of the committee. The committee may decide to hold the election of officers at the beginning of their second meeting; however, at no time shall a committee created by the Board be without officers after the conclusion of its third session. No substantive business will be conducted before

the election of officers. By majority vote of the members who constitute the make-up of the committee, they shall elect a chair, vice-chair and clerk.

In all procedural matters, the committee shall conduct its meetings in accordance with Robert's Rules of Order. In the absence of the chair, the vice chair shall conduct the meeting.

In accordance with the Open Meeting Law, the clerk of the committee or the recording secretary shall keep accurate minutes of the proceedings of the committee including executive session minutes, per the Open Meeting Law.

Upon request, the committee shall send a written update of its actions/recommendations that were taken by a majority vote of the committee members to the Board. The Board also reserves the right to request that the committee present this report in person at a Board's meeting. NOTE: per the Open Meeting, individual members of the committee may also ask that a member of the Board be present at a particular meeting as a member of the audience. A formal request for a Board member to attend a meeting must be made by a vote of the majority of the committee.

The chair shall prepare the agenda on behalf of the committee. Any committee member may insert an agenda item for any meeting. The chair or designee will post the agenda at Town Hall according to the Open Meeting Law.

~~XI. Zoning By Law, Special Permit Rules and Procedures~~

~~The rules and procedures concerning Zoning By laws, Special Permit Rules and Procedures have been prepared and adopted by the Board in compliance with General Laws Chapter 40A, Section 9 as amended by Chapter 808 of the Acts of 1975. They may be amended or rescinded by majority vote of the Board. Said rules and procedures to become effective at such times as may be specified and upon filing a copy thereof with the Town Clerk.~~

~~All applications for special permits authorized by the Zoning Bylaw to be issued by the Board shall be made in writing on such form or forms adopted by the Board and available at the offices of the Building Inspector, Select Board, Town Clerk or Engineering, as applicable.~~

~~Said form shall be filed in quadruplicate with the Board and copy shall be filed with the Town Clerk. All of said copies shall bear the signature of the applicant or his duly authorized agent or attorney.~~

~~The applicant shall attach to his/her application a list of all parties in interest and their addresses as appear on the most recent tax list. "Parties in interest" as defined in General Laws Chapter 40A, Section 11, as amended, shall mean the applicant, owner of land for which the permit is sought (if different than the applicant), abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within 300 feet of the property line, the Bourne Planning Board, and the Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.~~

~~Applications shall state the section of the Zoning Bylaw for which the Special Permit is sought.~~

~~All applications at the time of filing shall be accompanied by:~~

- ~~1. FOUR (4) prints of the latest recorded plan of the land which will be affected, or in cases where no such plan exists, FIVE (5) prints of a plan of the land endorsed by a registered engineer or land surveyor.~~
- ~~2. FOUR (4) prints of the plot showing the exact location of existing and proposed buildings, signs, and other structures.~~

~~Such additional information and plans, as may be required, under the Site Plan Review provisions of the Zoning Bylaw, or any other applicable provisions of the Zoning Bylaw.~~

~~A filing fee payable to the Town of Bourne in the amount of \$250.00 for advertising and mailing costs.~~

~~The Board, at its discretion, may dismiss (without prejudice) an application which fails to comply with the foregoing requirements.~~

Appendix

NOTICE OF HEARING

~~Notice of hearing will be given by the Board in accordance with General Laws Chapter 40A, Section 11, as amended, by mailing and publication.~~

~~A. Hearings~~

~~An open public hearing will be held at the time and place specified in the notice of the hearing.~~

- ~~1. The hearing will proceed as follows:~~
 - ~~a. The Chair will call the meeting to order and read the notice of hearing as published.~~
 - ~~b. The Chair shall inform those present at the hearing of the time requirements under Chapter 40A, Section 17, as amended, for appealing of the decision of the Board.~~
 - ~~c. The applicant or his representative shall present the case to the Board.~~
 - ~~d. Parties of Interest at the hearing shall be heard.~~
 - ~~e. Town representatives may be heard.~~
 - ~~f. The hearing shall be closed and no further evidence shall be heard.~~

~~B. Decisions~~

- ~~1. All decisions of the Board shall be made in writing and shall contain, but not limited to, the following:~~
 - ~~a. Date decision rendered~~
 - ~~b. Number of Special Permit~~
 - ~~c. Name and address of applicant~~
 - ~~d. The place, time and date of the public hearing~~
 - ~~e. Findings of facts~~

- ~~f. Statement of applicable law~~
- ~~g. Decision of the Board~~
- ~~h. Roll call vote setting forth the vote of each member of the Board~~
- ~~i. As statement of right of appeal pursuant to General Laws, Chapter 40A, Section 17, as amended~~
- ~~2. A copy of the decision shall be filed with the Town Clerk.~~
- ~~3. A decision granting a special permit shall be effective after the appeal period has expired and an appropriate notice has been filed by the Town Clerk with the Registry of Deeds. A fee for the Registry of Deeds filing shall be paid to the Town Clerk by the applicant.~~
- ~~4. Duplicate copies of the decision shall be mailed or delivered to the applicant or his agent or attorney, the owner of the property, the Building Inspector, Planning Board, Board of Health, and all parties in interest who at the time of the hearing request a copy.~~
- ~~C. Records of Proceedings~~
- ~~1. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact.~~
- ~~2. Original summary account shall be kept with the case record in the office of the Board, a copy to be filed with the Town Clerk.~~
- ~~3. All summary accounts shall be signed by the Clerk of the Board who shall be the keeper of the records of said Board.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1 + Indent at: 1.25

SELECT BOARD

~~Peter J. Meier~~ Mary Jane Mastrangelo, Chair
~~Judith MacLeod Froman~~ Melissa Ferretti, Vice Chair
~~James Potter~~ Anne-Marie Siroonian, Clerk
~~George Slade~~ Peter J. Meier
Jared MacDonald

Adopted on August 28, 2001
Amended November 12, 2002 by adding section 2.4.2
Amended July 13 2004 – Special Permit Rules & Procedures added
Revised: May 16, 2006
Revised: November 21, 2006
Revised: May 1, 2007
Revised: April 29, 2008
Revised: December 17, 2013
Revised: February 24, 2015
Revised: September 25, 2018, Comprehensive Revision

Revised: XX, 2023, Comprehensive Revision

Formatted: Indent: Left: 0

Select Board & Board of Sewer Commissioners – Annual Retreat
Minutes of Tuesday, August 8, 2023
Massachusetts Maritime Academy – Conference Center – Room 109
9:00 am – 2:00 pm

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Peter Meier
Jared MacDonald

Board of Sewer Commissioners

Jared MacDonald, Chair
Melissa Ferretti, Vice Chair
Mary Jane Mastrangelo, Clerk
Peter Meier
Anne-Marie Siroonian

TA Marlene McCollem
ATA Liz Hartsgrove
Jerry Posner, Facilitator

Chairs Mastrangelo and MacDonald called the meetings to order at 9:00 am

- Small changes make a big difference over time
 - It's not predictable how our choices can affect the future
 - Many potential outcomes
 - [The Butterfly Effect](#)
- Fixed points – things that happened in the past
- Teams = Us
 - Mindset
 - Behavior
 - Attitude
- Emotional
 - Limbic System – ancestral (fight or flight, survival) Defensiveness
 - Emotional, Stress, anger, Reactive
- Rational
 - Prefrontal Cortex – Socially responsible, reasonable, thoughtful
 - Likes questions to engage and learn more, to evaluate more
- Board Operations
 - What is working well
 - Willingness to speak to each other – communication
 - Public meetings – well moderated, organized, prepared
 - Attentiveness to the task at hand
 - Able to be transparent with the public
 - Not a lot of personal agendas
 - All here to work for the good of the town
 - Where is there friction
 - Too much in the weeds – loose people at home – they turn the TV off. Should keep to bullet points
 - It's hard to understand why people watch a SB meeting and what their perception is

- There's not enough conversation – just “yessing” decisions that had already been made that are impacting the whole town
 - People watch the meetings because of a personal agenda
 - Business & Performance element to what we do
 - We can't manage people's perception but we can manage our response
 - Self-awareness – body language, tone of voice, facial expression
 - Figure out the main point & how to move the conversation forward to resolution
 - How do we explain complicated, complex issues
 - Feeling left out of important conversations
 - Not taking the time to get to know and trust each other – finding out info from others instead of hearing it from the Board
 - Important for all the Board members to get the same info – some people had info and others have been left out
 - What is the best way for the Chair to communicate to the Board
 - Email
 - For Info only
 - Do not reply
 - How should the Chair communicate with the TA
 - Allowed to have 1-on-1 conversations – there is nothing wrong with that
 - Don't be afraid of the Open Meeting Law
 - Humans make mistakes and make poor decisions, but we trust each other to do the best we can
 - No individual authority – only the Board has authority
 - Individual member's opinion does not represent the Board
 - Have to be authorized
 - Once the Board makes a decision, members have to live with it, even if they don't agree
- What is the best way to communicate with the TA
 - Email
 - Board members can always call the TA & ATA
 - Concerns about violating the Charter
 - Is it necessary to go through the Chair to talk to the TA? No, it is not.
 - Send questions in advance, if possible, to make the most efficient use of the TA's time
 - Make an appointment so the TA can be prepared for the discussion
 - The Chair does speak for the Board
 - Email questions to the TA in advance and let her answer the questions at the meeting so everyone can hear the answer
- If a citizen contacts you with a problem, what do you do?
- Dealing with the Press/Media – Board vs Individual
 - The Chair speaks for the Board
 - Members can speak for themselves
 - If it's a matter of the Town, then the question should be referred to the TA
 - Board responses should be through the Chair
 - Members shouldn't speak for themselves, except for a factual response – support the Board decision
 - What is the protocol?
 - How do Members express their personal opinions?

- Is there value to telling the press that an individual member doesn't agree with the Board's decision?
- Relationships with members of the Press adds challenges in navigating
- Do you want to present a unified front?
- Should the press contact the TA first & she decides if the Chair or Board is contacted?
- It's confusing to the public to have multiple people giving answers
- The media picks & chooses what they want to write about – they are hunting for info – this should go through the Chair – individual members should not be giving info
- Town matters -> TA
- Board matters -> Board position -> Chair statement
- Bring a PR firm on board?
- Roles & responsibilities of both the Board & TA – expectations – chaos
- Public Education – transparency
 - Role of social media by the Town
 - Things need to be handled by the Board, not individuals
 - PR firm – what do you want the outcome to be?
- Does the Board see a value to doing a self-evaluation?
 - Everything individuals say is as a member of the Board
 - Is the statement productive or counter-productive?
- The media does not always publish what we actually say
- “official” Town Facebook page
 - Business info
 - Convenient
 - Have to think strategically about how we are going to use social media
 - Wait until after 8/28 to make changes & deal with the fallout
- What are we obligated to share with the public
 - The Board isn't supposed to get involved or interfere with personnel matters
 - The Board needs to stay the course – actions should speak louder than words
 - Exposing the Town to risk
- Make your decision based on what's best for the Town
 - A vocal minority cannot drive the Board
 - Have to look at all the facts
- Should the individual SB members do self-evaluations?
 - The School Committee would do a public self –evaluation annually
 - Is it shared? Kept private?
 - Probably a good practice
 - What questions should be used?
 - How are individuals contributing towards achieving the Board's goals?
- Historically the Board has not set goals or established budget priorities
- Belief System (BS) – Drives/Motivates/Influences Decisions
 - May not be able to change an opinion even if it is clearly not fact-based
 - Confirmation Bias – finds evidence to support belief regardless of facts.
- TA Review is in February – March
 - What is the purpose of for the review/feedback?
 - What is the outcome we expect in this time period?
 - We need to know exactly what we are evaluating
 - What is the expectation

- Simplify the evaluation instrument
- The Town is at significant risk with our IT infrastructure
- This is a to-do list – we have to focus on the priorities
 - It has to be realistic
 - It can't be everything
- Do we evaluate the TA on the goal being finished, or on how she does it?
- The highest priority is Office migration to the cloud.
- HR Policies – plan on pushback from employees
- South Side Fire Station – get a plan to TM for approval
 - The ball field is not at risk
 - Pocasset site is pending
- 6 high priorities for TA (Office 365 Migration, HR Policy Update with Collins Center, CWMP, Police Station, Fire Station, Capital Plan)
- Shift to BOS goals: Curbside Pickup policy and Revise Financial Policy
- Marijuana Policy is dependent on STM vote
- List the goals in the evaluation instrument & provide feedback, but do not use a numerical score
- A lot of what people expect the TA to do is outside of her agency & power
- The evaluation instrument was new to everyone
 - Confusion on the rating
 - How do we make this fair?
 - Remove some of the criteria
- The Board does not need to know/care about the “how” the TA does her job
- How should the Board evaluate her?
- Is the Board happy with her work?
- Are we still using the rest of the instrument?
- August 15 agenda – vote TA goals
- Future Exec Session on the evaluation instrument

Motion to adjourn at 2:00 made by Peter Meier, seconded by Anne-Marie Siroonian, voted 5-0-0.

Respectfully submitted,
Marlene McCollem

Select Board
Minutes of Tuesday, August 15, 2023
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually

TA Marlene McCollem
ATA Liz Hartsgrove

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Peter Meier
Jared MacDonald

Others: Wendie Howland, Mike Sweeney (remote), John York (remote), Mark Forest, Beth Albert, Bill Traverse, and Brian Baumgaertel.

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute. Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

Michael Rausch, Bourne Enterprise, acknowledged that he was recording the meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099** entering the ID/pass above.

Zoom Meeting ID: 869 5775 5505 Password : BOURNE

All items within the meeting agenda are subject to deliberation and vote(s) by the Select Board.

7:00 PM Call Public Session to Order in Open Session

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**

After the Salute to the Flag, Chair Mastrangelo noted congratulations to the Bourne Braves for winning their second consecutive Cape Cod League Championship, in the same year that the Bourne High School Baseball Team won a State Championship.

- 3. Report out on any votes taken in Executive Session.**

Chair Mastrangelo said that in their Executive Session they took votes on the Executive Session minutes of May 16th and May 19th to approve and retain them and not disclose. She said that they deferred action on the Executive Session minutes of July 18th, 2023.

4. Reading of the Vision and Mission Statements:

Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

5. Statement from the Select Board regarding the Bourne Water District “boil water order”.

Chair Mastrangelo read aloud a prepared statement and in it she said that the residents of the Town of Bourne have had some challenges in the last week, and she said she was happy to report that the “boil water order” was cancelled and lifted as of 3 PM on this day. She said that as a reminder there are 3 separate and independent water districts that serve customers in the Town of Bourne. Each of these are separate legal entities and are not a town department or part of Town government. They each have their own elected Commissioners, staff, and budget, and they do not report to the Select Board or to the Town Administrator.

Also in this statement, Chair Mastrangelo said that the Bourne Water District serves customers located on the south side of the Cape Cod Canal and is regulated directly by Mass DEP as a community water supply and holds DEP permits to operate a public water supply. She said that last Thursday, August 10th at around 6:00 PM, Mass. DEP instructed the Bourne Water District that a “boil water order” was in place because there was a positive e-coli test on August 9th.

Chair Mastrangelo continued to say that as required, the Water District has 24 hours from the “boil water order” notification to announce the order to water customers. When the Bourne Water District learned of the order, they reached out to the Bourne Police Department. The Police Chief contacted the Town Administrator, and the Town Administrator called the Water District. The district superintendent told the Town Administrator that the district was told by DEP that a “boil water order” was being implemented. The Town Administrator offered to help the Water District by having the Emergency Management Department, the Police Department, the Health Department staff, and the Town Administrator’s Office to work closely with both the Water District and DEP to understand the facts and to make the public aware of the boil order.

Chair Mastrangelo said that since last Friday there have been re-tests daily to determine when it was safe to cancel the “boil water order”. She said that they learned that it takes 24 hours for the lab to get the test results and to hear the results. During this time the Town assisted with communicating the most up-to-date information by providing message board signs utilizing its Emergency Alert reverse 911 system, posting on the Town’s website and issuing press releases

including sharing steps to take before consuming tap water at home and business locations in the water district. She said that the Health Department has been working closely with the restaurants and summer camps. She said that Select Board Jared MacDonald and State Rep. Steven Xiarhos helped coordinate donated cases of water by Coca Cola and volunteer help by Joint Base Cape Cod to assist with distributing water.

Chair Mastrangelo said that they understand people's frustration and acknowledge that this was a difficult and stressful situation, however, there are many lessons learned from this event. She said that they should recognize that as a community, that they work best when they work together. She also said that people need to sign up to be notified of events such as these and can do so by going to the Citizens Action section on the Town's website to find the Emergency Alert Notification sign up.

- 6. Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

Wendie Howland of Pocasset said that she was there to speak on behalf of the Telecom Advisory Committee. She said that she brought copies of one of the things that the committee is looking at, which is the quality and the availability of good internet access for underserved areas. She said that the south side of Bourne is grossly underserved. She said that there are seasonal issues, and they are looking at the change in download speeds in tourist season time compared to off season time.

Ms. Howland said that they would like everyone, in support of getting grant money, to scan the QR code that she had inserted in the copies that she has handed out, to do the speed survey test. She hopes that the QR code can be put on the town's website, and she is putting it on the Facebook page for Bourne. She said that this survey will tell what the download is wherever you are, and they would like people to do this from a variety of devices, days, and times. She also said that Verizon is doing a poll survey and they have requested these results.

John York said that he was there to talk about the Bourne Rotary Improvements, which he said is supposed to go out for bid in the next 2 weeks, and there is no plan to add crosswalks in the rotary. He talked about how he has requested crosswalks being put in place at the rotary. He said that 2 weeks ago there was an accident at the site of where he had requested a crosswalk be placed, that involved a pedestrian. He suggests that the town look to see if an exception was granted for the crosswalks. He suggests that the Select Board contact the highway administrator to recommend that he not issue an exception to allow them to leave out crosswalks at the rotary.

- 7. PUBLIC HEARING: Road name change request for "Grinnell Lane".**

Chair Mastrangelo opened the public hearing at 7:15 PM. She then read aloud the public hearing notice:

"Notice is hereby given in accordance with the Town Bylaws, Article 1.4 Section 1.4.9 Street Names, the Select Board will hold a public hearing on a request to change the name of Grinnell Lane to Sweeney Lane in the village of Pocasset. The public hearing will be conducted on August

15, 2023, at 7:00 PM in the Bourne Veteran's Memorial Community Center located at 239 Main Street, Buzzards Bay, MA, 02532. Public comment can be addressed to the Select Board utilizing the Zoom information: Meeting ID: 869 5775 5505 Passcode: BOURNE."

Chair Mastrangelo said that the public hearing was advertised in the Bourne Enterprise on August 4th, 2023.

Mike Sweeney said that he and his wife are just finishing up building their house on Grinnell Lane and they are the only house on the street. He said that the Grinnell family were the previous owners of the property, and they proposed the street name and never went through with it. He said that he and his wife bought the land and finished the road and constructed their house. He thinks it would be fitting to name the street "Sweeney Lane".

John York said that in general he does not think road name changes are a good idea because they impact a lot of areas including public safety and deeds.

Voted: Peter Meier moved, and Jared MacDonald seconded to close the public hearing.

Vote: 5-0-0.

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the request of Michael Sweeney to rename Grinnell Lane, Sweeney Lane.

Vote: 5-0-0.

8. Discussion with Barnstable County Officials – regional services and cooperation.

a. Information Technology

Mark Forest, Chairman of the Barnstable County Commissioners said that he was there to give an overview of some of their basic services and programs at Barnstable County. He said that he is joined by Beth Albert, the County Administrator, Bill Traverse, the Director of their IT Department, and Brian Baumgaertel, who runs the Alternative Septic System Test Center.

Beth Albert gave an overview of what the Barnstable County does through a slide presentation. She said that Barnstable had the 4th highest migration in the Country in 2020 due to COVID. She also talked about the history of Barnstable County and how the County is organized. Ms. Albert explained the Barnstable County Government and the budgets.

Ms. Albert explained that the role of Barnstable County is to address regional issues such as public health pandemics, protect Cape Cod's water quality, affordable housing, and regional solutions to Cape Cod's most pressing health and human service issues.

Ms. Albert talked about Children's Cove which is a Child Advocacy Center of Cape Cod and the Islands. Children's Cove has their own facility. She said that they recently opened an office on Martha's Vineyard and have plans to open a satellite office on Nantucket. She talked about the Departments of Human Services and Health and Environment also. She also

talked about the Barnstable County Dredge Program which has operated out of the County for 25 years.

Ms. Albert talked about AmeriCorps Cape Cod which is an 11-month volunteer program that responds to critical environmental and disaster preparedness needs on Cape Cod. They have been in service for 24 years and have 575 alumni of the program. She also explained the Barnstable County Cape Cod Center Training for Public Safety Training, the Cape Cod Commission and about PFAS clean up at a former municipal training site.

Bill Traverse said that the Barnstable County IT services for the Cape Cod towns began in 2012. He said that their main value proposition is towns that can't afford or it's difficult to find staffing to get the amount of service they need. He talked about the IT services that they provide for Bourne.

b. Responsible Management Entity (RME).

Brian Baumgaertel, Director of the Division of Wastewater, talked about the Massachusetts Alternative Septic System Test Center. He said that the center was set up in 1999 to address nitrogen and other contaminants. He talked about technologies that have been tested and developed. He said that they have an international client base at the center as well as local and national. He talked about the Cape Cod Aquifund, which is a low interest loan program and about the I/A Responsible Management Entity Program, which is a grant funded program with the goal to create utility class management with onsite wastewater treatment infrastructure.

There was some discussion about the RME's. Town Administrator Marlene McCollem said that if the town chooses to go down the watershed permit route, and if the Town of Bourne is going to assume the responsibility under Title V, then this type of program is going to become critical because the town is going to be held responsible for meeting the nitrogen reduction targets. Mr. Baumgaertel talked about various technologies that are working now for removing nitrogen, and those that are being currently tested.

9. Consent Agenda

- a. **BHS Volleyball Car Wash at BB Fire and Pocasset Fire Station on 8/20, 8:30 – 12:30.**
- b. **BHS Football Car Wash at Sagamore and Buzzards Bay Fire Stations on 9/2.**
- c. **Concerts on the Park – amendment – vendor request.**
- d. **Authorize the Town Administrator to sign and submit the Development of Regional Impact (DRI) application for the Next Grid solar project.**
- e. **Appoint Amanda Bongiovanni as the Finance Committee's representative to the Community Engagement Committee [June 30, 2024, fill unexpired term] and ISWM Business Model Working Group [June 30, 2024].**
- f. **Appoint William Meier as the Board of Health's representative to the ISWM Business Model Working Group [June 30, 2024].**
- g. **Appoint Thomas Joyce as the Finance Committee's representative to the Capital Outlay Committee [June 30, 2025, fill unexpired term].**

h. Appoint Christopher Farrell as the Planning Board's representative to the Roadway Traffic Safety Committee [June 30, 2024].

Voted: Melissa Ferretti moved, and Jared MacDonald seconded to approve the Consent Agenda items a through h, as presented.

Vote: 5-0-0

10. Discuss and approve the Housing Production Plan.

Chair Mastrangelo said that there was a presentation at the last meeting, and they chose to bring it as a next agenda item. She said that it was very well done and there is a lot of work to do. She also said that she recommends for the Housing Production Plan that the Board of Selectmen be changed to Select Board.

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the Housing Production Plan with the Board of Selectmen being changed to Select Board.

Vote: 5-0-0.

11. Discuss and vote FY24 goals for the Town Administrator.

Chair Mastrangelo said that the Select Board has had several discussion about the FY24 goals for the Town Administrator and they were also discussed at the retreat. She listed the goals:

- Implement Office 365 migration to the cloud.
- Complete HR Policy update – Collins Center contract.
- Resolve significant construction issues with the Police Station.
- Bring a plan and capital funding article forward to Town Meeting for a new South Side Fire Station.
- Formalize infrastructure planning into the capital and long-term financial plans.

Voted: Jared MacDonald moved, and Peter Meier seconded to approve the Town Administrator goals for FY24.

Vote: 5-0-0.

12. Discuss and vote Strategic Plan Focus Areas.

Chair Mastrangelo said that the document is a little different format from the discussion that they had discussed at the retreat.

Voted: Anne-Marie Siroonian moved, and Melissa Ferretti seconded to approve the Strategic Plan Focus Areas as presented.

Vote: 5-0-0.

13. Discuss and authorize the chair to send correspondence on behalf of the Board.

a. APCC request regarding Holtec decommissioning of Pilgrim Station.

Chair Mastrangelo said that the Select Board received a letter from the Association to Preserve Cape Cod, requesting that the Select Board send a letter regarding the Holtec decision in support of the denial of that permit. She said that there is a proposed draft letter that says everything that needs to be said.

Voted: Melissa Ferretti moved, and Jared MacDonald seconded to authorize the Chair to send correspondence on behalf of the Board to APCC request regarding decommissioning of Pilgrim Station.

Vote: 5-0-0.

b. Response to resident regarding town IT services.

Chair Mastrangelo said that she drafted a response explaining what the role of the Select Board is and that they do not do day to day operations, and that there is the contract with the County to provide IT services. Ms. Ferretti said that the draft looks good, and that all the points were touched upon. Mr. MacDonald said that it is good that it is a response from the Board, and the points made in the response are clear.

Ms. Siroonian questioned why this individual should receive a response when others have questioned and not received a response from the Select Board. Chair Mastrangelo said that this individual has requested specific answers, while others do not necessarily make the same request, and sometimes the Board responds by having the subject an agenda item at a future meeting. She also said that more clarification is needed on when the Board should respond or not. There was more discussion about when or when not to respond. Ms. McCollem read aloud an automatic email response from the Falmouth Select Board, which the Board discussed about possibly implementing an automatic message like the Falmouth response. Ms. McCollem said that it does need more discussion as part of the Board's Rules and Procedures.

Chair Mastrangelo said that she would like to do this response due to there being multiple letters, and then the Board will have to think about the response pattern for the future.

Voted: Melissa Ferretti moved, and Jared MacDonald seconded to authorize the Chair to send correspondence on behalf of the Select Board for a response from a resident regarding Town IT services.

Vote: 5-0-0.

14. Policy Discussion.

a. Marijuana Host Community Agreements.

Chair Mastrangelo said that they are implementing regulations by May 1st and if any town has any bylaws or anything that they must do at Town Meeting, they are not giving the town time enough to do it. She said that she thinks that they should write a letter saying that there should be no implementation until October 1st of 2024. After some discussion, Chair Mastrangelo said they will draft a letter to bring before the Board at the August 29th meeting.

15. Town Administrator's Report

Ms. McCollem said that she and Police Chief Esip had a very productive call with MassDOT last week regarding the possibility of installing no left turn signs on Scenic Highway in the vicinity of Bournedale Road and the parking area as drivers are travelling eastbound. She said that MassDOT has agreed to review the sign manuals to identify some options for Bourne's evaluation. She said that she and Chief Esip have committed to helping to reach out to the property owners to facilitate a public discussion about potentially adding these signs.

Ms. McCollem also said that earlier this month APCC volunteers noted a cyanobacterial scum at Queen Sewall Pond, and it was determined not to be significant, and the pond was not posted as closed and it will continue to be monitored.

Ms. McCollem also said that she would like to extend a thank you to the Recreation Department for their hard work with both creating and executing the summer programs this year as it is not an easy task.

Ms. McCollem also said that she received word that Open Cape has begun work on their fiber upgrade project on Main Street, and it is being conducted in conjunction with the Buzzards Bay Chamber of Commerce.

Ms. McCollem also said that unfortunately last weekend, a portable toilet at the Standish Road parking lot was lit on fire and destroyed. She said that the company has removed the damaged unit and has begun the insurance claim, however due to the lateness in the season, the unit will not be replaced before Labor Day.

Ms. McCollem also thanked the Finance Department for their great work closing the books of FY23 very early this year. She said that the Town has received the unaudited Free Cash certifications from the Department of Revenue. She said that having this number is extremely helpful in planning for Capital Investment at the Special Town Meeting. She said that the general Free Cash number is at \$10,115,005. She said that the ISWM Enterprise Retained Earnings is at \$11,169,107. and the Sewer Enterprise Retained Earnings is at \$1,010,701.

Ms. McCollem urged all to be aware and vigilant about not opening malicious emails. She said that there has been a noticeable increase in phishing and scamming.

16. Minutes – 7/18/23, 7/25/23 and 8/2/23.

Voted: Peter Meier moved, and Melissa Ferretti seconded to approve the minutes of 7/18/23, 7/25/23 and 8/2/23, as presented.

Vote: 5-0-0.

16. Future Agenda items

Ms. Siroonian said the Bourne Community Engagement presentation should be added for Sept. 5th.

17. Committee reports

Ms. Ferretti gave a quick report for the JBCC. She said that she talked to them regarding emergency access during construction and they were already under the impression that it was something that was already in place.

Ms. Siroonian said that the BCEC met last week and are looking at having a warrant article for the Fall Town meeting. She said that they are also reviewing their application process and the eligible items for reimbursement.

Ms. Siroonian also reported on the Policy Subcommittee. She said that they have been reviewing section 46 M and 46 N, relative to repairs of private ways.

Chair Mastrangelo said that she attended the Cape and Islands Water Protection Fund Management meeting about funding for Bourne.

Peter Meier said that earlier in the day there was a Police Building Committee meeting in Executive Session. He said that next Tuesday the South Side Fire Station Committee will be meeting. He also said that there has been some talk about what is going on with the Wastewater Treatment Facility and the odor, and he asked Ms. McCollem if they could schedule a meeting of the Wastewater Treatment Facility Building Committee to talk about these issues. Ms. McCollem said that it should be discussed at the Sewer Commissioner's meeting on the 29th.

18. Correspondence

Anne-Marie Siroonian read aloud the correspondence:

- o DEP Letter – Demolition Area 2 Environmental Monitoring Report.
- o DEP Letter – 2022 Source Removal Annual Report.
- o Abutter Notice – 18 Island Drive.
- o Cape Rail Letter.
- o Elder Services Q4 Meal Stats.
- o P. Burns Email re: MA Wild Vegetation, Trees, Bushes Growth & Renaming of Rte. 25.
- o JBCC August Public Meetings.

These are all on the Town's website.

- 19. Next meeting date: August 29 at 6:30 (BOSC at 7); September 5, September 12; September 19**

- 20. Adjourn**

Voted: Anne-Marie Siroonian moved, and Jared MacDonald seconded to adjourn.

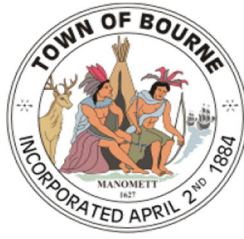
Vote: 5-0-0.

This meeting of the Bourne Select Board was adjourned at 9:09 PM.

Respectfully Submitted,
Kim Johnson, Recording Secretary

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.

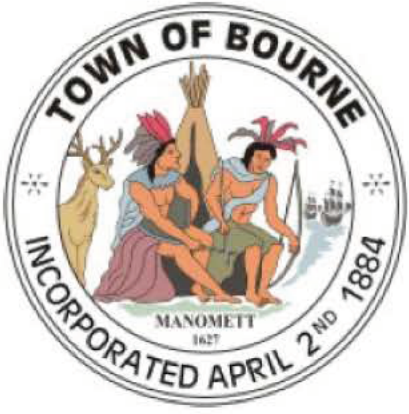
DRAFT



Select Board's Correspondence

September 5, 2023

- A. Talent Bank C. Bresnahan – Recycling Committee
- B. Talent Bank N. Schmidt – Commission on Disabilities
- C. Talent Bank M. Smith – Recycling Committee
- D. Talent Bank C. Walton – Multiple Committees
- E. G. Henson Email – re: E. Coli Contamination & Boil Water Notice
- F. J. Akins Email – re: Emergency Preparedness
- G. Ocean Pines Board of Trustees Email – re: Planning Board Hearing Review
- H. Falmouth Amateur Radio Association Request
- I. P. Tortorella Letter – re: Tidal Ditches at King Philip Road
- J. Final decision re the naming of Jarsolow Reef in Bourne
- K. DEP Letter – Issuance of Draft Chapter 91 Waterways Permit Application
- L. MBTA Email – re: Update to Compliance Guidelines for MBTA Communities
- M. Abutter Notice – 11 Taylor Road
- N. Cape Light Compact Energy Efficiency Report – Bourne Q1
- O. Cape Light Compact Energy Efficiency Report – Bourne Q2
- P. Association to Preserve Cape Cod Annual Report
- Q. Lombardo Associates Letter – re: Wastewater Management Services
- R. DEP Letter – Draft 6th Five Year Review JBCC Superfund Site
- S. DEP Letter – Draft Annual Land Use Control Letter Report
- T. DEP Letter – Draft Remedial Investigation/Feasibility Study Report
- U. DEP Letter – Draft J-2 Northern Environmental Monitoring Report
- V. DEP Letter – Draft Remedial Investigation Report for PFAS at Tanker Truck Rollover Sites
- W. DEP Letter – Draft Technical Evaluation/Well Determination
- X. DEP Letter – Proposed Plan for Old K Range



Town of Bourne



www.townofbourne.com



24 Perry Ave, Bourne, MA 02532



TALENT BANK FORM

The success of any local government depends largely on the participation of its citizen volunteers

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Charles Bresnahan

Name:

Address:

Pocasset

Village:

Telephone:

Email:

Occupation:

Please list in order of preference which committee(s) you are interested in:

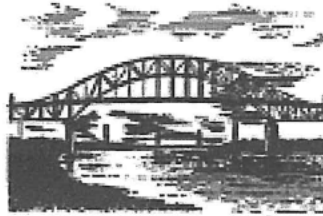
recycling

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications:

Family-wise we recycled many years before recycling was mandated. During my teaching years I constantly reminded and explained to my classes why recycling is important.



Town of Bourne



www.townofbourne.com



24 Perry Ave, Bourne, MA 02532

TALENT BANK FORM

The success of any local government depends largely on the participation of its citizen volunteers

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Name: Noah Gabriel Schmidt

Address:



Village: Pocasset

Telephone:



Email:

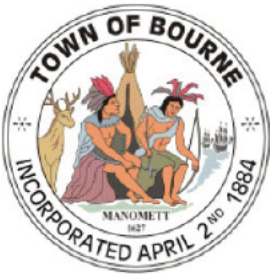


Occupation: Owner and Artist at Noah's Artsy Business, Utility Person at Avocado's Always Fresh

Please list in order of preference which committee(s) you are interested in:

Commission on Disabilities Committee

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications: As a young community member with autism who is known in the community by others. I feel it would be good to have a younger person with a disability be a voice and advocate for other college-age residents, young adults, teens, youth, and children to be a leader for them for their town as well as anyone with a disability who needs their voice heard in town. I have been in many other leadership roles in my life such as Warrant Committee in Junior High, Classroom Representative for Student Government in High School, High School Representative to Saint Barnabas's Episcopal Church Vestry in 2020, Senator and Public Relations Officer for Cape Cod Community College's Student Government Association as well as Secretary for Cape Cod Community College's Hospitality Club. I think it is also time for a change to have a younger person in the community be a voice for other people living in the town of Bourne with Disabilities.



Town of Bourne



www.townofbourne.com



24 Perry Ave, Bourne, MA 02532



TALENT BANK FORM

The success of any local government depends largely on the participation of its citizen volunteers

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Name:

Address:

Village:

Telephone:

Occupation: Registered Nurse

Please list in order of preference which committee(s) you are interested in:

Recycling Committee

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications:

I have many years of experience in the healthcare field and would bring a health and science perspective to fulfilling the goals of the committee.

I have participated in local initiatives in another town in the past related to establishing recycling and organizing town cleanups.

From: [Catherine Walton](#)
To: mmastrangelo@townofbourne.com; [Maria Simone](#); [REDACTED]
Subject: Committee Requests
Date: Thursday, August 24, 2023 9:05:50 PM

Good afternoon,

I'm reaching out because I would like to serve on the following committees. Over the past few months, I have been invited to participate in several conversations & meetings around these topics. My involvement with these committees will provide a broader understanding of each roadmap and its benefits to our community.

1. Bourne Cable, Internet and Telecommunications Advisory Committee
2. Roadway Traffic and Safety Committee- As a citizen, not a PB member
3. Cape Cod Water Protection Collaborative
4. Cape & Vineyard Electric Cooperative

Professional/Volunteer Experience -25+ years- Managing escalated contractual issues, collaboratively or directly figuring out the root cause, proposing and driving solutions to bring resolution and customer satisfaction. (examples below)

- 25+ years- Implementing metrics to enable data-driven decisions.-.
- 25+ years of experience organizing national and regional sporting events and competitions & creating or participating in fundraisers to benefit- programming for Seniors, Children, and Animals
- Nine years of managing event operations on the Boston Common Frog Pond, working cross-departmentally through three administrations.
- Created a Student Internship and reference program for Boston Public School Students
- Elected School Committee Member- participated in The Town of Bourne Teacher Association's collective bargaining agreements negotiations. Member of Budget and Facilities sub-committees.
- Current Bourne Planning Board member

Throughout my personal and professional career, I have had the opportunity to impact business outcomes by understanding people, identifying and implementing best practices, improving efficiencies, and making data-driven decisions to meet required strategic and financial goals.

1. A proven and referenceable commitment to Customer Service- Drove the "Customer First" thought process throughout organizations of 25 to 60k employees globally.
2. Exceptional and Referenceable team building skills.
3. Extensive experience with contractual/vendor/third party contractors, member/user compliance, negotiations, and oversight.

4. 25+ years of hands-on and team management experience implementing software and hardware. -Troubleshooting functionality, cloud migration issues, third-party integrations, Infrastructure- Networking, CATV, RF, and OTA distribution.
5. Assist customer-facing teams through customer Malware Attacks
6. Designed, managed, and improved processes to measure and track KPIs.
7. Built and managed 3-24x7 Customer support call centers, ICS teams, and 3rd party telecommunications contractors-
8. Extensive experience building and managing budgets, grant adherence, and strategic planning by maximizing operational resources, streamlining processes, and implementing cost-reduction methods to drive operational efficiency.
9. Implemented a customer advisory board and developed a global customer advocate team to identify and build referenceable customers by product suite. Grew Global User Group Participation by 76%.
10. 25 + years of experience managing and negotiating customer contracts and renewals.
11. Hands on-Signal Balance troubleshooting- Hospitality, Healthcare, and Senior Living Facilities- -(a critical and costly infrastructure challenge in this space)
12. Standardized distribution and project management processes to ensure contractual time and budget commitments. Implemented proactive signal balancing distribution method-reducing distribution service calls by 30% & increasing customer satisfaction from 79% to 91% in 12 months. vendors/Installations- Implemented oversight and accountability to identify and mitigate RISK.
13. Drove the creation and implementation of technical process documentation by function-troubleshooting software/hardware, Property Management Systems (PMS) integration issues, and network and cabling infrastructure issues, including Signal Balancing, Core Switch, IPTV, Broadband, and OTT service providers, Reducing repeat survey and implementation errors/costs by 82%.
14. Escalated Issues & Special Internal Discovery Projects Responsible for assessing and mitigating global project risks by developing internal teams and strategies to create and measure scalable organization-wide processes.

Thank you for your consideration.

Best,

Catherine Walton

[REDACTED]
[REDACTED]
[REDACTED]

Maria Simone

From: Marlene McCollem
Sent: Wednesday, August 16, 2023 12:18 PM
To: Maria Simone
Cc: Kathleen Thut; Elizabeth Hartsgrove
Subject: FW: [bournema] E. Coli Contamination & Boil Water Notice (Sent by GERALD Thomas [REDACTED])
Attachments: e_coli_boil_water_notice.pdf; ATT00001.txt

Hi Maria:

Can you please put this cover email and attachment in the correspondence file for the next Select Board meeting?

Thank you,
Marlene

From: Mary Jane Mastrangelo
Sent: Sunday, August 13, 2023 1:30 PM
To: All Select Board <Selectmen@townofbourne.com>
Cc: Marlene McCollem <mmccollem@townofbourne.com>; Elizabeth Hartsgrove <EHartsgrove@townofbourne.com>
Subject: FW: [bournema] E. Coli Contamination & Boil Water Notice (Sent by GERALD Thomas HANSON, [REDACTED])

FYI - For informational purposes only - to a quorum of the board - please do not reply all

Attached is correspondence received by Marlene from a resident. It says I was cc'd but I did not receive a copy of the original message.

Marlene forwarded to Bob Prohett and his response is below.

Schedule wise - during Future agenda items - we can discuss as a Board whether we should have all of the water districts come in on a future agenda to discuss the testing protocols and emergency measures.

MJ

MJ Mastrangelo
Chair Bourne Select Board
Clerk Bourne Sewer Commissioners
508-563-9415
Cell 508-265-4636

From: Bob Prohett [rprohett@bournewaterdistrict.com]
Sent: Sunday, August 13, 2023 12:52 PM
To: Marlene McCollem
Cc: Mary Jane Mastrangelo; [REDACTED]
Subject: Re: [bournema] E. Coli Contamination & Boil Water Notice (Sent by GERALD Thomas HANSON, [REDACTED])

So Marlene, I want to first say that I believe this whole emergency situation was handled beautifully by the town and our staff and commissioners at the water district. To answer some of the questions posed by Mr.Hanson.

The first question we used every means we had to notify every customer in our district from the emergency reverse 911 notification which I was told reached every household on south side of canal. 6 Highway sign boards, and posted on our website bournewaterdistrict.com we also hand delivered the notice to all multi family and critical care addresses. Mass DEP was notified of or delivery options and approved any one of them.

The second question Bourne Water is required by Mass DEP to conduct confirmation samples up stream and repeat site not notification until confirmed. The notification is then within 24 hours of results which with the help of the police, town, and emergency response we notified within 14 -15 hours.

Third question I have been employed by Water District for 14 years and in that tenure we have not had an EColi result but I can certainly look into wheather ever. I don't really understand that note. It has no relevance to this. The Water District spends 24 hours a day 7 days a week trying to protect water supplies and contamination we will be doing business as usual.

The Water District absolutely is not looking at ultraviolet right now due to huge increase in cost to customers when not needed.

Last question Bourne Water has the ability to chlorinate all sites in emergency situations. However adding chlorine to an unchlorinated system can cause more problems than good in way of making disinfection by products that are as harmful as the original contamination. I as Superintendent felt we had a good grasp and control on the situation and hope everyone trusts our operators.

Thanks you may pass tthis on and or I can sit in on any meetings needed going forward. Thank you again to all of you.

Robert Prophett, Superintendent
Bourne Water District

> On Aug 13, 2023, at 12:09 PM, Marlene McCollem <mmccollem@townofbourne.com> wrote:

> Good Afternoon:

> The Town and Select Board have received your attached questions regarding the Water District's boil order.

> The Chair will determine when to schedule this for discussion at a future public Select Board meeting.

>

> I have also included the Superintendent of the Water District above.

>

> Thank you,

> Marlene

>

> -----Original Message-----

> From: cmsmailer@civicplus.com [<mailto:cmsmailer@civicplus.com>]

> Sent: Sunday, August 13, 2023 11:05 AM

> To: Marlene McCollem <mmccollem@townofbourne.com>

> Subject: [bournema] E. Coli Contamination & Boil Water Notice (Sent by GERALD Thomas HANSON,

[REDACTED])

>

> Hello mmccollem,

>

> GERALD Thomas HANSON [REDACTED] has sent you a message via your contact form
(<https://www.townofbourne.com/user/7206/contact>) at bournema.

>

> If you don't want to receive such e-mails, you can change your settings at

<https://www.townofbourne.com/user/7206/edit>.

>

> Message:

>

> Please see the attached file.

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

[https://gdsprotect.cloud-](https://gdsprotect.cloud-protect.net/index01.php?mod_id=11&mod_option=logitem&report=1&type=easyspam&k=k1&payload=53616c7465645f5fe1c6acfb77748de51ebd2126cb2d6edfb61c92d735f6dff9755c704a1ecd3d59ee28fa11a481bd96887bebb7a2c8bedc325924590f6bedfb29d5d80eeff3b5c4c4b0ae324016d7e00d1187c5ca87c9b4432d03216d8618b2843db3aa969d8aa8bdaebb4dab938a5c58c8d8a26e867b6e059d095f5f424c7c75be5dcfa1b660781dfcd1cf2f720f974ff751a8c4ce41fabdd2cc5b980e0ad&mail_id=1691945559-o75pfF2PVm1R&r_address=mmastrangelo%40townofbourne.com)

[protect.net/index01.php?mod_id=11&mod_option=logitem&report=1&type=easyspam&k=k1&payload=53616c7465645f5fe1c6acfb77748de51ebd2126cb2d6edfb61c92d735f6dff9755c704a1ecd3d59ee28fa11a481bd96887bebb7a2c8bedc325924590f6bedfb29d5d80eeff3b5c4c4b0ae324016d7e00d1187c5ca87c9b4432d03216d8618b2843db3aa969d8aa8bdaebb4dab938a5c58c8d8a26e867b6e059d095f5f424c7c75be5dcfa1b660781dfcd1cf2f720f974ff751a8c4ce41fabdd2cc5b980e0ad&mail_id=1691945559-o75pfF2PVm1R&r_address=mmastrangelo%40townofbourne.com](https://gdsprotect.cloud-protect.net/index01.php?mod_id=11&mod_option=logitem&report=1&type=easyspam&k=k1&payload=53616c7465645f5fe1c6acfb77748de51ebd2126cb2d6edfb61c92d735f6dff9755c704a1ecd3d59ee28fa11a481bd96887bebb7a2c8bedc325924590f6bedfb29d5d80eeff3b5c4c4b0ae324016d7e00d1187c5ca87c9b4432d03216d8618b2843db3aa969d8aa8bdaebb4dab938a5c58c8d8a26e867b6e059d095f5f424c7c75be5dcfa1b660781dfcd1cf2f720f974ff751a8c4ce41fabdd2cc5b980e0ad&mail_id=1691945559-o75pfF2PVm1R&r_address=mmastrangelo%40townofbourne.com)

August 13, 2023

To: Bourne Water District & Town Administrator Mary McCollem

CC: Mary Jane Mastrangelo, Peter J Meier

Subject: E. Coli Contamination & Boil Water Notice

The Bourne Water District and the Town of Bourne issued a boil water notice on Friday August 11, 2023. E. Coli contamination was detected in an August 9 sample.

As a resident of Pocasset, I have the following questions that I would like a written reply to:

1. What actions did the Bourne Water District and the Town of Bourne do to notify residents that do not have computers, cellphones and only watch television intermittently?

I know some Pocasset senior citizens that reside alone in single family homes and do not have cellphones or computers. I did not see any door-to-door communication actions such as door flyers or vehicles traveling through the neighborhoods announcing the boil water notice in my neighborhood.

2. Was a warning of potential contamination sent to customers when the E. Coli was first detected prior to confirmatory analysis?
3. Per prior annual Bourne Water District reports this is not the first time that E. Coli has been detected.

Since E. Coli detection is not a one-time event, what steps and preventative measures is the Water District taking to prevent a reoccurrence of E. Coli contamination and avoidance of another boil water notice?

Is the Water District going to add Ultra Violet (UV) disinfection on a continuous basis to the water system.

Does the Water District have an emergency chlorination disinfection system or are they going to install an emergency chlorination disinfection system?

Gerry Hanson

From: cmsmailer@civicplus.com on behalf of [Contact form at bournema](#)
To: [Maria Simone](#)
Subject: [bournema] cc: Emergency Preparedness letter to the Editor (Sent by Jeanie Akins, [REDACTED])
Date: Wednesday, August 16, 2023 9:23:30 AM
Attachments: [emergency_prepare.docx](#)

Hello msimone,

Jeanie Akins ([REDACTED]) has sent you a message via your contact form (<https://www.townofbourne.com/user/6396/contact>) at bournema.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofbourne.com/user/6396/edit>.

Message:

Thank you for your help in distributing to Administration, Selectboard and LEPC

Recent local news reports regarding Town of Bourne personnel, while concerning, are less urgent to me since the boil water event that occurred starting Friday, August 11. Add that to recent unusual weather events here on the Cape, across the country and internationally. And, if there was a catastrophic emergency, we are the only town on the Cape that would see an influx of people as every other Town evacuated! Many questions come to mind about Bourne's state of emergency preparedness. Listed on the Town website, we can find "Emergency Management". It includes general information about how citizens can prepare and be informed. Additionally, there is a "Local Emergency Planning Committee" In my view, Emergency Management is a very vital Department. Did you know it is currently staffed part time by one person? The LEPC Committee is also a vital group of citizen volunteers. It is not clear how often they meet or if there are Meeting Minutes available. From the Town website:

"The LEPC fulfills this mission through the coordination between Town, state, businesses, institutions, and residents through mutual planning, information, and public outreach."

In talking to friends and neighbors, and perusing social media, the most common complaint is the lack of communication from appropriate resources. Communications seem to be funneled through the Smart911 program. Is this the only form of communication? Is it far fetched to think that there could be an event that knocks out the Smart911 system? What is the alternative? Social media can be one option, with posting options only available to appropriate resources. Cable tv? Not everybody has access or subscribes to any one service. Does everybody have a hand crank or solar powered radio? Where should we tune? These are just some of my questions. I'd be interested in learning about LEPC meetings and minutes. Also if they include Joint Base Cape Cod and neighboring town representatives.

If public outreach is part of the LEPC mission, I think it is appropriate to investigate all manner of communications that are available and constantly remind people who what and where to turn. Start a never ending cycle of public outreach, including a clear organizational chart of who's who and where to go for information. Additional public outreach in the form of mailings, events, printed educational postings, "sign up for Smart911" and "this is a test" events. Could the old fashioned fire whistle be reactivated? "Neighborhood Watch" education? Just trying to get a discussion going.

While every Town Department is vital, it's more important to me that we are as well, if not more prepared for an Emergency as we are for Personnel issues.

CC: LEPC

Jeanie Akins



Ocean Pines, Final Permit & Planning Board Meeting

[Details](#)

To: jcopeland@townofbourne.com, Kelley Collins, Griffin, Tina, William Hanson, Jeff McGinnis, Cc: [REDACTED] & 1 more

Jennifer,

Kelley Collins, trustee left a message and has tried to call numerous times to find out the date for the planning board meeting where trustees, unit owners and abutters can review the final permit for the Ocean Pines Development Phase II. Ocean Pines is now represented by counsel who may be in attendance at the meeting and are copied herein.

The health department signed off yesterday after various requests of the builder and modifications over months.

With the ongoing issues happening at Ocean Pines including but not limited to detention pond design failures (runoff & overflow), drainage issues, open space parcel(s) ownership and transfer issues, top coat and road completion concerns, unit owners at Ocean Pines and abutters should be notified and able to review the plan at a planning board meeting.

The debate on the number of rooms etc. and other questions need to be reviewed. There was a septic failure and redesign needed for Building #2 and this permit is a blanket for five buildings. To date, permits have been issued for two +/- buildings at a time, never five.

Since this is the final permit for the Ocean Pines development, notification and planning board meeting is required.

Please also be aware that there was an extremely heated confrontation between Brian & Scott Hebb, a few of the unit owners and the board of trustees on Monday 8/14. The police were called and a report was filed. If you want more information call Tina Griffin, treasurer at [REDACTED] or Kelley Collins, chairperson at [REDACTED]

We understand that Neal Comen has had correspondence with town officials, please understand that he does not represent the board of trustees or the other unit owners at Ocean Pines.

Respectfully,
The Board Of Trustees
OP Condo Association LLC
Ocean Pines Condominium Trust

Maria Simone

From: Marlene McCollem
Sent: Tuesday, August 22, 2023 7:50 AM
To: Maria Simone
Cc: Elizabeth Hartsgrove; Kathleen Thut
Subject: FW: Falmouth Amateur Radio Association Request

Hi Maria:

Can you please put this in correspondence for the next Select Board meeting?

Thank you,
Marlene

-----Original Message-----

From: Ralph Swenson [mailto: [REDACTED]]
Sent: Monday, August 21, 2023 5:17 PM
To: Marlene McCollem <mmccollem@townofbourne.com>
Subject: Falmouth Amateur Radio Association Request

Dear Miss McCollem:

My name is Ralph Swenson with the Falmouth Amateur Radio Association. I had been in touch with Phil Tura of the Bourne Fire Department with the request outlined below. He asked that I contact you directly, so that this may be presented for consideration at your next Select-board meeting. If you have any questions or concerns, please feel free to contact me at the number below.

The Falmouth Amateur Radio Association (a 501(c)3 organization) currently has a digital amateur radio repeater located on the Bourne Water Tank at Bourne Bridge Rotary. The Water District has graciously supported the system for several years, but the site has recently become problematic for a number of technical reasons, and we are looking for an alternate site to host the system. The system supports communications in the Upper Cape Area for storms and emergency shelter support, the Barnstable County MACC and links into other regional and statewide systems via radio and the Internet. I am respectfully requesting consideration to relocate this system to the Sta. 3 fire station in Sagamore. There is an existing amateur radio antenna on the tower there (installed at the time of the new station, for future interoperability) and this could be utilized to support the radio repeater. The only other thing that we would need to support the operation of the radio, would be a connection to the Internet. There would be no cost to the town for the operation and maintenance of the equipment, as it solely supported by FARA and volunteers in the amateur radio community. The equipment is self-contained in its own equipment rack/cabinet, and electric power needs would be minimal, about the amount of a 100W light bulb.

Thank you for your consideration in supporting this effort.

Respectfully,

Ralph Swenson
Falmouth Amateur Radio Association
[REDACTED]

corres a/s

Town of Bourne Massachusetts
Board of Select Persons
24 Perry Avenue
Buzzards Bay, Ma 02532-3441

August 27, 2023



BOURNE BD OF SELECTMEN
RCUD 2023 AUG 30 AM 11:11

To the Honorable Board of Select Persons.

In 1973 I purchased my house at 42 King Philip Road in Tahanto. A portion of the lot is wetlands. The wetlands are bordered by tidal ditches. For years the Town of Bourne cleaned out the tidal ditches. However, that is no longer the case. Over the last decade, natural debris has filled the tidal ditches preventing the water from flowing freely. The result is occasional flooding as well as health and safety concerns, e.g., mosquitoes. This matter was brought to the attention of Public Works and Conservation and was told that nothing would be done. I am 94 years old and would like to enjoy the use of my deck with my grandchildren without the fear of being bitten by mosquitos and getting sick. Please advise me what can be done to eliminate this hazard, not only for myself but other families in the area.

Sincerely,

Philip J. Tortorella

Maria Simone

From: BGNEXEC, GS-N-MAC <bgnexec@usgs.gov>
Sent: Thursday, August 17, 2023 7:30 AM
To: Peter Meier; balbert@capecod.gov; Melissa Ferretti; Marlene McCollem
Subject: Decision on name for reef in the Town of Bourne

Mr. Peter J. Meier, Chair
Town of Bourne Selectmen

Ms. Elizabeth Albert, County Administrator
Cape Cod Regional Government Board of Regional Commissioners

Good morning,

This is to inform you that the U.S. Board on Geographic Names, at its August 10, 2023 meeting, approved the proposal to apply the new name Jaroslow Reef to a reef in the Town of Bourne.

The name has been added to the Geographic Names Information System, the nation's official geographic names repository, available at <https://edits.nationalmap.gov/apps/gaz-domestic/public/search/names>. The decision reads as follows:

Jaroslow Reef: bar; approx.. 2.5 acres, 0.25 miles long; in the Town of Bourne, between Gibbs Narrows and Little Buttermilk Bay; named for Dr. Gary Jaroslow (1958-2017), a Massachusetts Maritime Academy oceanographer; 41°45'49"N, 70°36'45"W; Barnstable County, Massachusetts; USGS map – Sagamore 1:24,000.

Regards,
Jennifer Runyon, research staff
For Susan Lyon, Executive Secretary (Acting)
U.S. Board on Geographic Names
U.S. Geological Survey
Reston, VA 20192
(703) 648-4550
<https://usgs.gov/geonames/domestic-names>

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 11, 2023

Town of Bourne, Timothy Lydon, Engineering
c/o Matthew Creighton, BSC Group
349 Route 28, Unit D
West Yarmouth, MA 02763

RE: ISSUANCE OF DRAFT CHAPTER 91 WATERWAYS PERMIT - APPLICATION №: W22-6101
10-Year Permit for Maintenance Dredging and Beach Nourishment within Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

Dear Mr. Lydon,

The Department of Environmental Protection has tentatively approved the above-referenced referenced Permit Application. Pursuant to 310 CMR 9.14, a Draft Waterways Permit is enclosed.

A final Waterways Permit may be issued after twenty-one (21) days from the date of the issuance of this Draft Permit if the Department has not received a written request, by certified mail, for an adjudicatory hearing pursuant to 310 CMR 9.17(2). No work shall be undertaken until a final Waterways Permit has been issued.

Notice of Appeal Rights

Who has the right to appeal?

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an Applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth who, pursuant to M.G.L. Chapter 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; e) CZM, for any project identified in 310 CMR 9.13(2)(a) for CZM participation or 310 CMR 9.13(2)(b) for DCR participation, if it has filed a notice of participation within the public comment period.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Adjudicatory Hearing Fee Transmittal Form and include the details specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Transmittal Form is available at the following website: <https://www.mass.gov/doc/adjudicatory-hearing-fee-transmittal-form>. The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

MassDEP Office of Appeals and Dispute Resolution
Case Administrator
100 Cambridge Street, Suite 900
Boston, MA 02114

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the Applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP
Waterways Regulation Program
100 Cambridge Street, Suite 900
Boston, MA 02114

The MassDEP Adjudicatory Hearing Fee Transmittal Form and a valid check payable to "The Commonwealth of Massachusetts" in the amount of one hundred dollars (\$100) must be mailed to:

MassDEP
Commonwealth Master Lockbox
P.O. Box 4062
Boston, MA 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the Applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the Applicant and the municipal official of the city or town where the project is located.

Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

Dismissal of request

The request for appeal will be dismissed if the filing fee is not paid unless the appellant is exempt or is granted a waiver.

Exemptions

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

Waiver

The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please contact the Waterways Regulation Program at dep.waterways@mass.gov if you have any questions.

Sincerely,



Daniel J. Padien, Program Chief
Waterways Regulation Program

cc: Timothy Lydon, Town of Bourne Engineering
Town of Bourne Selectmen
Town of Bourne Planning Board
Town of Bourne Conservation Commission
Town of Bourne Harbormaster
Massachusetts Division of Marine Fisheries
Robert Boeri, Massachusetts Office of Coastal Zone Management



重要 महत्वपूर्ण σημαντικός
Important
lywrtlnr quan trọng مهم



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of EJ at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido de inmediato. Si necesita este documento traducido, comuníquese con la Directora de Diversidad de MassDEP al número de teléfono que aparece más abajo.

Português Portuguese

Este é um documento importante e deve ser traduzido imediatamente. Se precisar de uma tradução deste documento, entre em contato com o Diretor de Diversidade da MassDEP nos números de telefone listados abaixo.

繁體中文 Chinese Traditional

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼聯絡 MassDEP 多元化負責人。

简体中文 Chinese Simplified

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与 MassDEP 的多元化主任联系。

Ayisyen Kreyòl Haitian Creole

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradwi l imedyatman. Si ou bezwen dokimar sa a tradwi, tanpri kontakte Direktè Divèsite MassDEP la nan nimewo telefòn endike anba.

Việt Vietnamese

Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu quý vị cần dịch tài liệu này, xin liên lạc với Giám đốc Đa dạng của MassDEP theo các số điện thoại ghi dưới đây.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះគឺសំខាន់ហើយត្រូវត្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវការឱ្យគេបកប្រែឯកសារនេះ:

សូមទាក់ទងមកនាយកដ្ឋានពិពិធកម្មរបស់ MassDEP តាមលេខទូរស័ព្ទខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Kel dokumentu li é inportáti y debe ser traduzidu imidiatamenti. Se bu meste di kel dokumentu traduzidu, pur favor kontakta Diretor di Diversidádi di MassDEP na numeru abaxu indikadu.



Contact Deneen Simpson 857-406-0738

**Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114**

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>
(Version revised 4.21.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это важный документ, и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по вопросам многообразия (Diversity Director) компании MassDEP по указанному ниже телефону.

العربية Arabic

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة مترجمة، يرجى الاتصال بمدير التنوع PMassDE على أرقام الهواتف المدرجة أدناه.

한국어 Korean

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP의 다양성 담당 이사에 문의하시기 바랍니다.

հայերեն Armenian

Այս փաստաթուղթը կարևոր է և պետք է անմիջապես թարգմանվի:
Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանել, դիմեք MassDEP-ի բազմազանության տնօրենին ստորև նշված հեռախոսահամարով:

فارسی Farsi Persian

این سند مهم است و باید فوراً ترجمه شود.
اگر به ترجمه این سند نیاز دارید، لطفاً با مدیر بخش تنوع نژادی MassDEP به شماره تلفن ذکر شده در زیر تماس بگیرید.

Français French

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, veuillez communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

Deutsch German

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.

Ελληνική Greek

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.

Italiano Italian

Comunicazione per parti che non parlano inglese. Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, potete contattare il Direttore di Diversità di MassDEP al numero di telefono elencato di seguito.

Język Polski Polish

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.

हिन्दी Hindi

यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेप्स डाइवर्सिटी के निदेशक से संपर्क करें.

Contact Deneen Simpson 857-406-0738

Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>
(Version revised 4.21.2023) 310 CMR 1.03(5)(a)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Karyn E. Polito
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

PERMIT №: DRAFT

NAME AND ADDRESS OF PERMITTEE:

Town of Bourne, Timothy Lydon, Engineering
c/o Matthew Creighton, BSC Group
349 Route 28, Unit D
West Yarmouth, MA 02763

ISSUED: TBD
EXPIRES: TBD

Permission is hereby given by the Department of Environmental Protection Waterways Regulation Program (the "Department") for the Town of Bourne (the "Permittee") for a 10-year comprehensive permit for maintenance dredging throughout an overall 138-acre area, beach nourishment, and temporary dewatering activities within Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River (partially within the Pocasset River Area of Critical Environmental Concern), Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County.

The current proposed dredge area is approximately 22 acres and identified with hatching on the plans, and maintenance dredging throughout the term of the permit is authorized within the total dredge area as identified by the Dredge Area Coordinates for each phase. Dredging and dredge spoil disposal are identified in three phases, as further detailed below.

Phase I (Northerly)

- Little Buttermilk Bay – maximum dredge depth to -4' Mean Low Water
- Gibbs Narrows – maximum dredge depth to -4' Mean Low Water
- Buttermilk Bay – maximum dredge depth varies as specified on plans, between -4' and -8' Mean Low Water
- Cohasset Narrows – maximum dredge depth to -4' Mean Low Water
- Grey Gables – maximum dredge depth to -7' Mean Low Water
- Electric Avenue - beach nourishment and dewatering basin areas measuring approximately 17,000 square feet
- Gilder Road - beach nourishment and dewatering basin areas measuring approximately 33,200 square feet and 7,700 square feet, respectively

Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

Phase II (Central)

- Phinney's Harbor - maximum dredge depth varies as specified on plans, between -5' and -9' Mean Low Water
- Little Bay - maximum dredge depth to -7' Mean Low Water
- Pocasset River - maximum dredge depth to -7' Mean Low Water
- Phinney's Harbor - beach nourishment and dewatering basin areas measuring approximately 33,400 square feet and 30,200 square feet, respectively
- Pocasset River – dewatering basin area measuring approximately 18,600 square feet

Phase III (Southerly)

- Barlow's Landing - maximum dredge depth to -4' Mean Low Water
- Pocasset Harbor - maximum dredge depth to -7' Mean Low Water
- Hen Cove - maximum dredge depth varies as specified on plans, between -6' and -8' Mean Low Water
- Red Brook Harbor - maximum dredge depth to -9' Mean Low Water
- Hospital Cove - maximum dredge depth to -9' Mean Low Water
- Barlow's Landing – beach nourishment and dewatering basin areas measuring approximately 12,300 square feet and 25,800 square feet, respectively
- Hen Cove - beach nourishment area measuring approximately 78,500 square feet
- Bassett Island – spoil disposal and dewatering area measuring approximately 180,000 square feet
- Circuit Avenue - beach nourishment and dewatering basin area measuring approximately 52,700 square feet and 31,000 square feet, respectively

All work authorized herein shall be performed in the locations shown and to the dimensions indicated in the Permit Plans entitled: *"Town of Bourne Comprehensive Dredging & Disposal Project"* (Sheets: Key Sheet, Phase I Sheets 0-32, Phase II Sheets 0-24, Phase III Sheets 0-47) last revision dated August 4, 2023.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. The Permittee shall notify the Department in writing at minimum of three (3) days before commencing any dredging, nourishment, or dredge material disposal, including all subsequent maintenance dredging and disposal/nourishment events. The notification shall identify the location of all proposed activities within Chapter 91 jurisdiction.
2. Dredging and other in-water sediment producing activities may not be conducted during the time of year restrictions as specified in attached "Appendix A" unless first authorized in writing by the Massachusetts Division of Marine Fisheries and the Massachusetts Department of Environmental Protection 401 Water Quality Certification Program. A copy of any such authorization shall be submitted to the Department prior to initiating work within the time of year restrictions.

Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

3. Disposal of dredge spoil shall comply with the standards at 310 CMR 9.40(a)(1). Clean dredged material shall be disposed of in a manner that serves the purpose of beach nourishment on publicly owned eroding beaches. If no appropriate site can be located, private eroding beaches may be nourished or otherwise used for spoil disposal only if easements for public access below the existing high water mark are first secured by the Permittee from the owner of the beach to be nourished. **Dredge spoil from activities authorized under the subject permit is not authorized to be placed on any private beach unless and until documentation of the required easement(s) has been submitted to the Department and written approval from the Department is obtained.** Any proposed disposal of dredge spoil in a location other than those public beaches specified in the Permit Plans shall require prior written approval by the Department, in addition to all other applicable permits/authorizations, including but not limited to Wetlands Protection Act approval and a 401 Water Quality Certification.
4. Structures and/or fill installed or placed within tidelands in association with the dewatering basins, including but not limited to crushed stone, pipes, filter fabric, and trap rock, are authorized only on a temporary basis and shall not remain within tidelands for a period exceeding 6 months.
5. Maintenance dredging within the dredge footprint authorized herein and to the authorized maximum depths is allowed during the 10-year term of this Permit.
6. Within sixty (60) days of completion of any component of the dredging and/or beach nourishment activities authorized herein, and any subsequent authorized maintenance dredging events, the Permittee shall furnish to the Department a bathymetric survey signed and sealed by a Professional Land Surveyor that depicts the post-dredge depths within the dredge area, referenced to a standard datum.
7. All notifications, submittals, and/or requests shall be submitted to the Department via email at dep.waterways@mass.gov (preferred) or to the Program's current mailing address.

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. Any modification from that explicitly authorized herein and contained on the Waterways Permit Plans shall require prior review of the Department to determine whether additional authorization is required pursuant to M.G.L. Chapter 91, the Public Waterfront Act, and the Waterways Regulations at 310 CMR 9.00.

Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

3. The Permittee shall inform the Department in writing at least three (3) days before commencing any authorized dredging or dredge material disposal.
4. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity hereby authorized.
5. This Waterways Permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Department has given written notice of the alleged noncompliance to the Permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and have afforded the Permittee a reasonable opportunity to correct said noncompliance. Failure to correct noncompliance after the issuance of a written notice by the Department shall render this Permit void.
6. This Waterways Permit is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, §40 and a valid Water Quality Certification issued pursuant 314 CMR 9.00.
7. This Waterways Permit is issued upon the express condition that dredging, transportation, and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the Department. Any subsequent maintenance dredging and transportation and disposal of dredge material during the term of this Waterways Permit shall be in strict conformance with all applicable requirements and authorizations of the Department.
8. Unless otherwise authorized in accordance with a Special Condition of this Waterways Permit, no maintenance dredging beyond the time authorized herein is permitted.
9. The dredging under this Permit shall be conducted as to cause no unnecessary obstruction of the free passage of vessels.
10. In conducting the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Permittee shall, at his expense, remove the shoal areas. The Permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Permittee shall pay all costs associated with such work.
11. Nothing in this Permit shall be construed as to impair the legal rights of any persons or authorize dredging on land not owned by the Permittee without consent of the owner(s) of such property.
12. The Permittee shall assume and pay all claims and demands arising in any manner from the work authorized herein and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, audits, damages, costs, and expenses incurred by reason thereof.

Filled and Flowed Tidelands of Buttermilk Bay, Little Buttermilk Bay, Gibbs Narrows, Cohasset Narrows, Grey Gables, Phinney's Harbor, Little Bay, Pocasset River, Barlow's Landing, Pocasset Harbor, Hen Cove, Hospital Cove, Red Brook Harbor, Electric Avenue Beach, Grey Gables Beach, Monument Beach, Shore Road, Bassett Island, Hen Cove Beaches, and Barlow's Landing Beach, Bourne, Barnstable County

13. Whosoever violates any provisions of this Permit shall be subject to a fine of twenty-five thousand dollars and zero cents (\$25,000.00) per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed twenty-five thousand dollars and zero cents (\$25,000.00) for each day such violation occurs or continues.

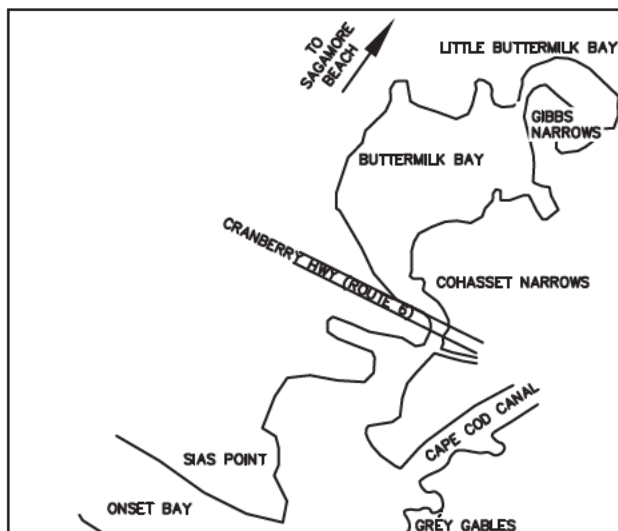
All notifications and submittals required by this Waterways Permit shall include the Waterways Permit Number and shall be submitted to: dep.waterways@mass.gov (preferred) or to the Program's current mailing address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

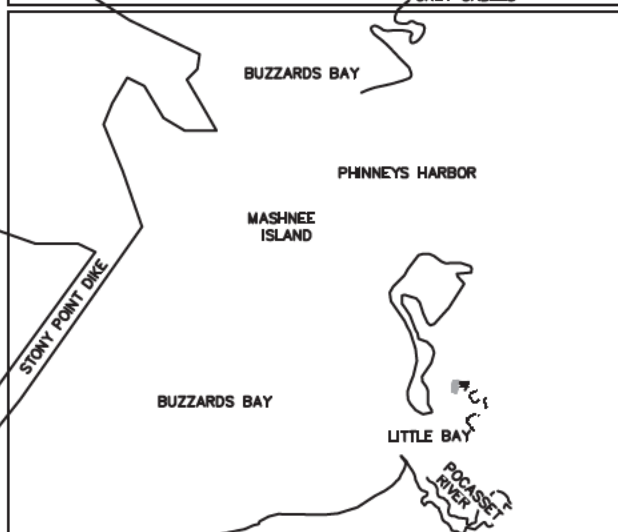
Daniel J. Padien, Program Chief
~~Waterways Regulation Program~~

Appendix A: Time of Year Restrictions

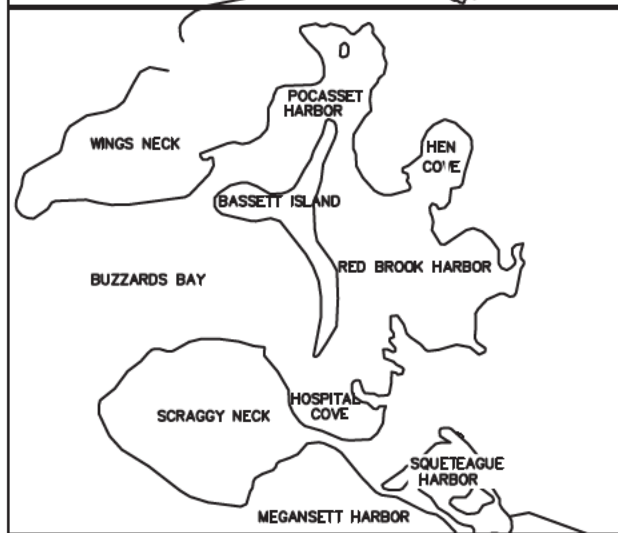
Project Site	Winter Flounder TOY 1/15 - 5/31	Diadromous TOYs Alewife 4/1 - 6/15 Blueback 4/1 - 6/30 Eel 3/15 - 6/30	Horseshoe Crab TOY Dredge 5/1 - 6/30 Fill 5/1 - 7/31	Shellfish TOY 5/1- 9/30	Combined TOY
Little Buttermilk Bay	Yes	alewife, blueback, eel	-	-	1/15-6/30
Buttermilk Bay	Yes	alewife, blueback, eel	Yes	-	1/15-6/30
Gibbs Narrows	Yes	-	-	-	1/15-5/31
Cohasset Narrows	Yes	alewife	Yes	-	1/15-7/31
Grey Gables	Yes	-	-	-	1/15-5/31
Phinney's Harbor	Yes	-	Yes	Yes	1/15-9/30
Little Bay	Yes	-	Yes	Yes	1/15-9/30
Pocasset River	Yes	eel	Yes	Yes	1/15-9/30
Barlow's Landing	Yes	-	Yes	Yes	1/15-9/30
Pocasset Harbor	Yes	-	-	Yes	1/15-9/30
Hen Cove	Yes	-	Yes	Yes	1/15-9/30
Hospital Cove	Yes	-	Yes	Yes	1/15-9/30
Red Brook Harbor	Yes	Yes	Yes	-	1/15-6/30
Gray Gables Beach	-	-	Yes	-	5/1-7/31
Monument Beach	-	-	Yes	Yes	5/1-9/30
Bassett's Island Disposal Site	-	-	Yes	-	5/1-7/31
Electric Avenue Beach	-	-	Yes		5/1-7/31
Shore Road	-	-	Yes		5/1-7/31
Hen Cove Beaches	-	-	Yes		5/1-7/31



PHASE I (NORTHERLY AREA)
LITTLE BUTTERMILK BAY
BUTTERMILK BAY
COHASSET NARROWS
GIBBS NARROWS
GREY GABLES



PHASE II (CENTRAL AREA)
PHINNEYS HARBOR
LITTLE BAY
POCASSET RIVER



PHASE III (SOUTHERLY AREA)
POCASSET HARBOR
BARLOWS LANDING
RED BROOK HARBOR
HEN COVE
HOSPITAL COVE



SCALE 1"=5000

**PHASE KEY
SHEET**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08
REVISED 9/29/22, 5/5/23, 8/4/23
DATE: 07/02/19 KEY SHEET

NOTES:

1. ELEVATIONS ABOVE THE PLANE OF MLW ARE SHOWN AS NEGATIVE NUMBERS.
2. ELEVATIONS DEPICTED ON THIS PLAN ARE BASED ON THE 1983-2001 TIDAL EPOCH.
3. CONVERSION FROM NGVD 1929 TO MLW (NGVD+1.22=MLW)
4. REFERENCE BENCH MARK FOR DATUM CONVERSION: PID# LW1522 DESIGNATION 844-7270
TIDAL 2
NAVD 88 ELEVATION=8.93
NGVD 1929 ELEVATION =9.82
MLW ELEVATION=11.04
5. REFERENCE SITE BENCH MARK IS RM 29 AS DEPICTED ON FEMA FLOOD MAP
NGVD 1929 ELEV. =9.25
MLW =10.47
6. HORIZONTAL DATUM IS BASED ON THE MASSACHUSETTS MAINLAND NAD83 COORDINATE SYSTEM.
7. REFERENCE DPW CONTRACT 2121 DATED JUNE 14, 1960 AND DEPARTMENT OF THE ARMY SMALL NAVIGATION PROJECT REPORT, RED BROOK HARBOR DATED JUNE 21, 1968.
8. REFERENCE POCASSET HARBOR DREDGING PLAN DATED JANUARY 14, 1981 BY ANDERSON NICHOLS ENGINEERS.
9. REFERENCE "PROPOSED DREDGING ENTRANCE CHANNEL AND UNCLE JIM'S COVE" POCASSET RIVER BOURNE, DATED SEPTEMBER 1966 BY DPW OF MASSACHUSETTS DIVISION OF WATERWAYS.
10. "SURVEY BEFORE DREDGING BARLOWS RIVER", DATED APRIL 1951, BY DPW OF MASSACHUSETTS DIVISION OF WATERWAYS.
11. "PROPOSED EXCAVATION BARLOW'S RIVER", DATED APRIL 1940 BY DPW OF MASSACHUSETTS, DIVISION OF WATERWAYS.
12. "PROPOSED HARBOR DEVELOPMENT POCASSET RIVER", DATED JANUARY 1961, BY WALTER E. ROWLEY & ASSOCIATES.
13. PLAN REFERENCE BSC CHAPTER 91 PLANS #11194, DPW DIVISION OF WATERWAYS PLANS #1487, DEQE LICENSE PLAN 702, DPW PLANS #2252 AND DPW CONTRACT PLANS #3504.
14. ARMY CORP OF ENGINEERS PLAN "MAINTENANCE DREDGING 7' CHANNEL AND DISPOSAL AREA BUTTERMILK BAY CHANNEL, BOURNE AND WAREHAM, MA W912WJ-13-B-0019"
15. USACOE PERMITS
NEDOP-P-30-1975
NEDOD-P-7 1975
NEDOD-D-11-75 1975
NEDOD-P-31-1976
MA POCA-77-099-1977
NAE DOD-R-15-81-499C-1981
USACOE CAT II PERMIT 20061480-2007
WATER QUALITY CERTIFICATION W078807-2007A 25' BUFFER FROM EXISTING SALT MARSH AREAS SHALL BE MAINTAINED FOR BOTH NOURISHMENT AND DREDGING.
16. A 100' BUFFER FROM EXISTING EELGRASS AREAS SHALL BE MAINTAINED FOR BOTH NOURISHMENT AND DREDGING.
17. ALL DEWATERING BASIN AREAS ARE TEMPORARY. THE DEWATERING SITES SHALL BE RESTORED TO THE ORIGINAL CONDITION WITHIN 6 MONTHS.

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08
REVISED 9/29/22, 5/5/23, 8/4/23
DATE: 07/02/19 NOTES

PHASE I (NORTHERLY AREA)
 LITTLE BUTTERMILK BAY
 BUTTERMILK BAY
 COHASSET NARROWS
 GREY GABLES
 GIBBS NARROWS

INDEX:

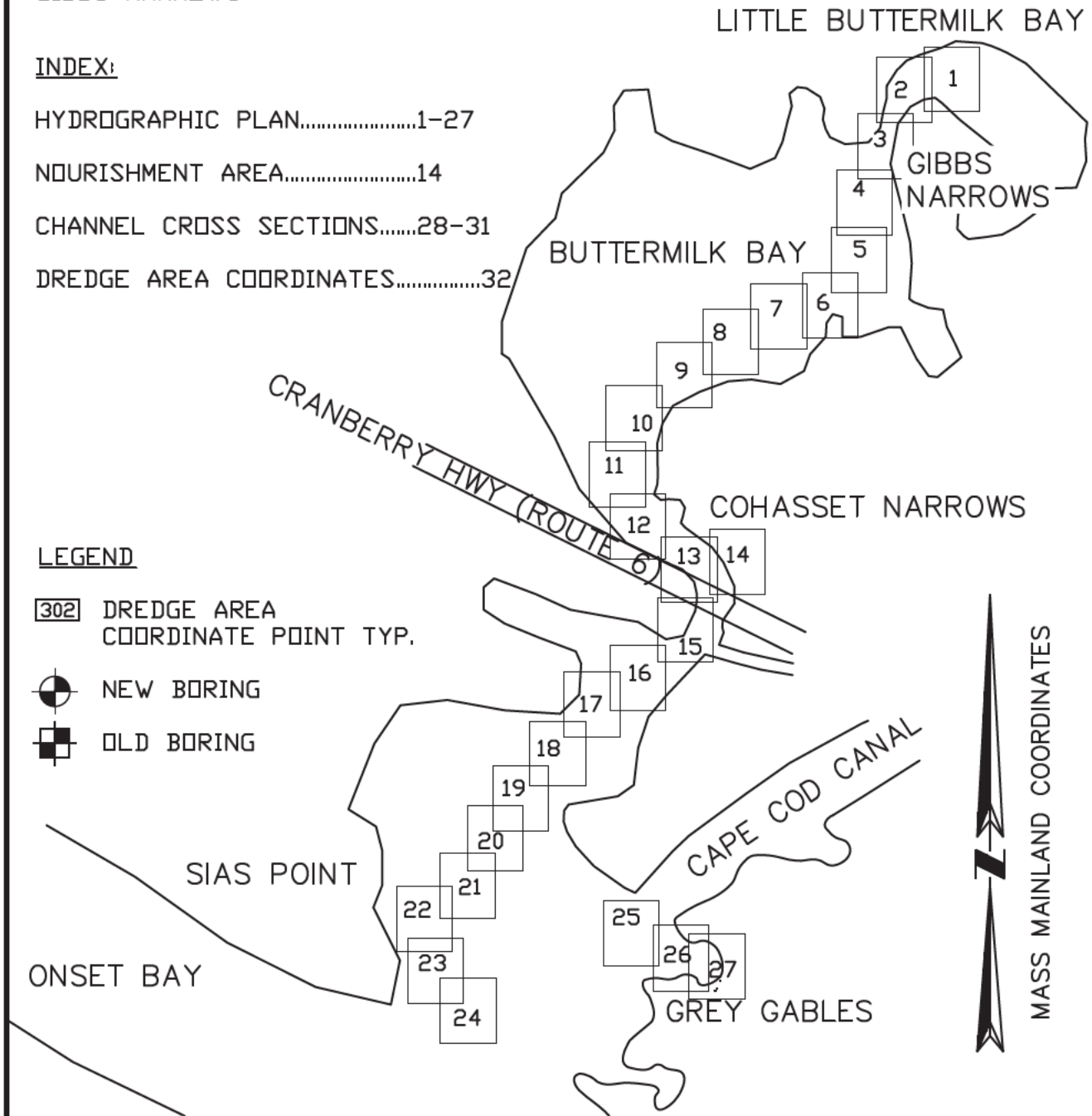
HYDROGRAPHIC PLAN.....1-27
 NOURISHMENT AREA.....14
 CHANNEL CROSS SECTIONS.....28-31
 DREDGE AREA COORDINATES.....32

LEGEND

302 DREDGE AREA
 COORDINATE POINT TYP.

 NEW BORING

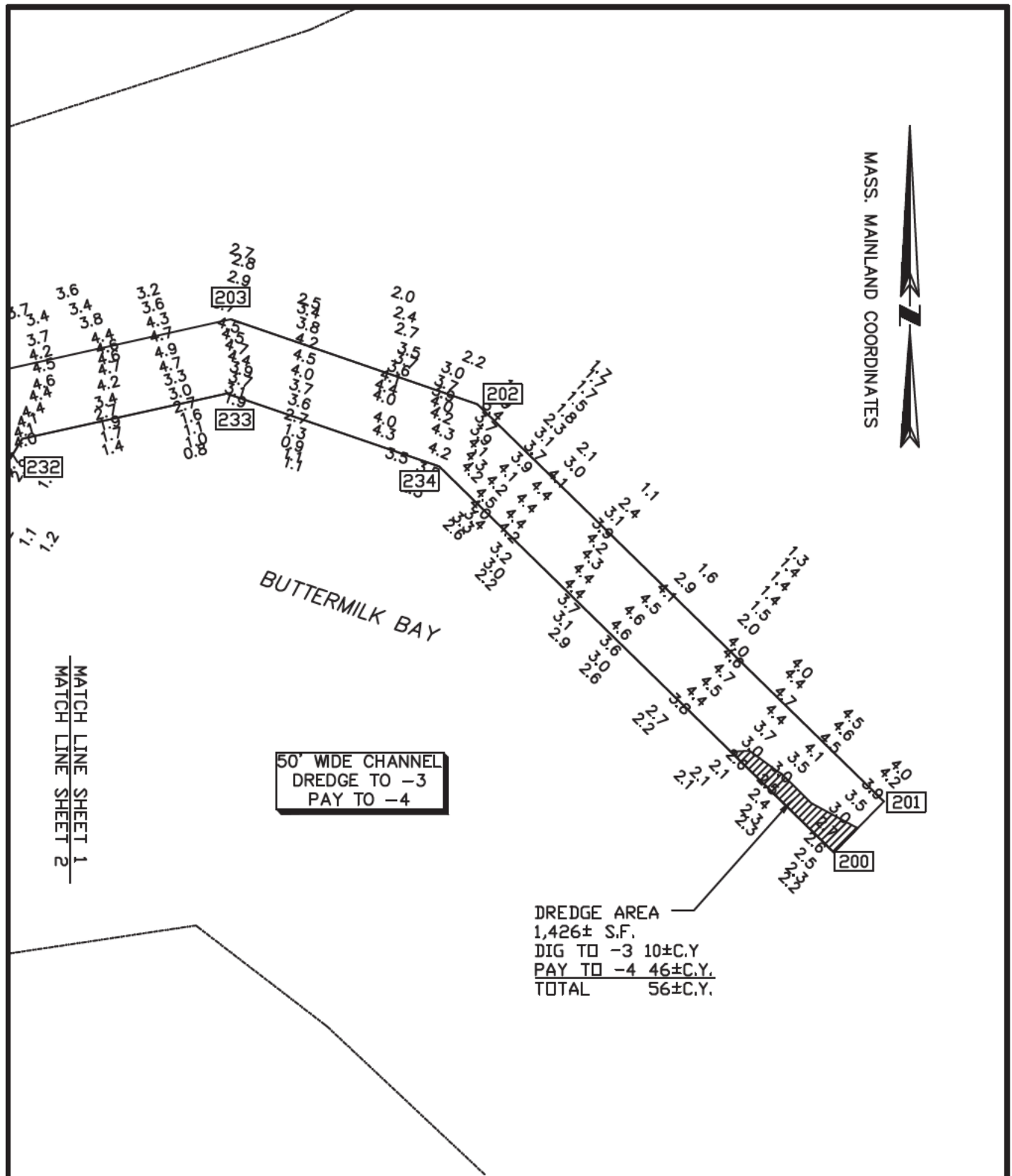
 OLD BORING



**PHASE I
 KEY SHEET**

SCALE: 1"=2000

<p>MLW = 0.0' MHW = 3.4' HTL = 4.3'</p> <p>THE BSC GROUP, INC. 349 ROUTE 28 UNIT D W. YARMOUTH, MA 02673</p>	<p>TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT</p>	<p>AT: BUZZARDS BAY IN: BOURNE, MA COUNTY OF: BARNSTABLE FILE: 8075-COMP.DWG JOB#: 4-8075.08 PHASE I REVISED 1/16/23, 5/5/23, 8/4/23 DATE: 07/02/19 SHEET 0 OF 32</p>
---	---	---



HYDROGRAPHIC PLAN

SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 1 OF 32

MASS. MAINLAND COORDINATES



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

MATCH LINE SHEET 1
MATCH LINE SHEET 2

MATCH LINE SHEET 2
MATCH LINE SHEET 3

BUTTERMILK BAY

HYDROGRAPHIC PLAN

SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 2 OF 32

MASS. MAINLAND COORDINATES

NOTES:

1. A 25' BUFFER MUST BE MAINTAINED FROM ALL SALT MARSH AREAS.
2. SEE SHEET 34 FOR DEWATERING DETAILS.

50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

DREDGE AREA
1,153±S.F.
DIG TO -3 32±C.Y.
PAY TO -4 43±C.Y.
TOTAL 75±C.Y.

MATCH LINE SHEET 2
MATCH LINE SHEET 3

BUTTERMILK BAY

STONE GROIN

LEWIS POINT BEACH

BOAT RAMP

N/
LOUISE N
ASSESSORS
PARCE

N/F
LEWIS POINT ASSOCIATES INC.
ASSESSORS MAP 14.4
PARCEL 24

N/F
DAVID RIORDAN
ASSESSORS MAP 14.4
PARCEL 23

N/F
MATHILDE FOLINO
ASSESSORS MAP 14.4
PARCEL 22

N/F
RICHARD &
KATHLEEN LUSARDI
ASSESSORS MAP 14.4
PARCEL 21

N/F
MICHAEL &
CAROL CUBELLIS

MATCH LINE SHEET 3
MATCH LINE SHEET 4

HYDROGRAPHIC
PLAN

SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

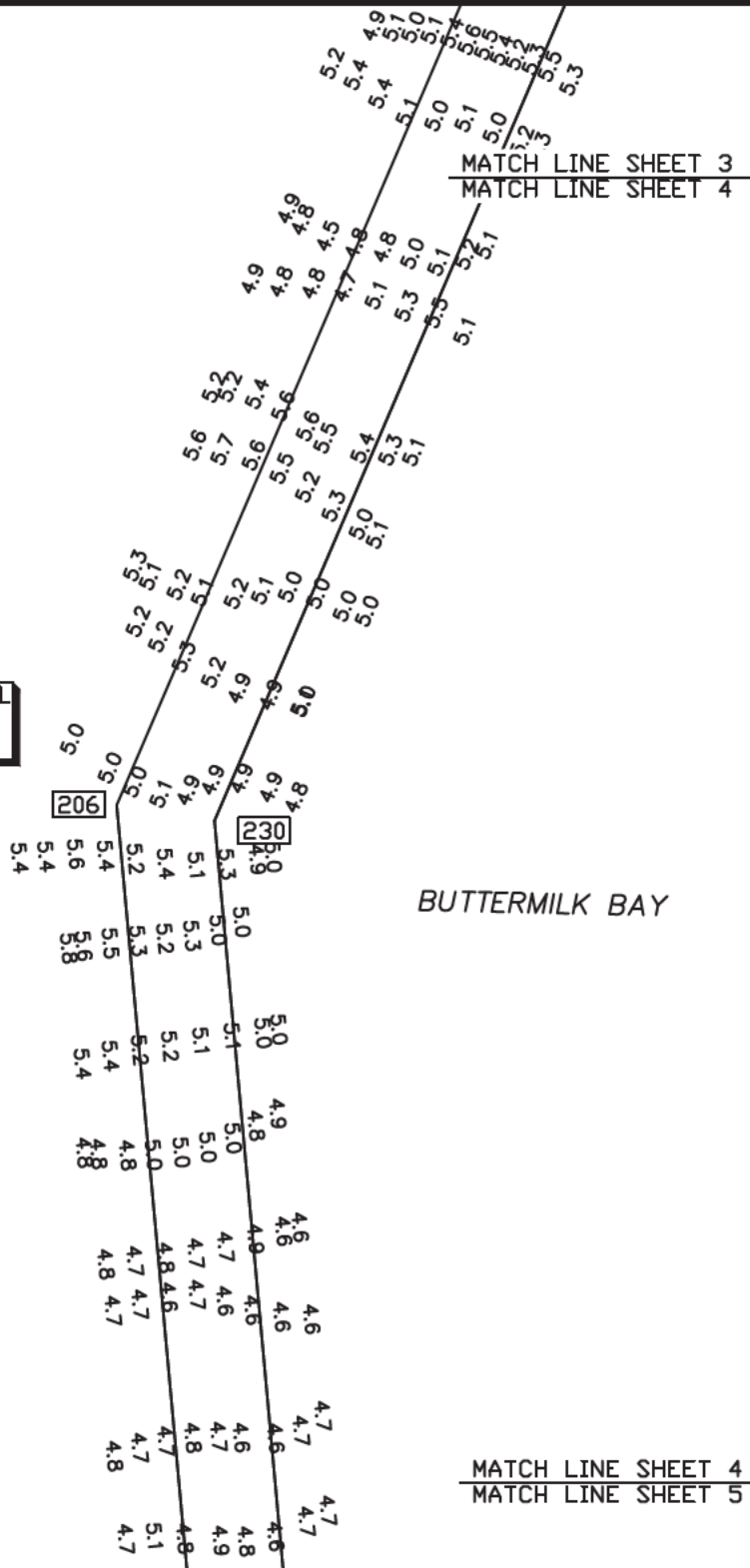
TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 3 OF 32

MASS. MAINLAND COORDINATES



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4



BUTTERMILK BAY

HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 4 OF 32

MATCH LINE SHEET 4
MATCH LINE SHEET 5

MASS. MAINLAND COORDINATES



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

MATCH LINE SHEET 5
MATCH LINE SHEET 6

BUTTERMILK BAY

HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

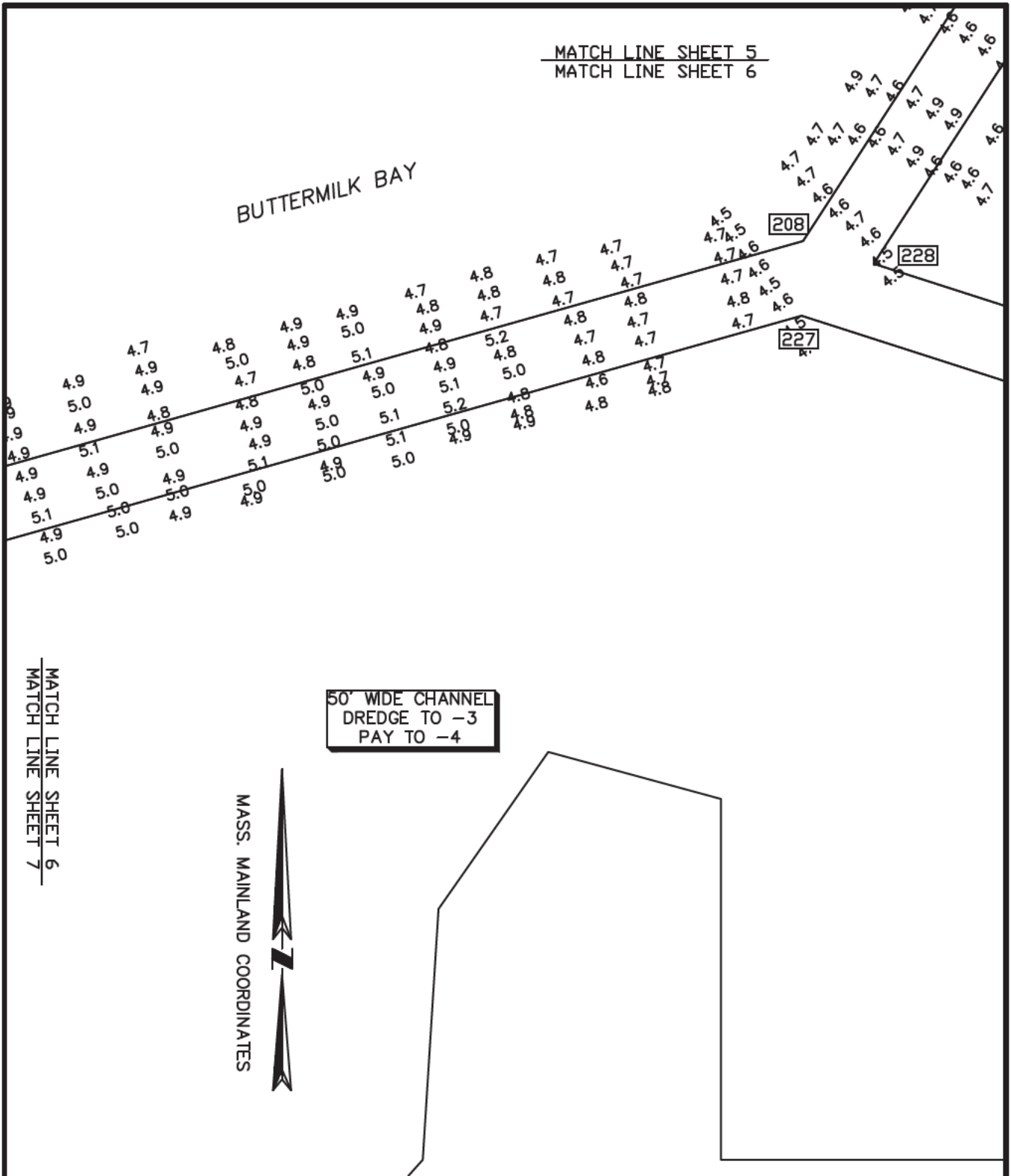
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 5 OF 32

MATCH LINE SHEET 5
MATCH LINE SHEET 6

BUTTERMILK BAY



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

MASS. MAINLAND COORDINATES

MATCH LINE SHEET 6
MATCH LINE SHEET 7

**HYDROGRAPHIC
PLAN**

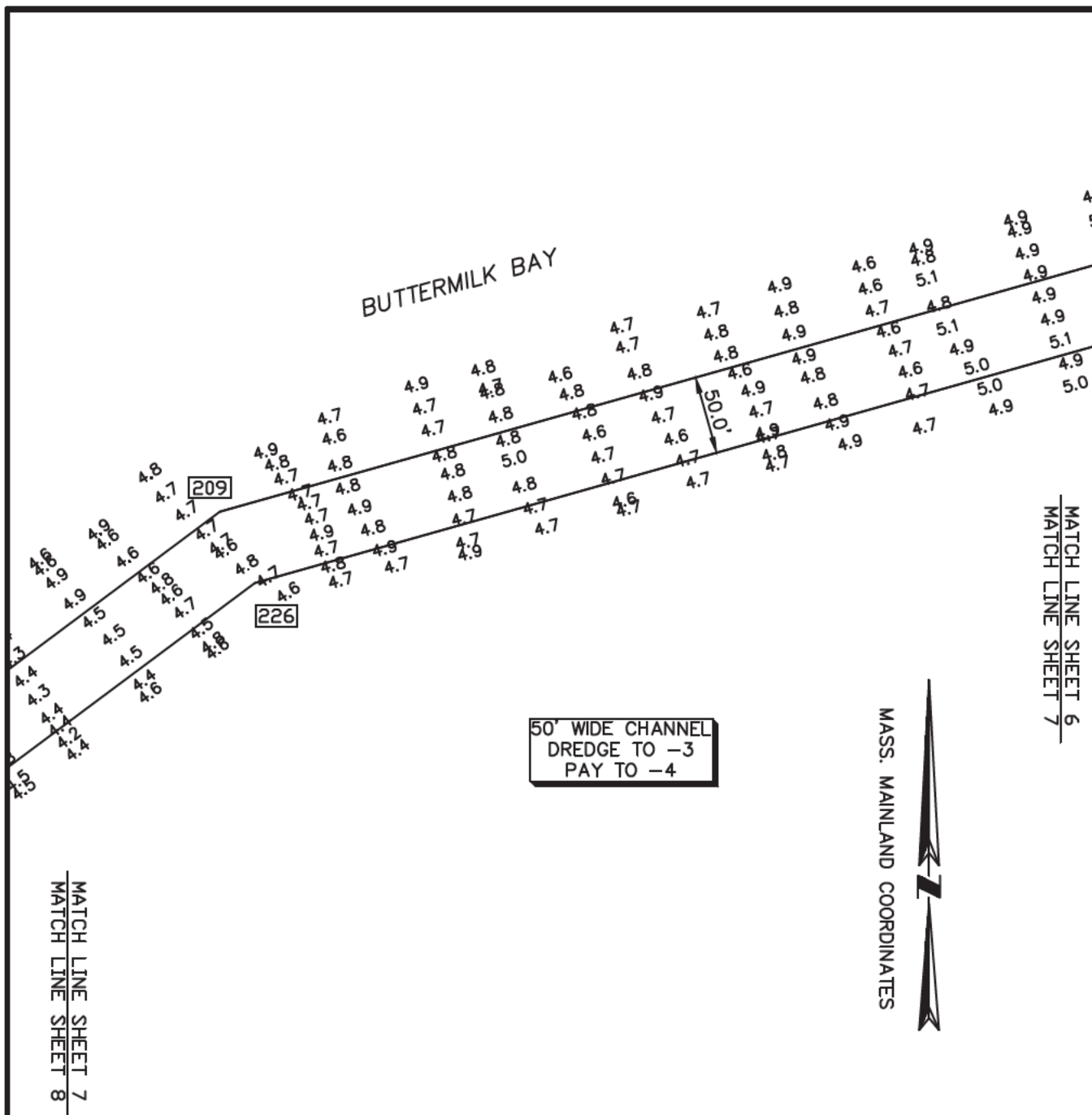
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 6 OF 32



HYDROGRAPHIC PLAN

SCALE: 1"=100'

<p>MLW = 0.0' MHW = 3.4' HTL = 4.3'</p> <p>THE BSC GROUP, INC. 349 ROUTE 28 UNIT D W. YARMOUTH, MA 02673</p>	<p>TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT</p>	<p>AT: BUZZARDS BAY IN: BOURNE, MA COUNTY OF: BARNSTABLE FILE: 8075-COMP.DWG JOB#: 4-8075.08 PHASE I REVISED 1/16/23, 5/5/23, 8/4/23 DATE: 07/02/19 SHEET 7 OF 32</p>
--	--	---

MASS. MAINLAND COORDINATES



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

MATCH LINE SHEET 7
MATCH LINE SHEET 8

BUTTERMILK BAY

MATCH LINE SHEET 8
MATCH LINE SHEET 9

HYDROGRAPHIC PLAN

SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 8 OF 32

MASS. MAINLAND COORDINATES



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

BUTTERMILK BAY

MATCH LINE SHEET 8
MATCH LINE SHEET 9

MATCH LINE SHEET 9
MATCH LINE SHEET 10

HYDROGRAPHIC PLAN

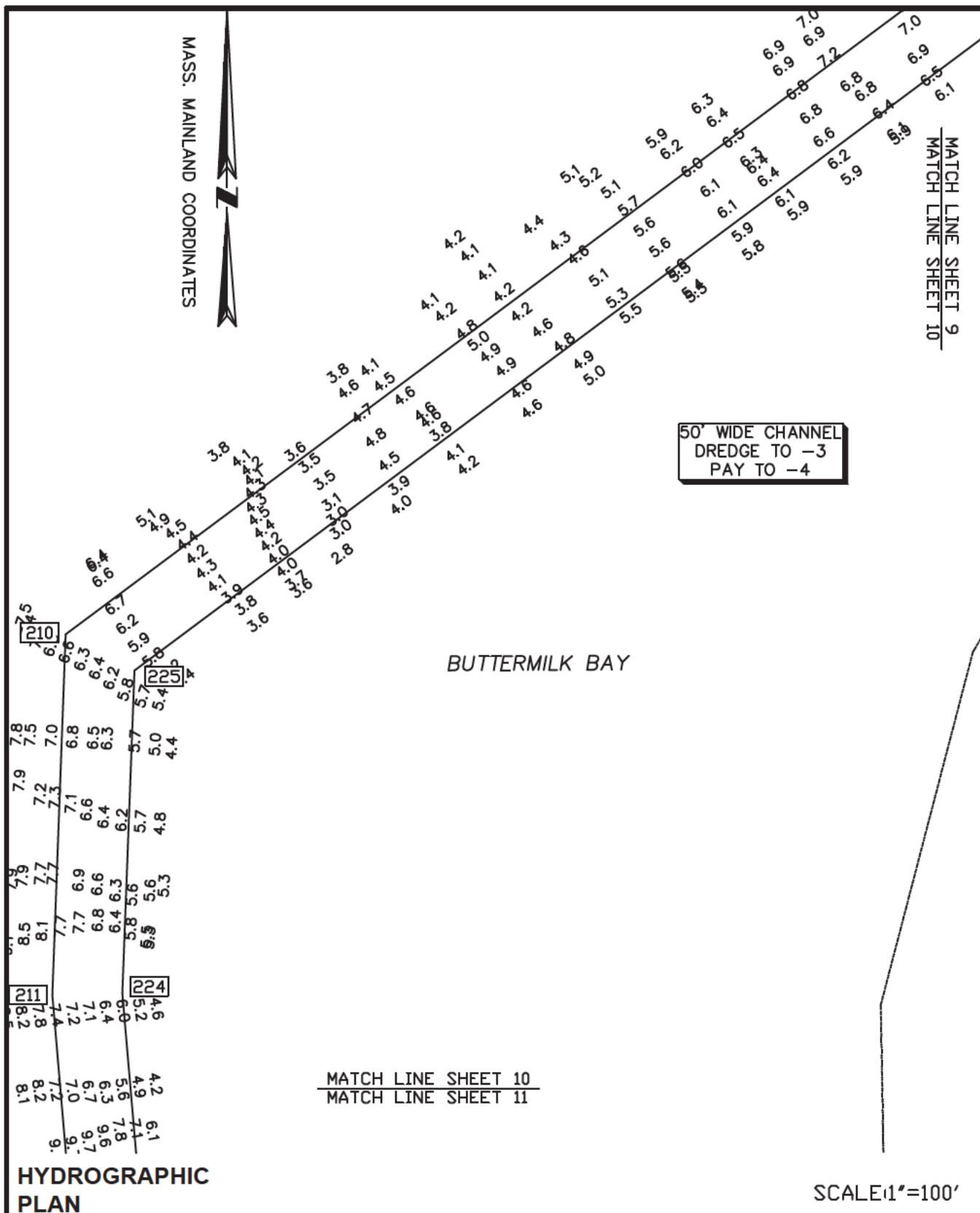
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 9 OF 32



MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 10 OF 32

MASS. MAINLAND COORDINATES



50' WIDE CHANNEL
DREDGE TO -3
PAY TO -4

MATCH LINE SHEET 10
MATCH LINE SHEET 11

BUTTERMILK BAY

MATCH LINE SHEET 11
MATCH LINE SHEET 12

HYDROGRAPHIC PLAN

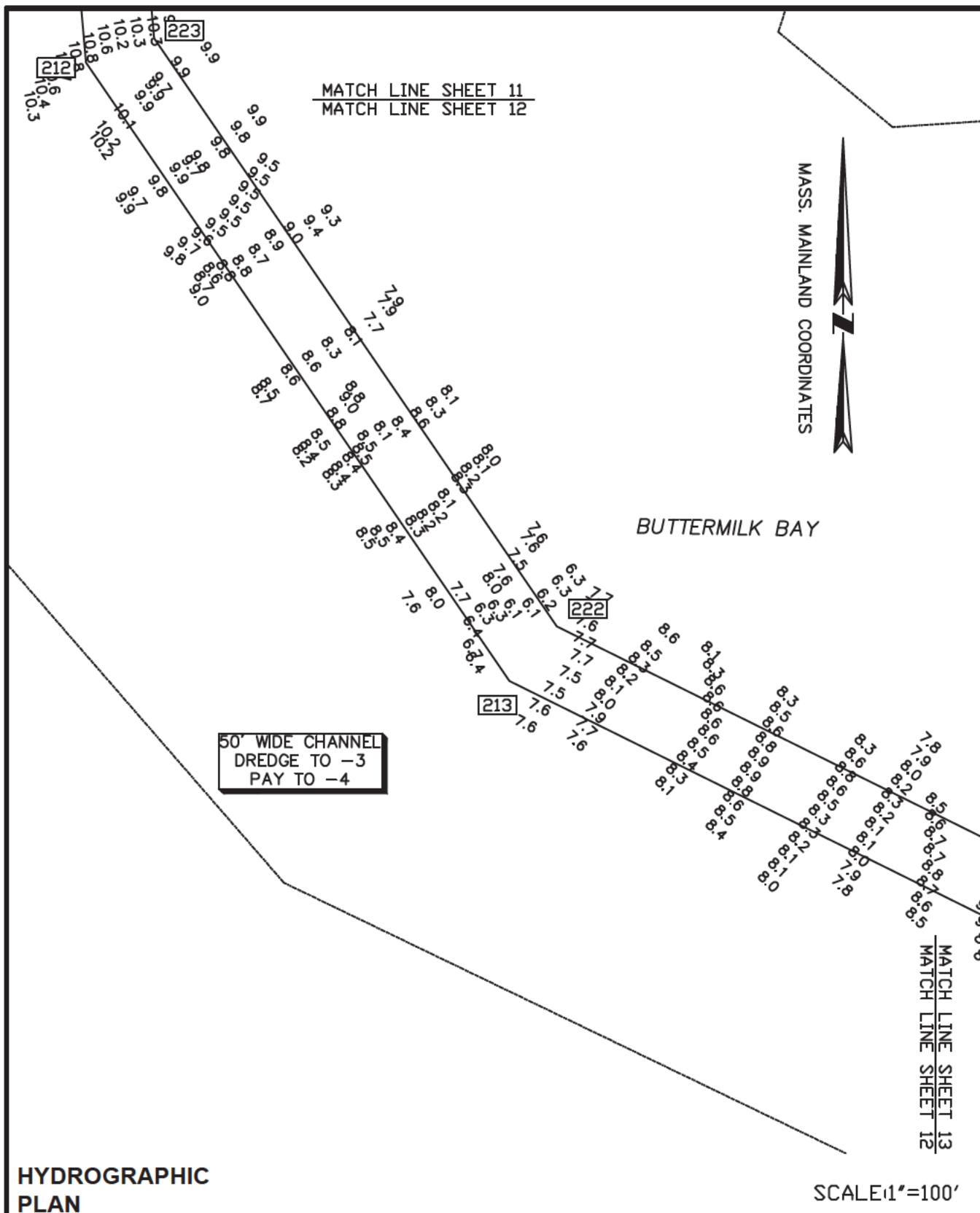
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

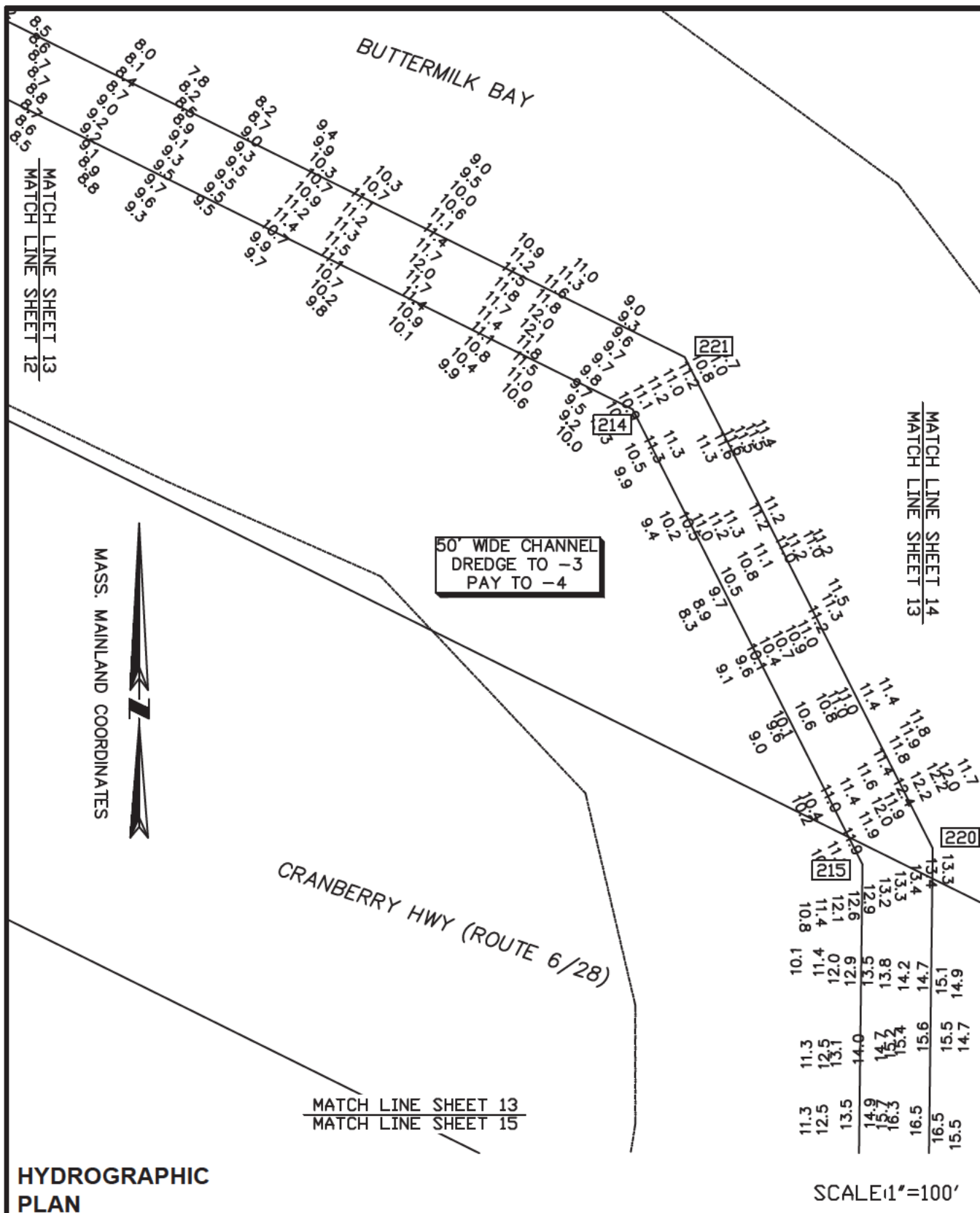
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 11 OF 32



<p>MLW = 0.0' MHW = 3.4' HTL = 4.3'</p> <p>THE BSC GROUP, INC. 349 ROUTE 28 UNIT D W. YARMOUTH, MA 02673</p>	<p>TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT</p>	<p>AT: BUZZARDS BAY IN: BOURNE, MA COUNTY OF: BARNSTABLE FILE: 8075-COMP.DWG JOB#: 4-8075.08 PHASE I REVISED 1/16/23, 5/5/23, 8/4/23 DATE: 07/02/19 SHEET 12 OF 32</p>
--	--	---



HYDROGRAPHIC PLAN

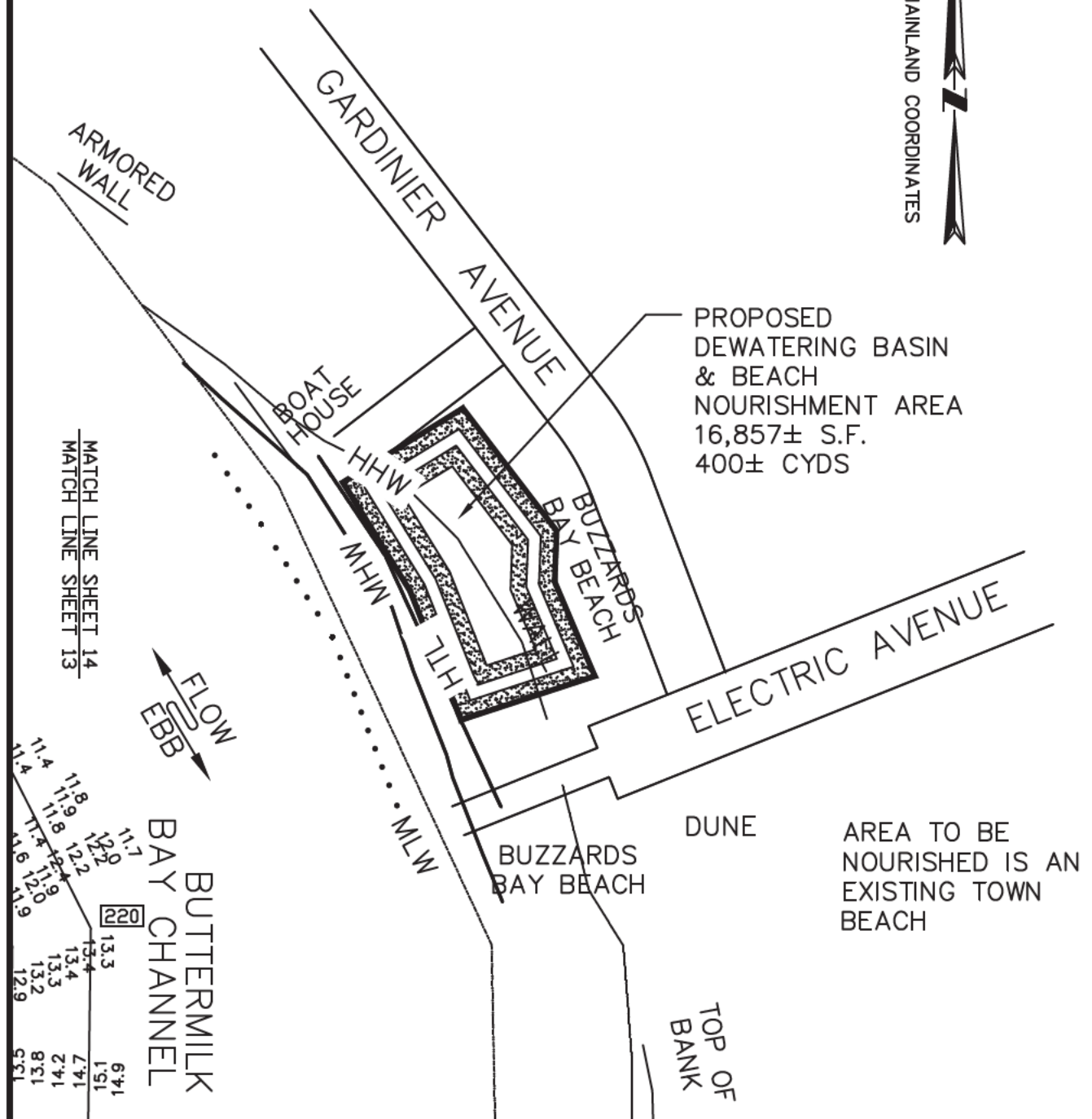
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 13 OF 32

MASS. MAINLAND COORDINATES



BEACH NOURISHMENT PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

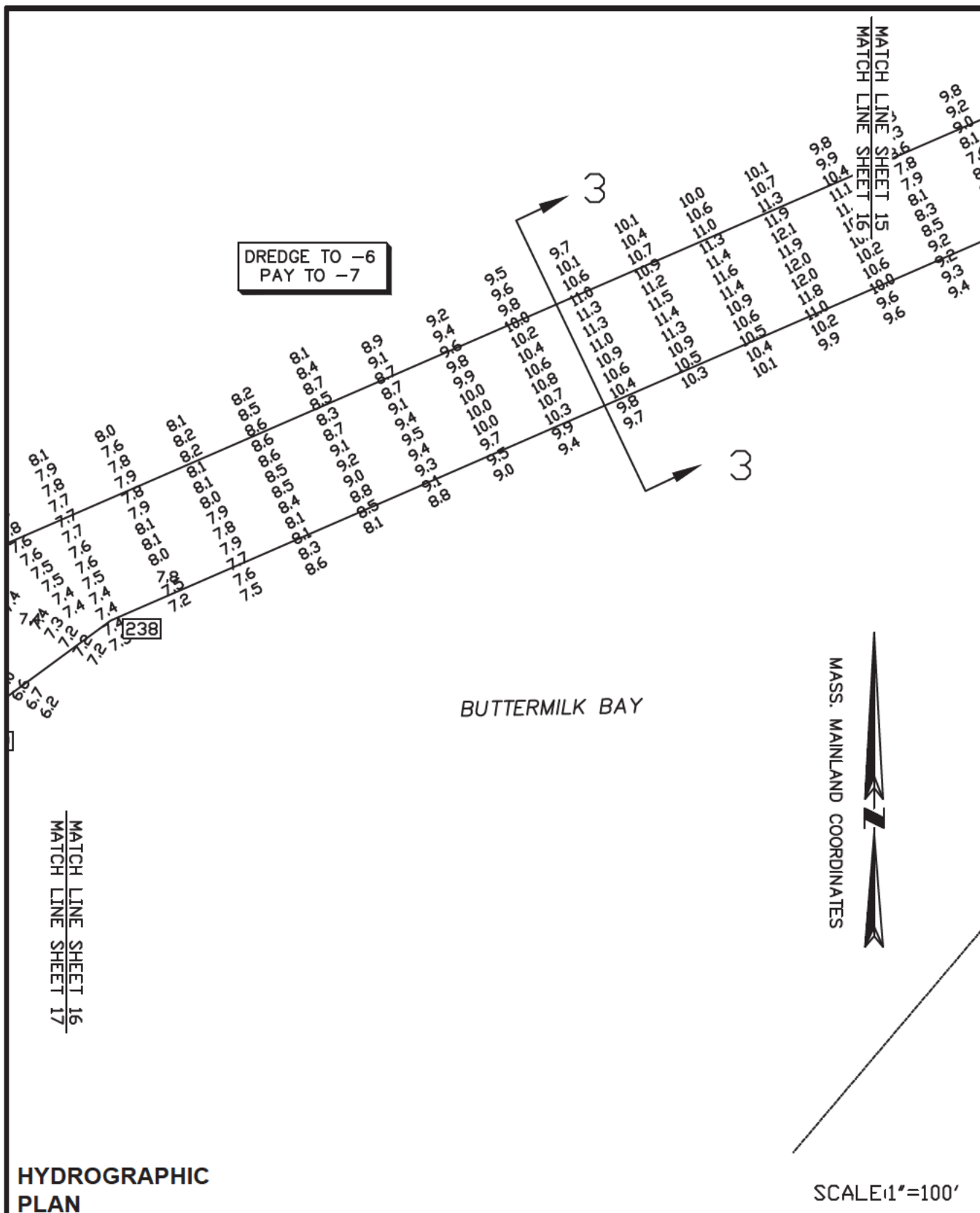
AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 14 OF 32

MASS. MAINLAND COORDINATES

MATCH LINE SHEET 15
MATCH LINE SHEET 16

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 15 OF 32



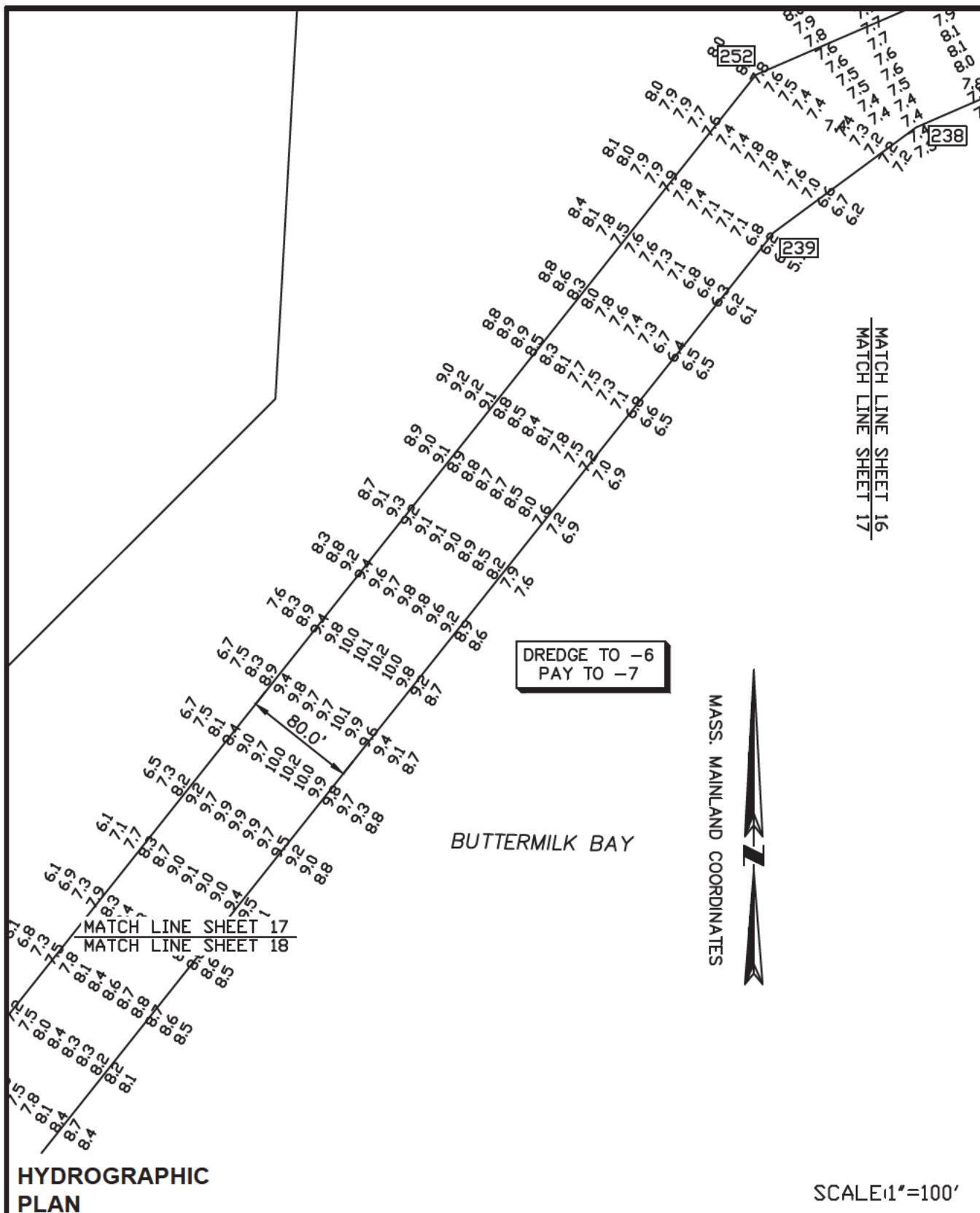
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 16 OF 32

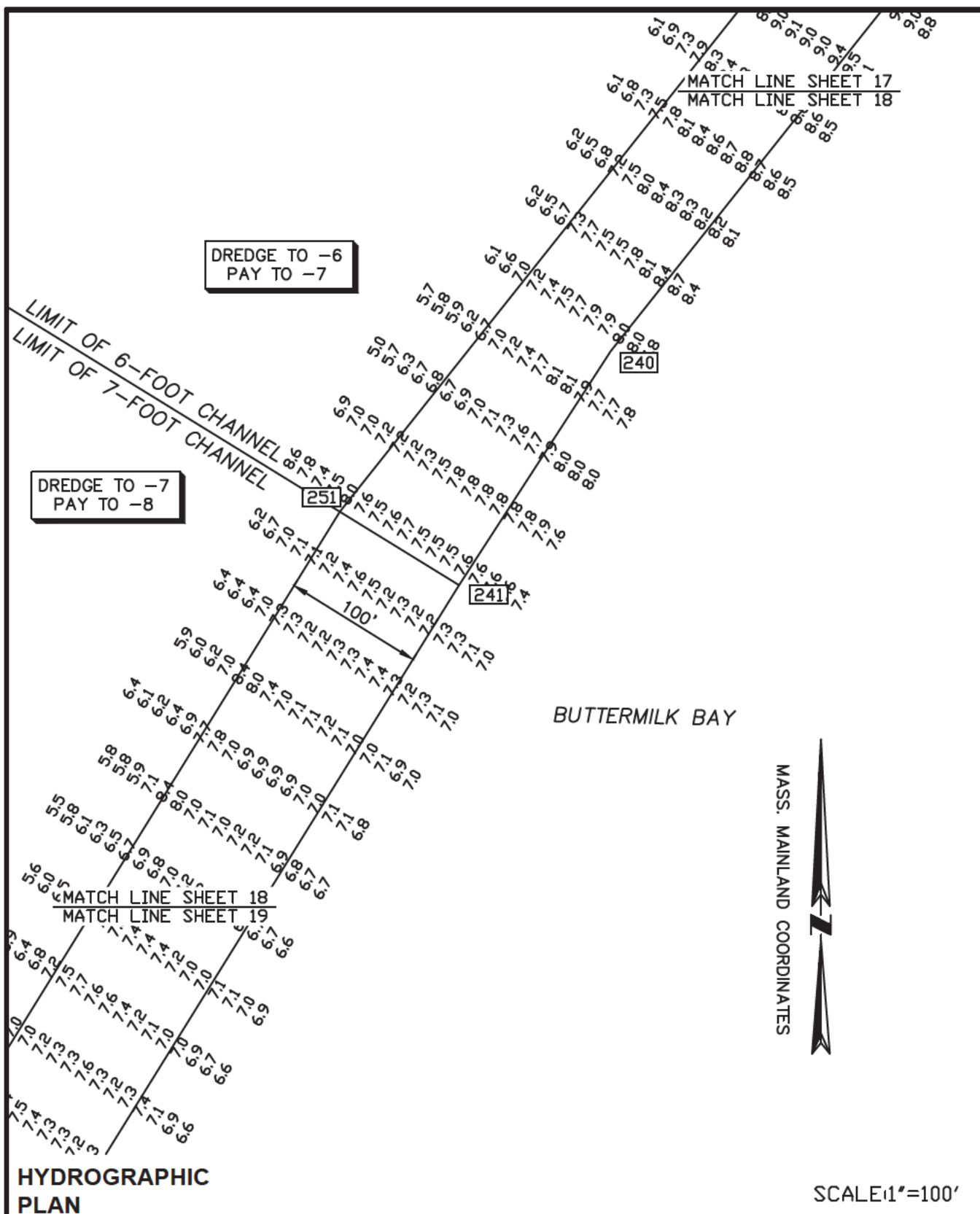


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 17 OF 32



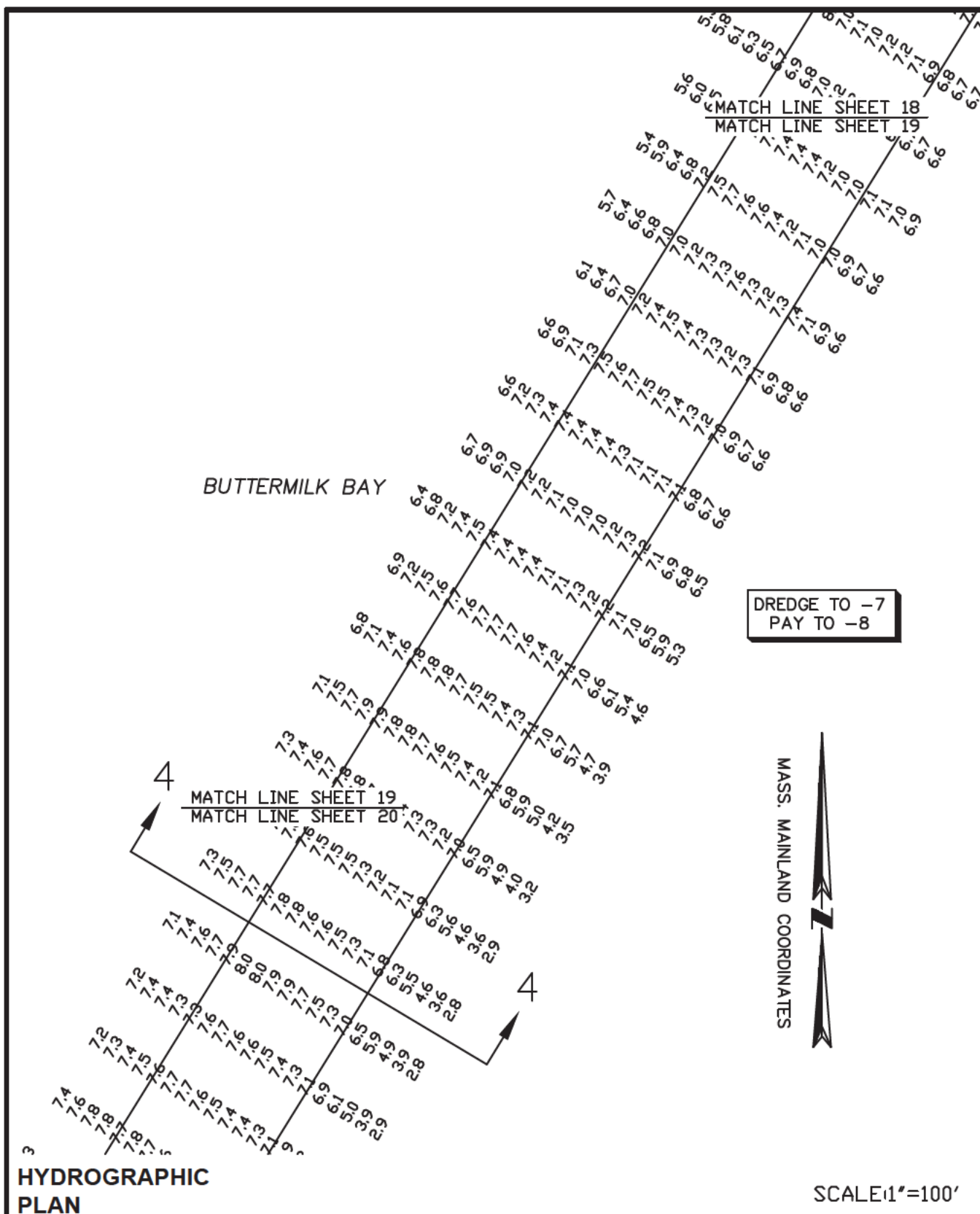
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 18 OF 32



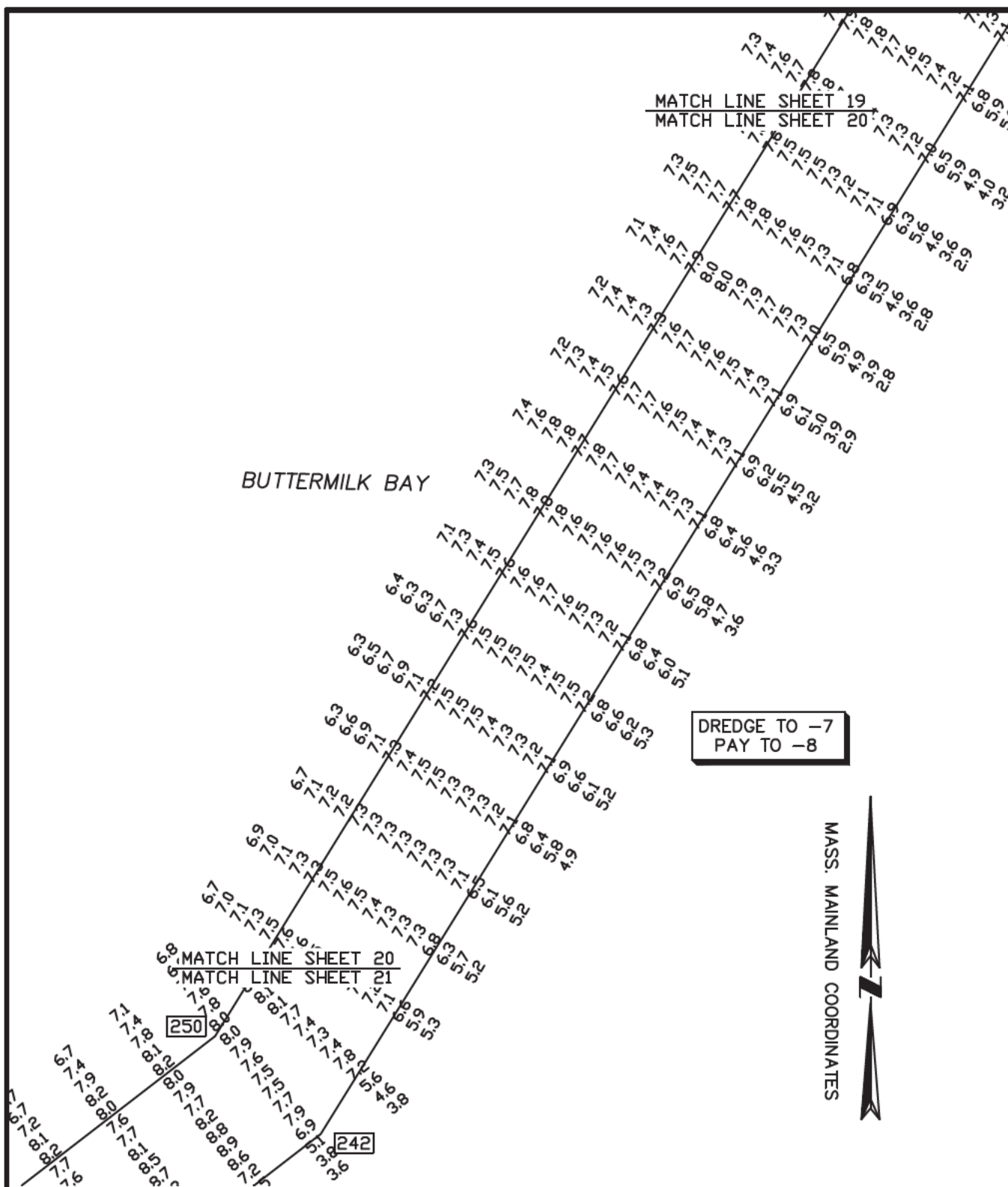
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 19 OF 32



HYDROGRAPHIC PLAN

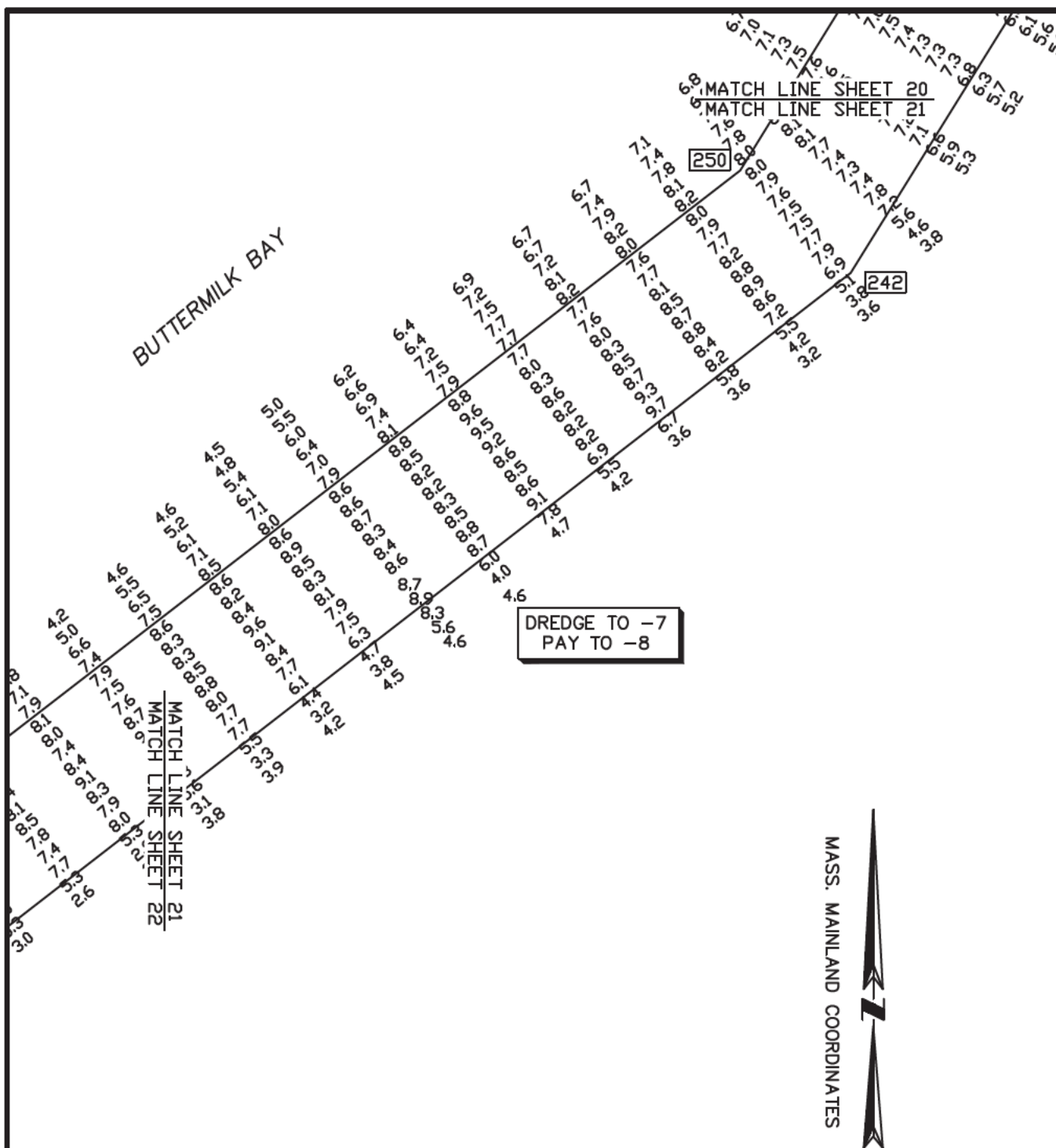
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 20 OF 32



MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

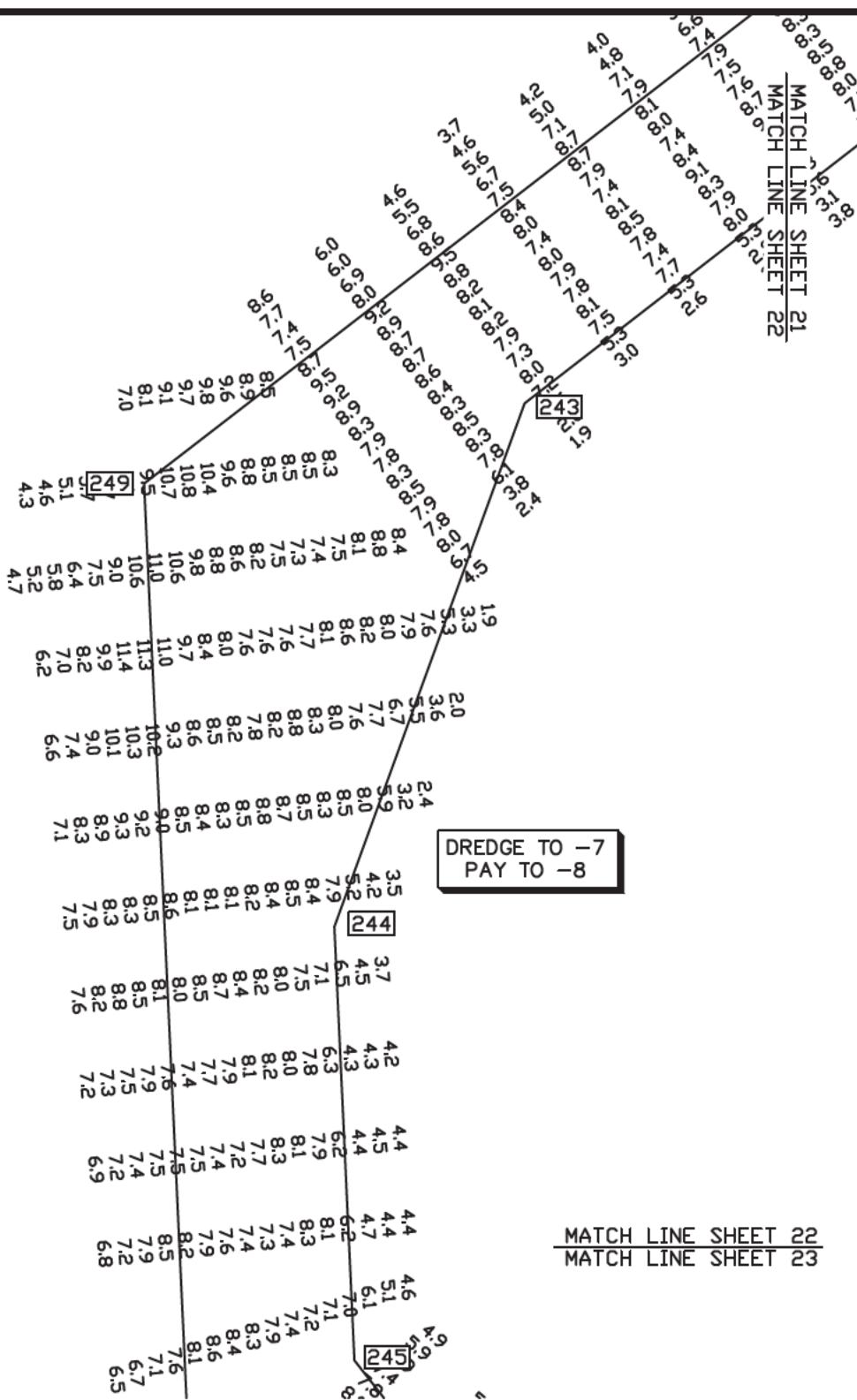
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 21 OF 32

BUTTERMILK BAY

MASS. MAINLAND COORDINATES



MATCH LINE SHEET 22
MATCH LINE SHEET 23

HYDROGRAPHIC PLAN

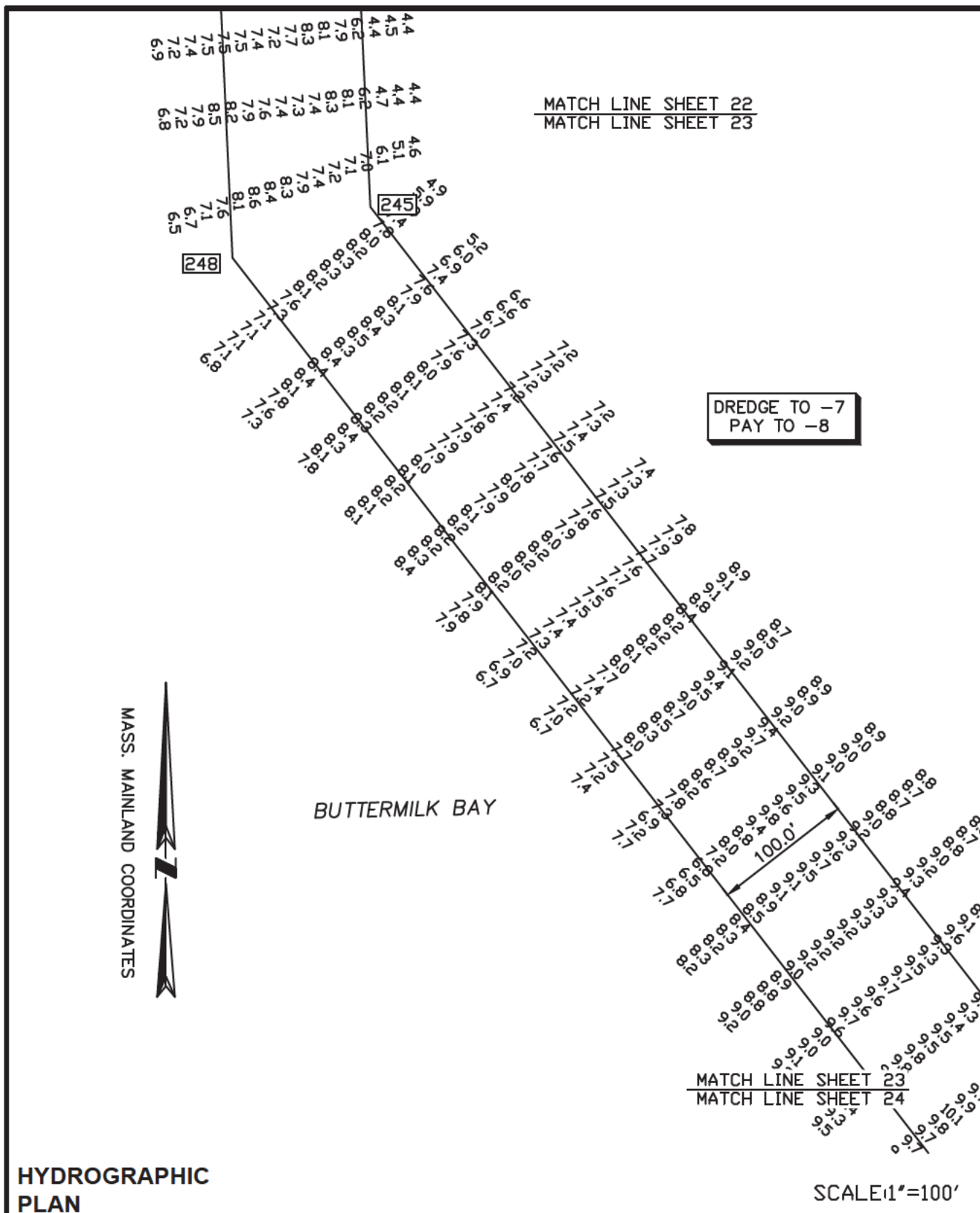
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 22 OF 32



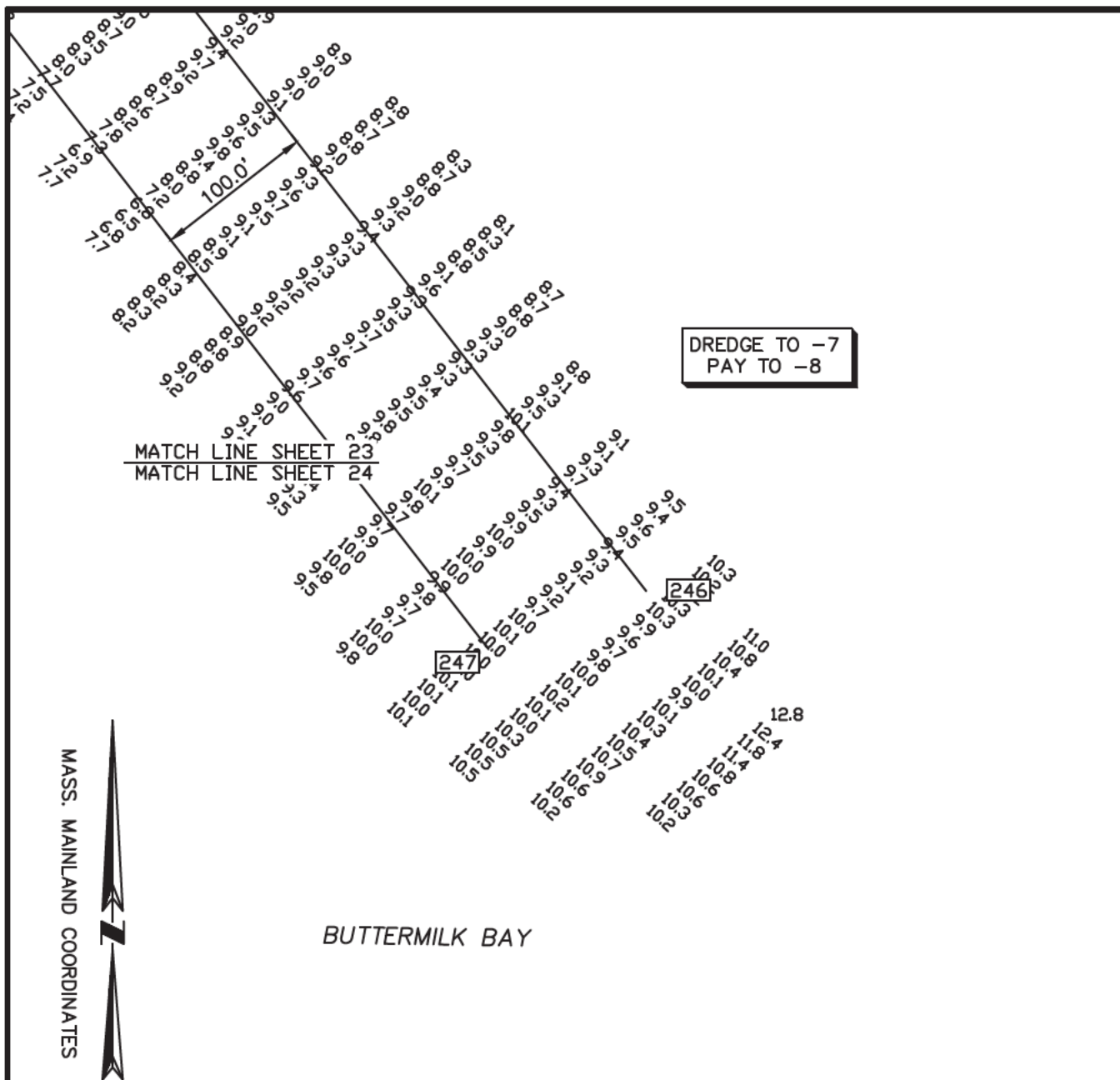
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 23 OF 32



HYDROGRAPHIC PLAN

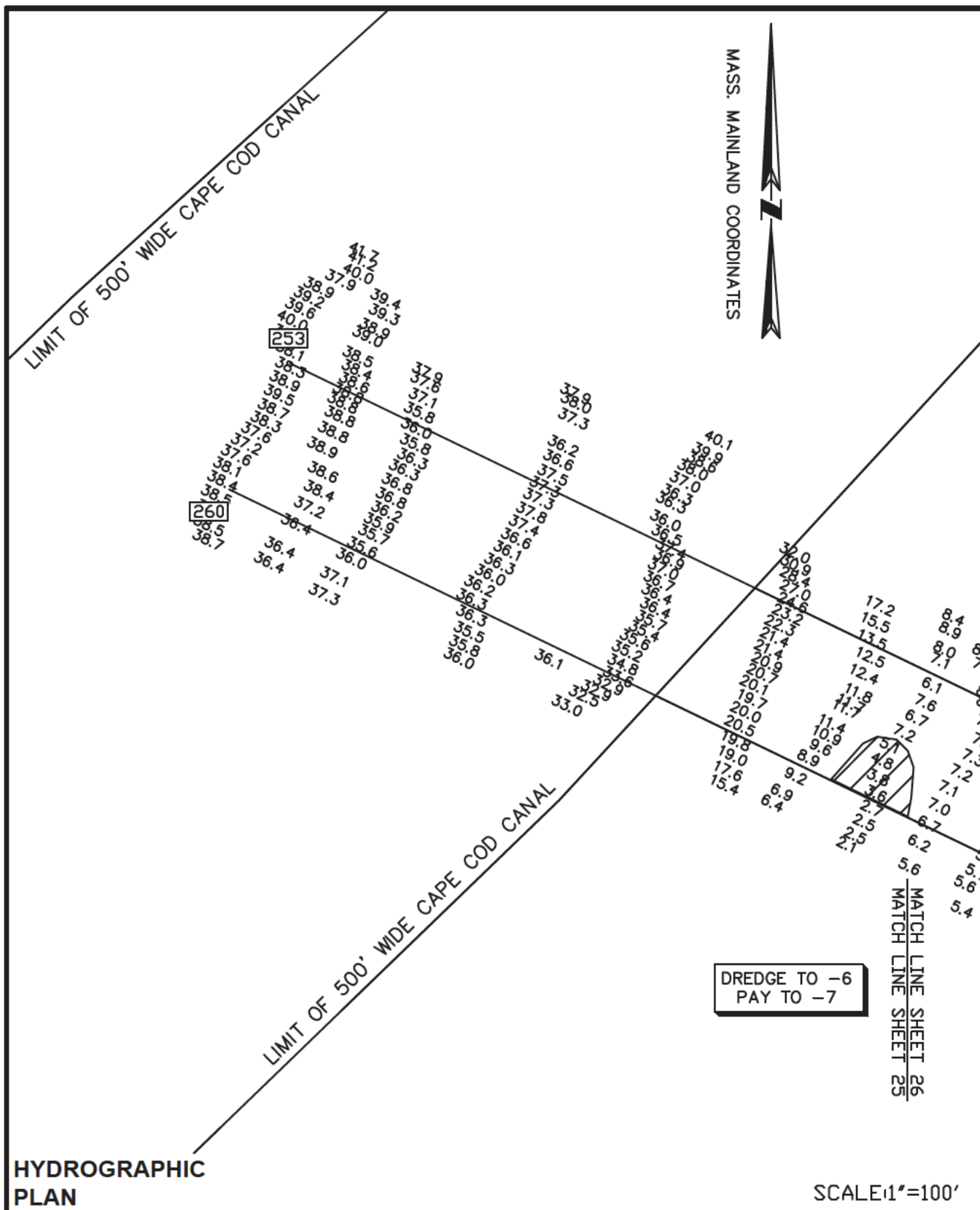
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

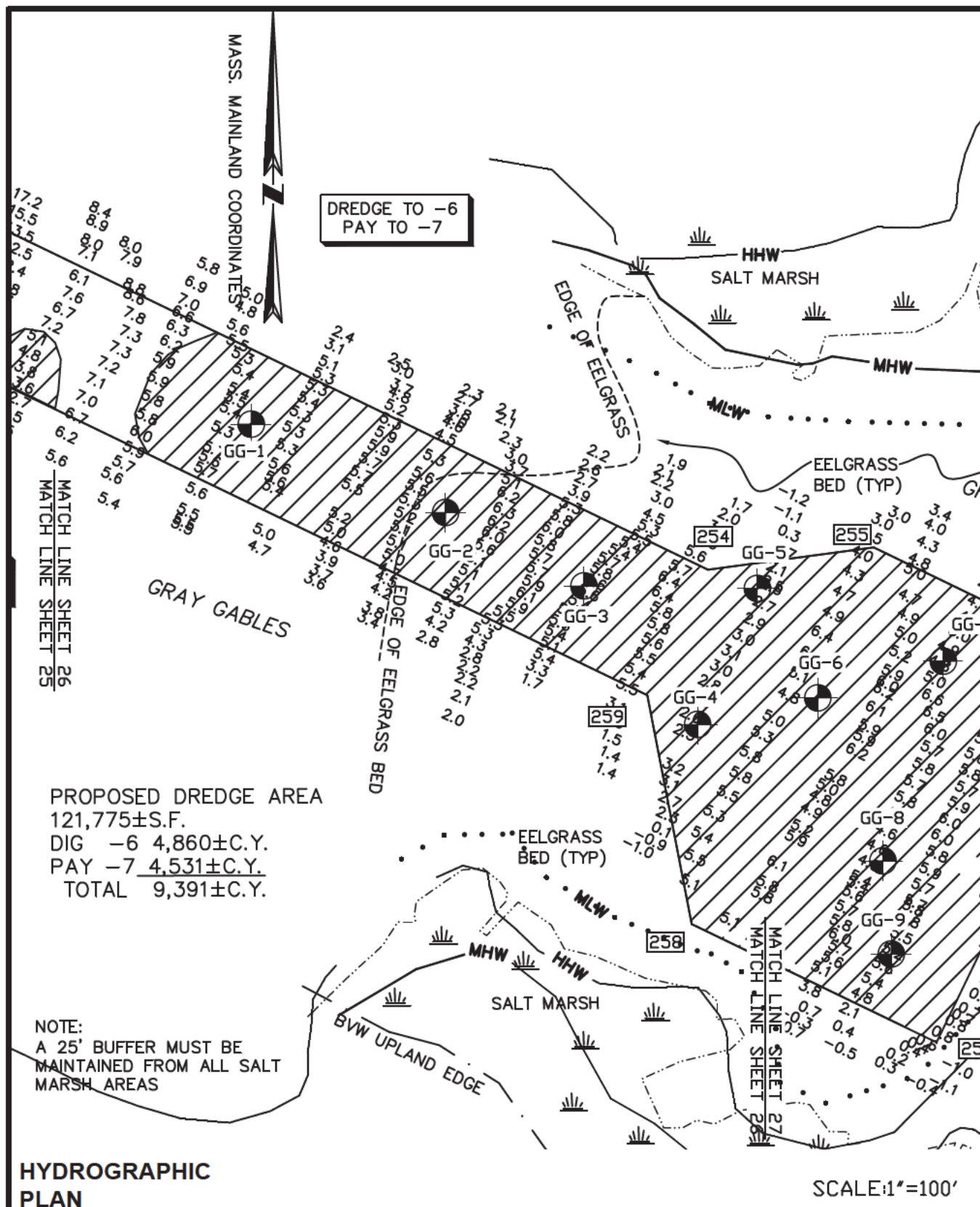
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 24 OF 32



<p>MLW = 0.0'</p> <p>MHW = 3.4'</p> <p>HTL = 4.3'</p> <p>THE BSC GROUP, INC.</p> <p>349 ROUTE 28</p> <p>UNIT D</p> <p>W. YARMOUTH, MA 02673</p>	<p>TOWN OF BOURNE</p> <p>COMPREHENSIVE</p> <p>DREDGING & DISPOSAL</p> <p>PROJECT</p>	<p>AT: BUZZARDS BAY</p> <p>IN: BOURNE, MA</p> <p>COUNTY OF: BARNSTABLE</p> <p>FILE: 8075-COMP.DWG</p> <p>JOB#: 4-8075.08</p> <p>PHASE I</p> <p>REVISED 1/16/23, 5/5/23, 8/4/23</p> <p>DATE: 07/02/19 SHEET 25 OF 32</p>
---	--	---



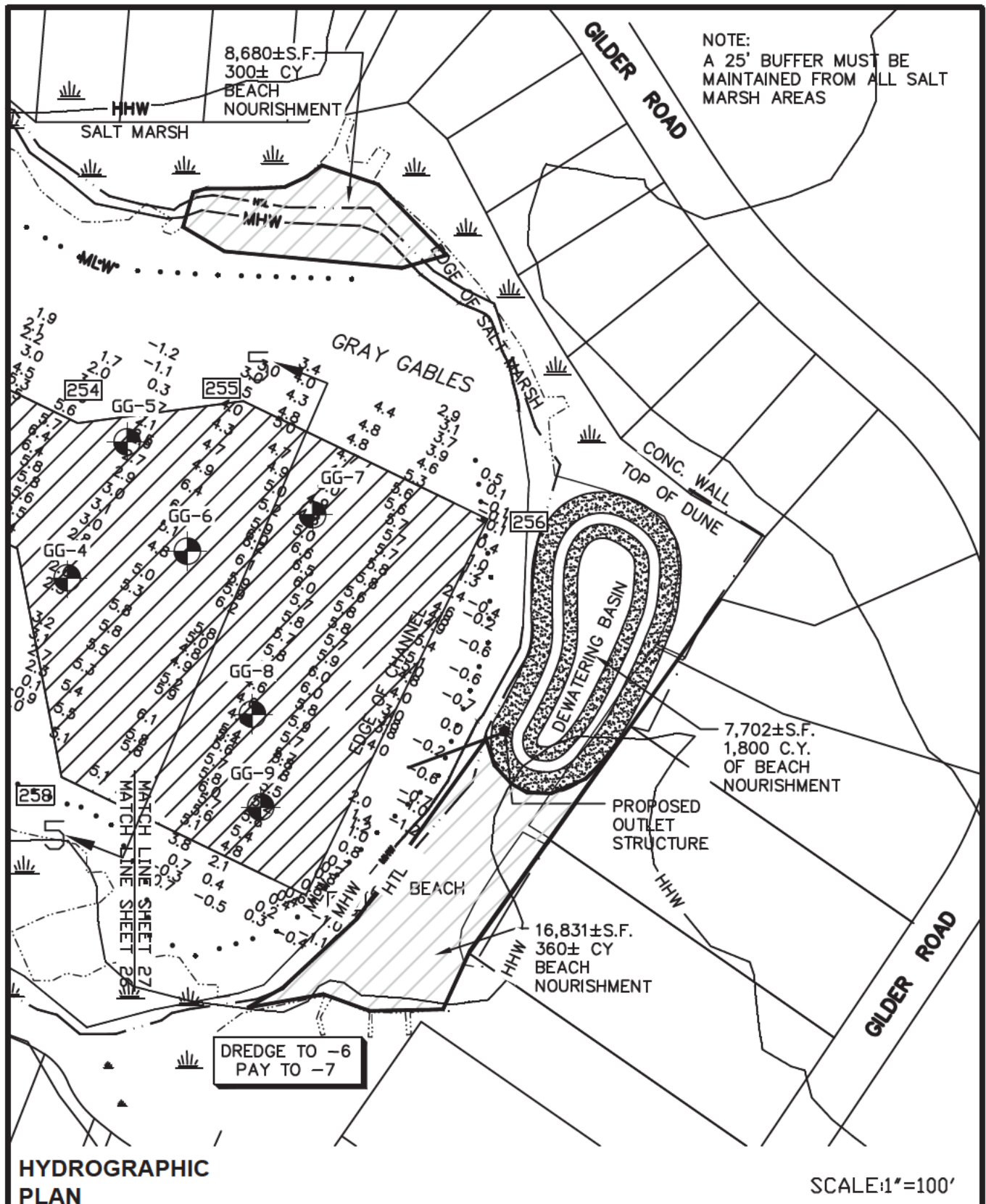
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

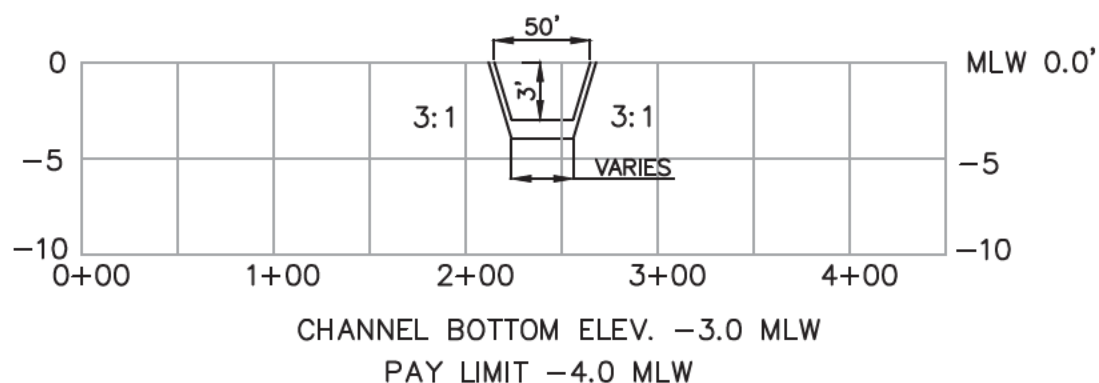
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 26 OF 32



<p>MLW = 0.0' MHW = 3.4' HTL = 4.3'</p> <p>THE BSC GROUP, INC. 349 ROUTE 28 UNIT D W. YARMOUTH, MA 02673</p>	<p>TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT</p>	<p>AT: BUZZARDS BAY IN: BOURNE, MA COUNTY OF: BARNSTABLE FILE: 8075-COMP.DWG JOB#: 4-8075.08 PHASE I REVISED 1/16/23, 5/5/23, 8/4/23 DATE: 07/02/19 SHEET 27 OF 32</p>
--	--	--



TYPICAL CHANNEL SECTION 2-2

SCALE: 1" = 100' HORIZONTAL

SCALE: 1" = 10' VERTICAL

(SHEETS 1 THRU 16)

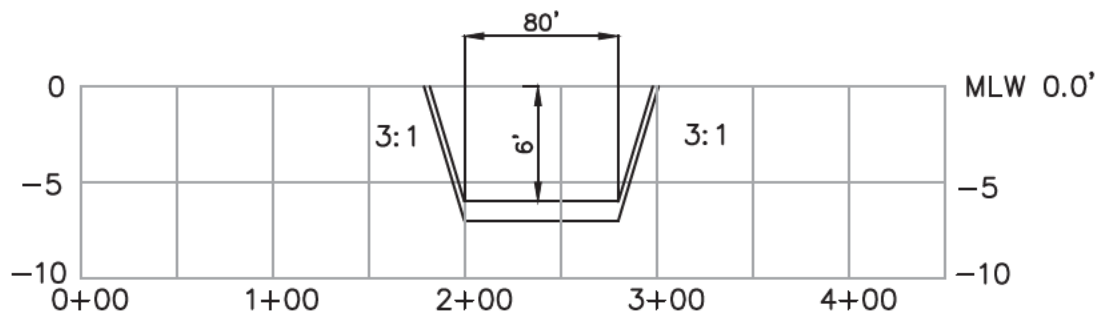
BUTTERMILK BAY TYPICAL CROSS SECTIONS

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 28 OF 32



CHANNEL BOTTOM ELEV. -6.0 MLW

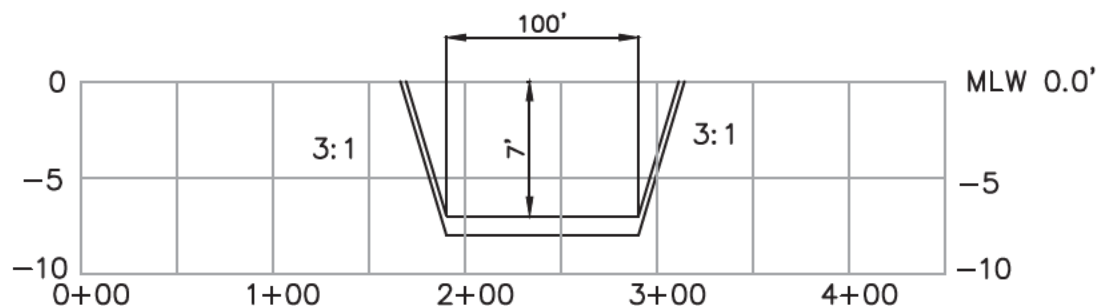
PAY LIMIT -7.0 MLW

TYPICAL DREDGE SECTION 3-3

SCALE: 1" = 100' HORIZONTAL

SCALE: 1" = 10' VERTICAL

(SHEETS 17 THRU 20)



CHANNEL BOTTOM ELEV. -7.0 MLW

PAY LIMIT -8.0 MLW

TYPICAL DREDGE SECTION 4-4

SCALE: 1" = 100' HORIZONTAL

SCALE: 1" = 10' VERTICAL

(SHEETS 20 THRU 26)

BUTTERMILK BAY TYPICAL CROSS SECTIONS

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

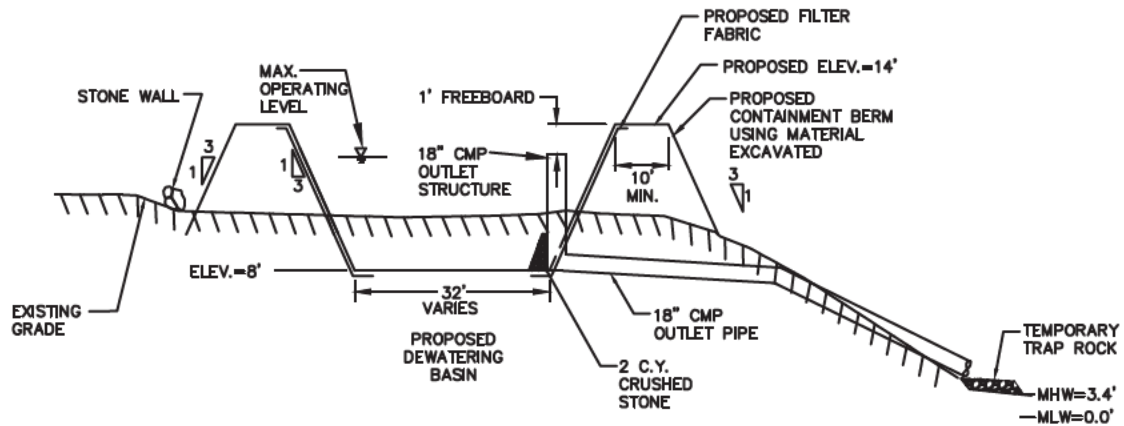
AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 29 OF 32

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 30 OF 32

NOTES:

A. THE DEWATERING BASIN SHALL BE EXCAVATED SO THE DREDGE SPOILS DO NOT EXTEND ABOVE THE RIM OF THE OUTLET CONTROL STRUCTURE. SUITABLE MATERIAL THAT IS EXCAVATED FROM THE BASIN SHALL BE SPREAD ON THE BEACH AND UNSUITABLE MATERIAL DISPOSED OF AS REQUIRED.

B. 16,857± S.F. OF EXISTING BEACH TO BE NOURISHED WITH DREDGE SPOILS



DEWATERING NOTES:

1. DEWATERING BASIN TO BE FORMED USING ON SITE SOILS. AFTER DEWATERING, ALL NON-COMPATIBLE SOILS SHALL BE REMOVED FROM THE SITE.
2. ALL SLOPES TO BE 3:1 IN THE DEWATERING BASIN.

3. AREAS DISTURBED BY THE DEWATERING BASIN ARE TO BE RESTORED TO THEIR PRE-CONSTRUCTION CONDITION WHEN DREDGING ACTIVITIES ARE COMPLETED.
4. INSTALL 3/4" TO 1-1/2" CRUSHED STONE AROUND STANDPIPE FOR STABILITY AS REQUIRED.
5. AVAILABLE LAND AREA LIMITS THE SIZE OF THE DEWATERING BASIN, DEWATERING WILL REQUIRE PHASING

ELECTRIC AVENUE DEWATERING BASIN

NOT TO SCALE

**ELECTRIC AVENUE
DEWATERING DETAILS**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE I
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 31 OF 32

PT NORTHING EASTING

200 2740661.370 899330.3055
 201 2740697.127 899365.2541
 202 2740975.299 899080.6437
 203 2741034.685 898907.8498
 204 2740995.264 898730.3528
 205 2740214.691 898248.0426
 206 2739286.202 897849.3712
 207 2738474.970 897923.6979
 208 2738248.262 897776.7307
 209 2737946.316 896706.0054
 210 2736534.183 894812.1116
 211 2736276.650 894802.5196
 212 2735605.167 894859.6959
 213 2735163.481 895162.1281
 214 2734802.913 895890.0909
 215 2734477.802 896054.3183
 216 2734194.386 896050.7745
 217 2733812.694 895843.7092
 218 2733791.138 895888.899
 219 2734181.405 896100.6161
 220 2734489.418 896104.4675
 221 2734840.325 895927.2097
 222 2735202.495 895196.0122
 223 2735622.541 894908.3974
 224 2736277.845 894852.5987
 225 2736508.405 894861.1862
 226 2737900.703 896728.4781

PT NORTHING EASTING

227 2738196.050 897775.8015
 228 2738232.436 897826.0586
 229 2738462.295 897975.0686
 230 2739278.131 897900.3201
 231 2740191.560 898292.525
 232 2740951.028 898761.795
 233 2740982.818 898904.9297
 234 2740931.673 899053.7461
 235 2733707.214 896064.8392
 236 2733619.614 896102.6357
 237 2733691.474 895765.5592
 238 2733302.684 894871.4292
 239 2733227.754 894769.8092
 240 2732539.054 894221.9992
 241 2732371.884 894113.6992
 242 2730937.304 893223.9392
 243 2730464.734 892614.2192
 244 2730155.974 892502.0092
 245 2729900.344 892513.8092
 246 2729189.794 893066.1892
 247 2729153.474 892967.7592
 248 2729864.034 892415.3892
 249 2730417.334 892389.8292
 250 2731005.304 893150.4492
 251 2732424.504 894028.6592
 252 2733340.164 894756.9992
 253 2730247.6159 894937.0422
 254 2729808.1812 895846.4361
 255 2729824.0985 895965.1906
 256 2729739.2572 896140.7666
 257 2729469.1402 896010.2415
 258 2729553.9815 895834.6654
 259 2729718.1422 895802.9277
 260 2730157.5769 894893.5338

**DREDGE AREA
COORDINATES**

MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE I
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 32 OF 32

PHASE II (CENTRAL AREA)
 PHINNEYS HARBOR
 LITTLE BAY
 POCASSET RIVER


INDEX:

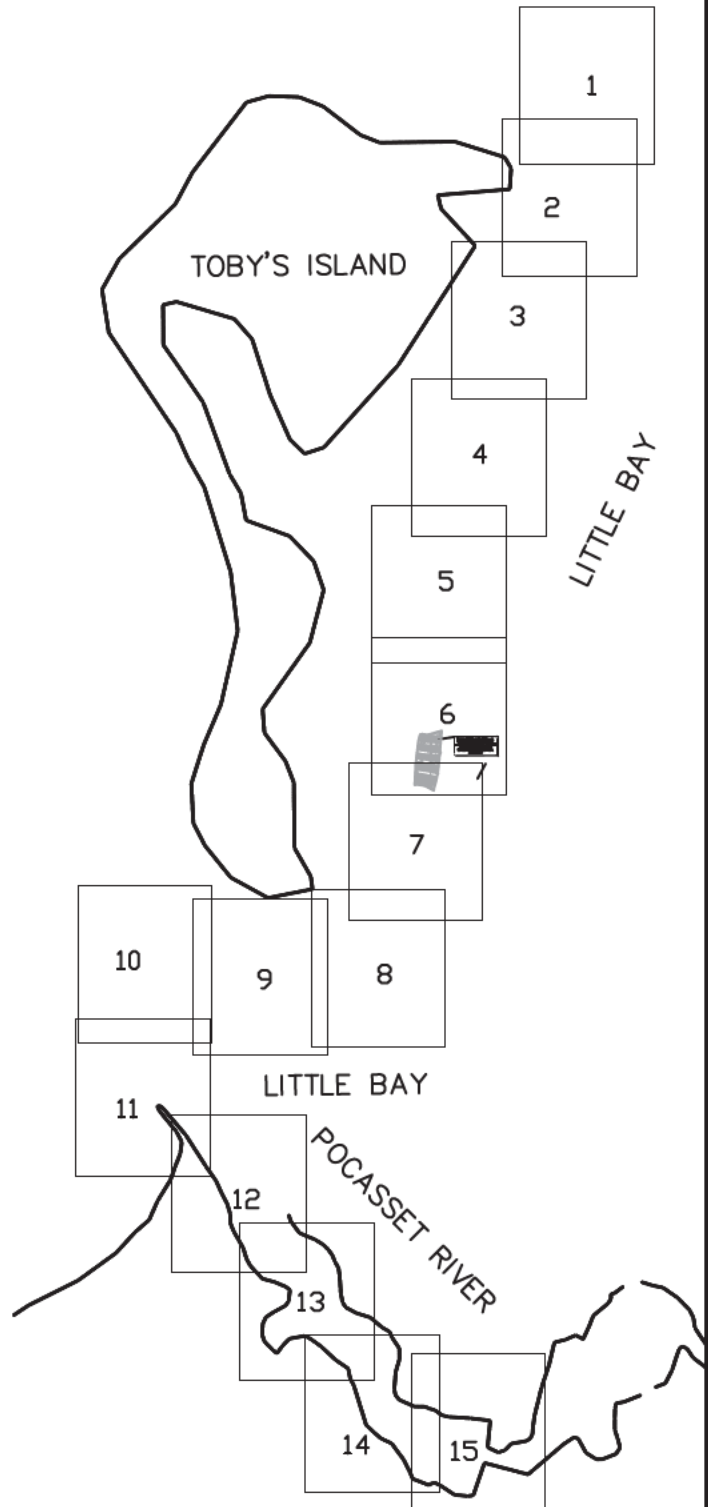
HYDROGRAPHIC PLAN.....1-15
 NOURISHMENT AREAS.....18
 CHANNEL CROSS SECTIONS.....20-23
 DEWATERING DETAILS.....16-19
 DREDGE AREA COORDINATES.....24

LEGEND

302 DREDGE AREA
 COORDINATE POINT TYP.

 NEW BORING

 OLD BORING



**PHASE II
 KEY SHEET**

SCALE: 1"=1000

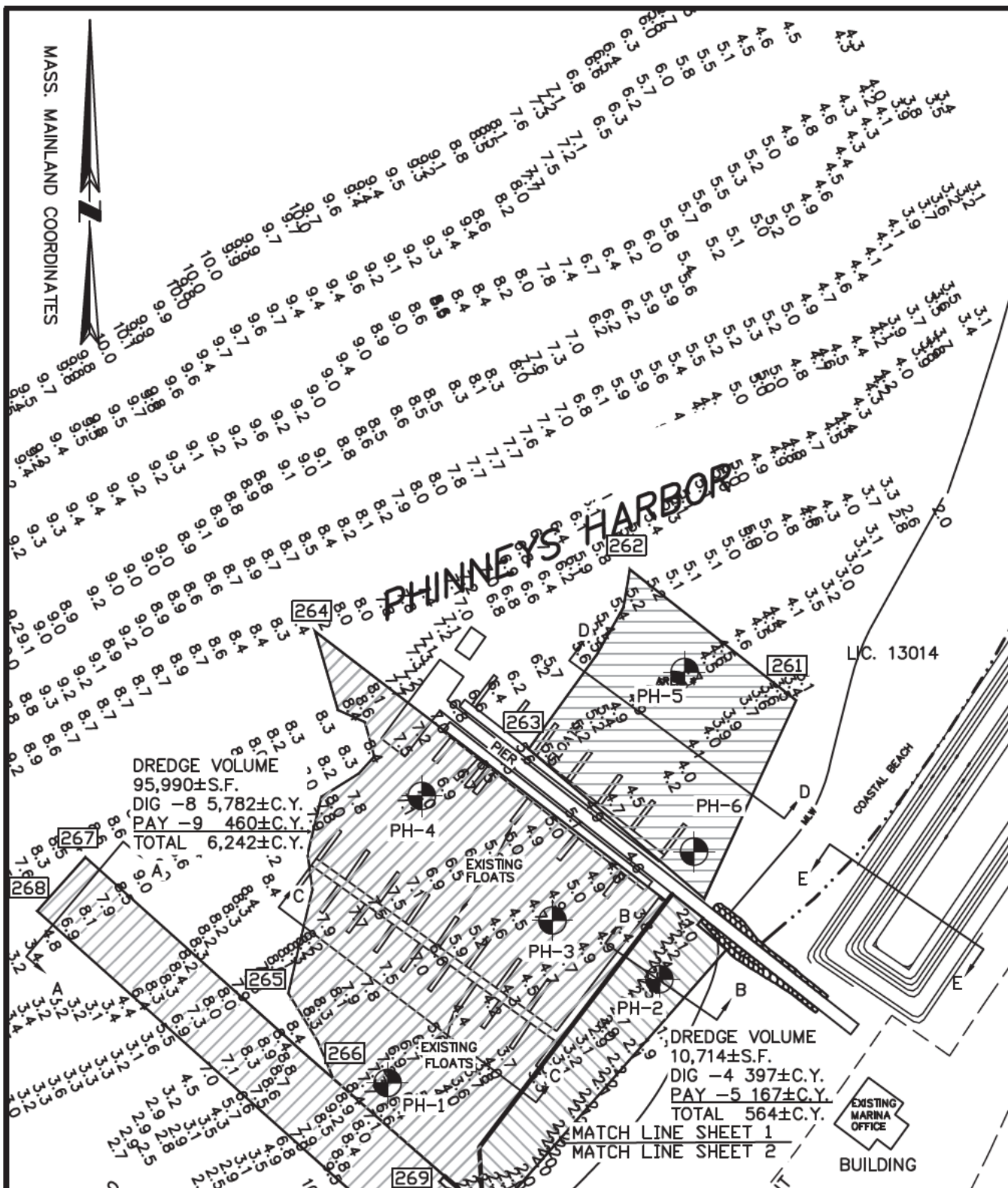
MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

**TOWN OF BOURNE
 COMPREHENSIVE
 DREDGING & DISPOSAL
 PROJECT**

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE II
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 0 OF 24

MASS. MAINLAND COORDINATES



HYDROGRAPHIC PLAN

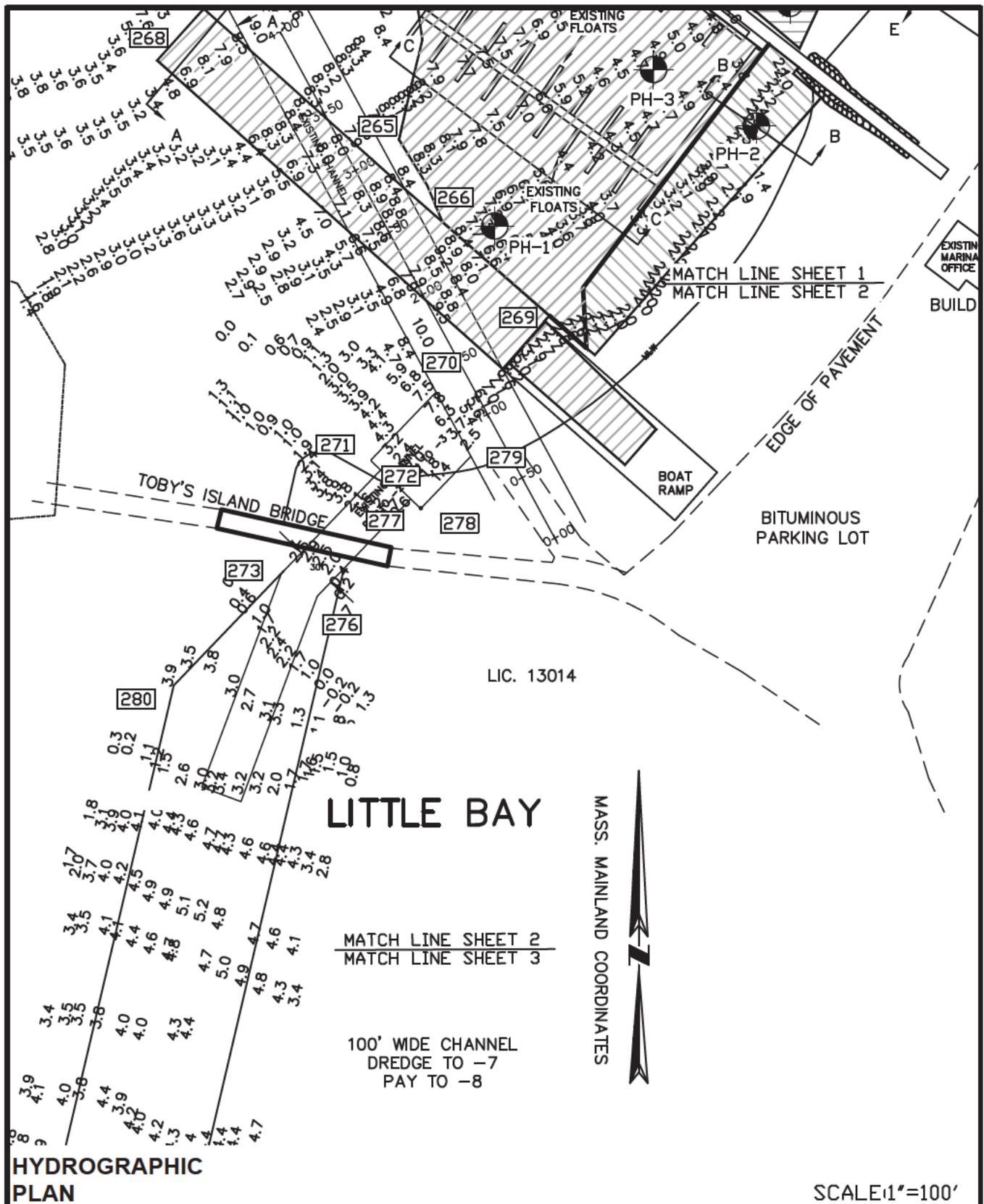
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 1 OF 25



MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

MATCH LINE SHEET 2
MATCH LINE SHEET 3

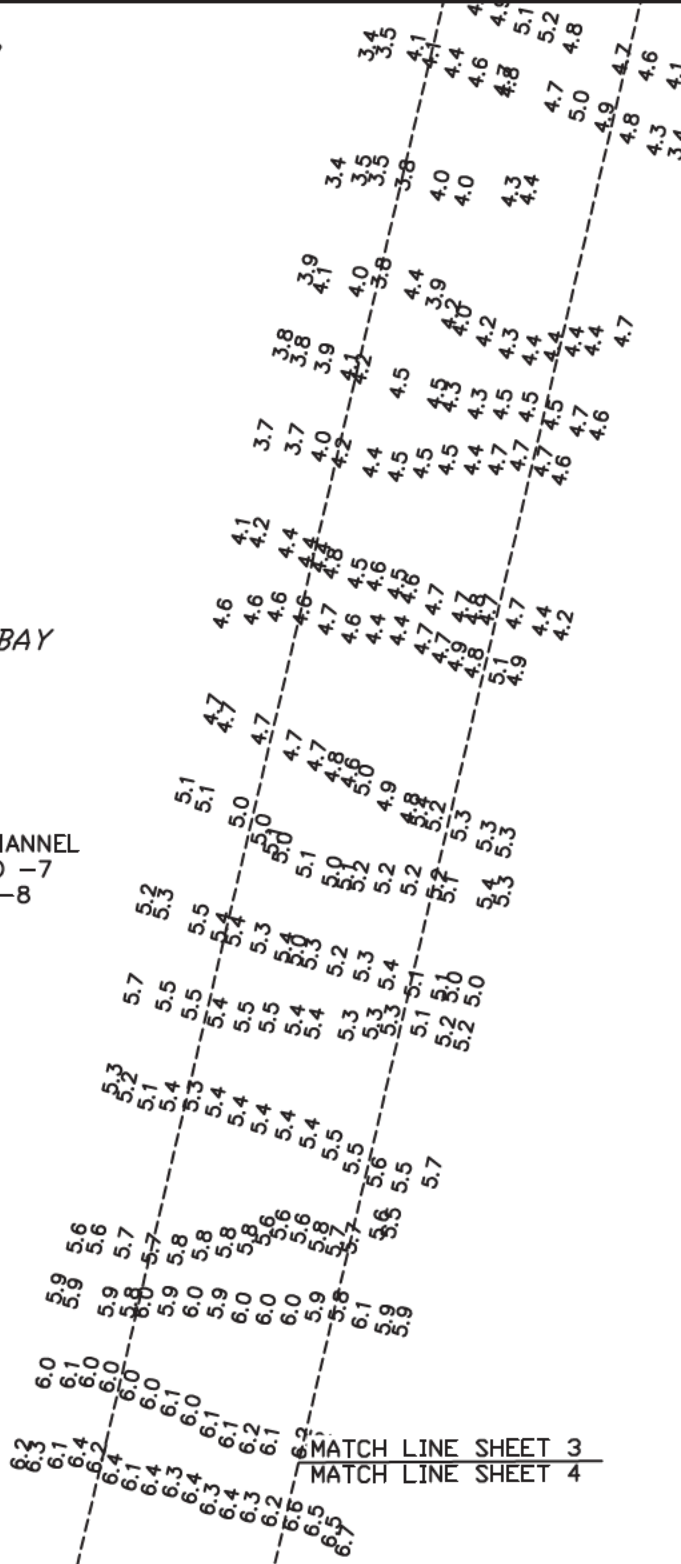
100' WIDE CHANNEL
DREDGE TO -7
PAY TO -8

MASS. MAINLAND COORDINATES



LITTLE BAY

100' WIDE CHANNEL
DREDGE TO -7
PAY TO -8



MATCH LINE SHEET 3
MATCH LINE SHEET 4

HYDROGRAPHIC PLAN

SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 3 OF 25

LOCATION OF EXISTING 100' WIDE LITTLE BAY CHANNEL, AS PER TOWN OF BOURNE HARBOR MASTER, CONNECTING LITTLE BAY AND PHINNEYS HARBOR

LITTLE BAY

100' WIDE CHANNEL
DREDGE TO -7
PAY TO -8

MASS. MAINLAND COORDINATES

MATCH LINE SHEET 4
MATCH LINE SHEET 5

MATCH LINE SHEET 3
MATCH LINE SHEET 4

HYDROGRAPHIC PLAN

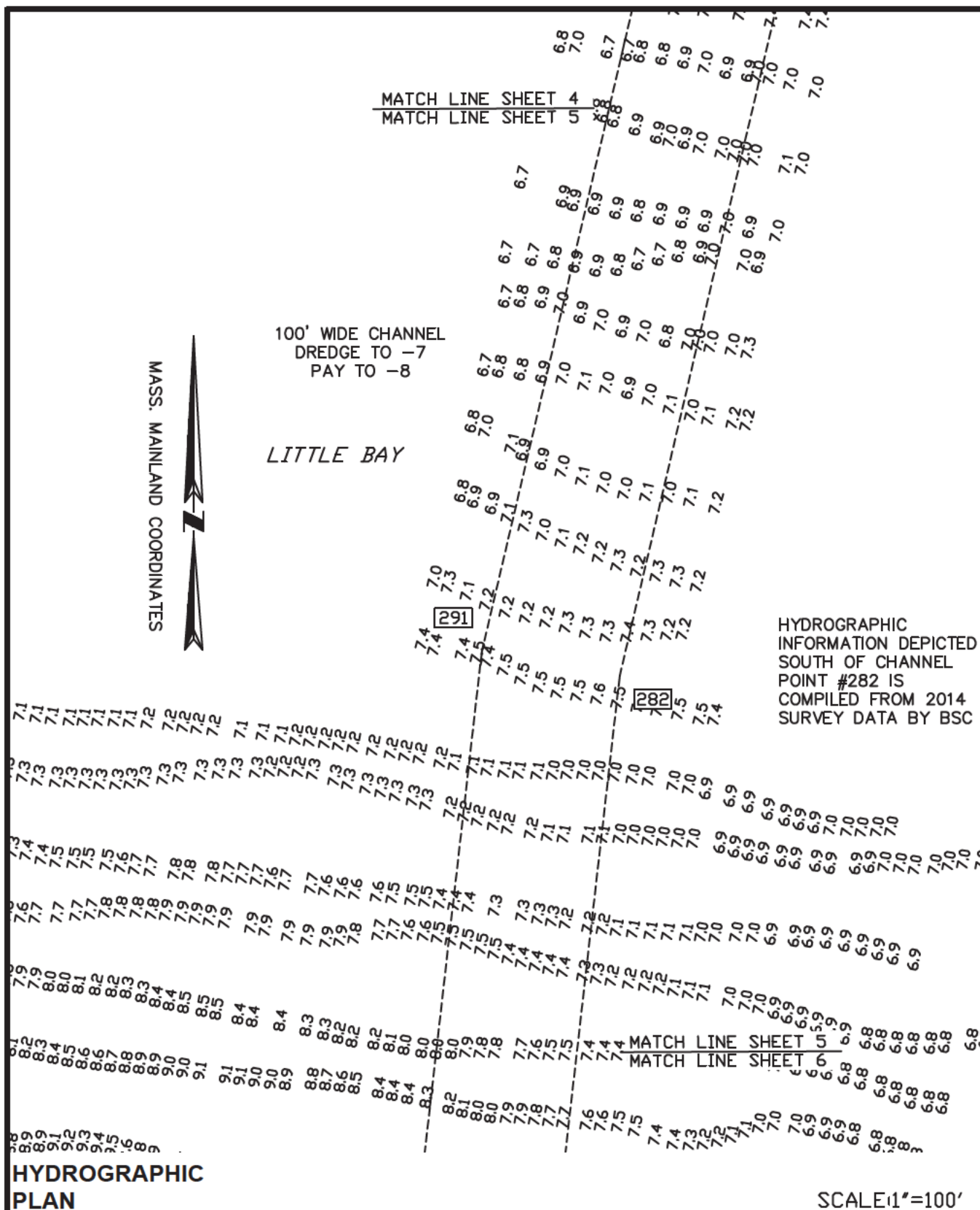
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 4 OF 25



HYDROGRAPHIC PLAN

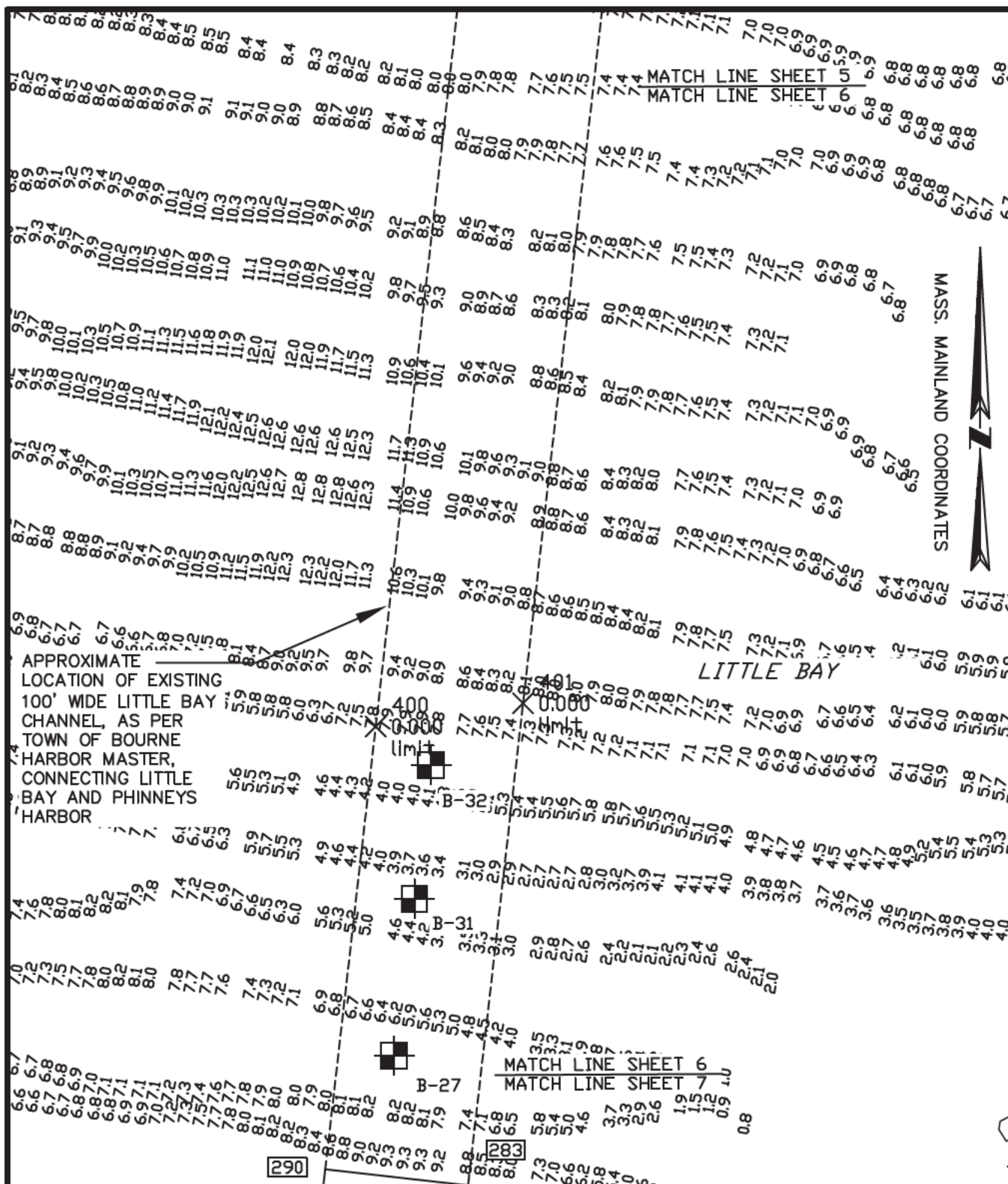
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 5 OF 25



HYDROGRAPHIC PLAN

SEE SHEET 23 FOR TYPICAL SECTION

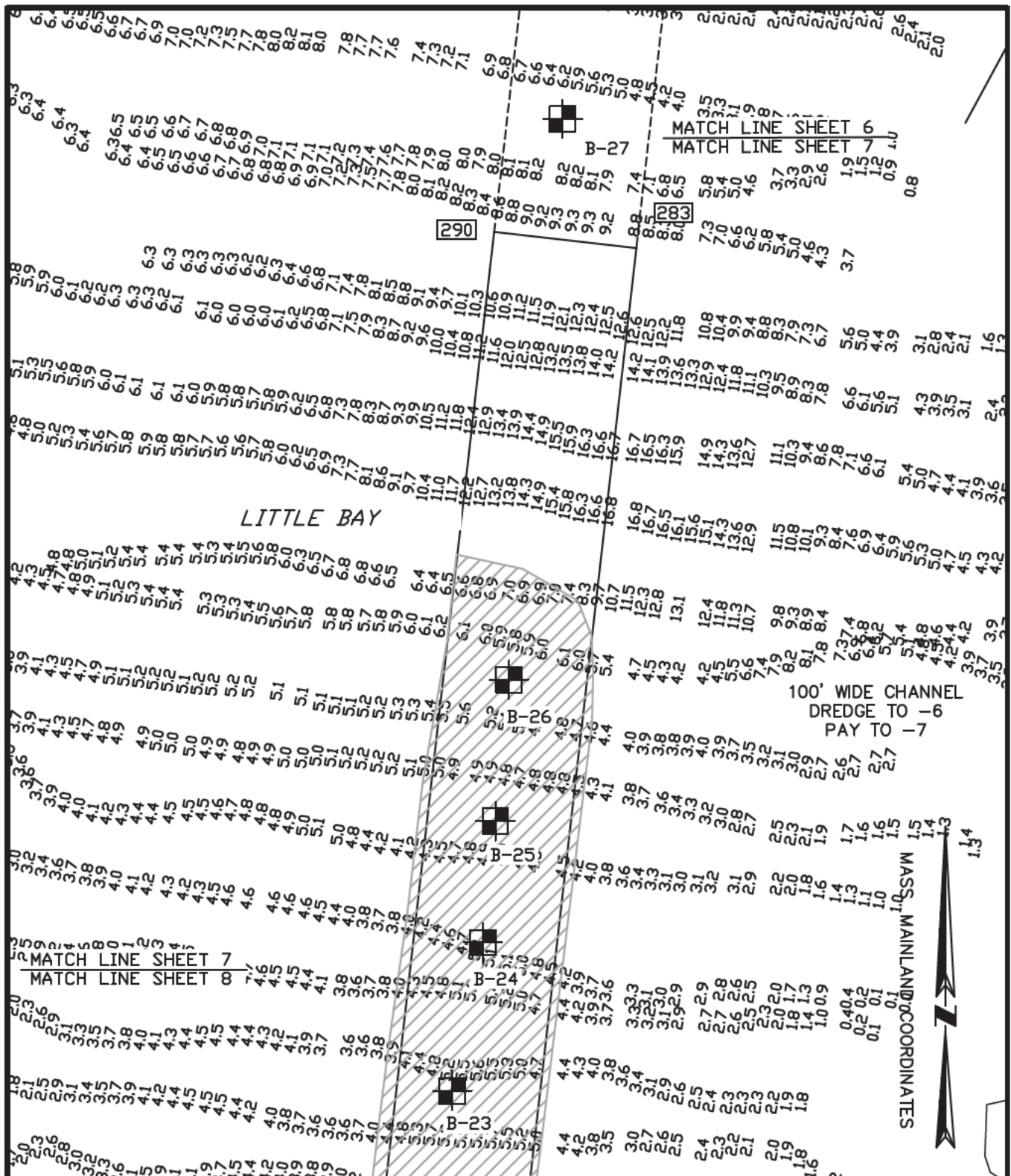
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 6 OF 25



HYDROGRAPHIC PLAN

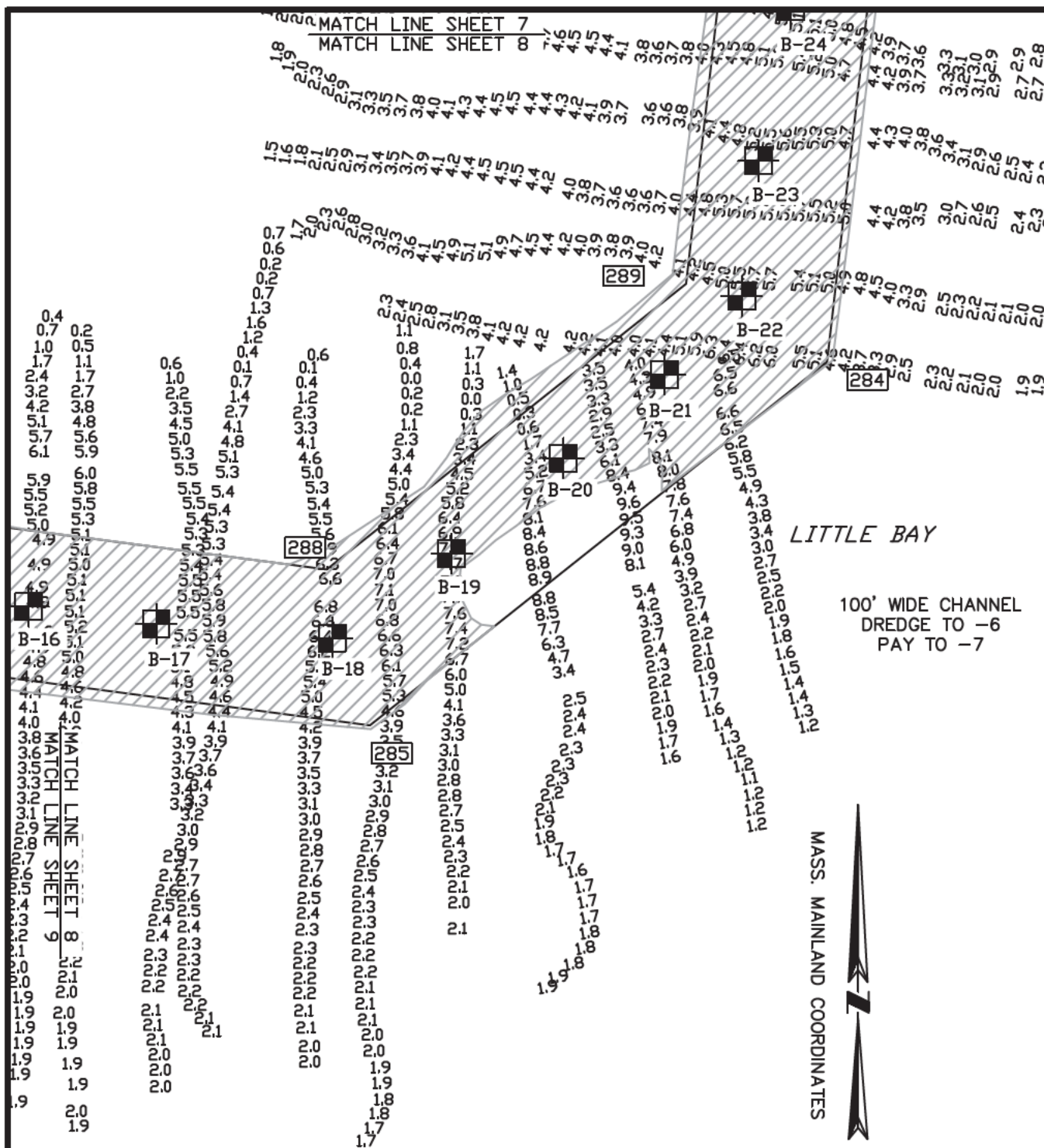
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 7 OF 25



HYDROGRAPHIC PLAN

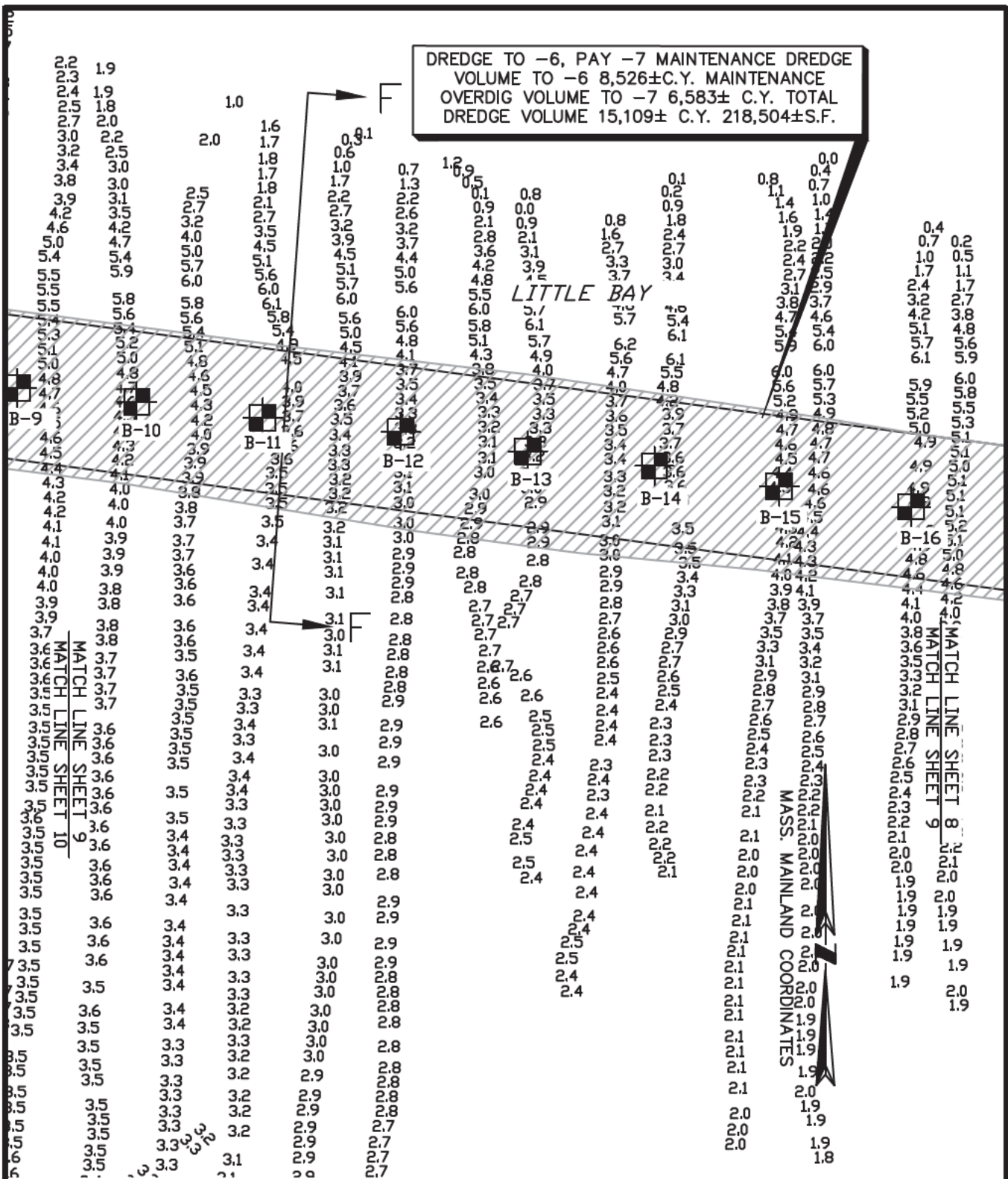
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 8 OF 25



HYDROGRAPHIC PLAN

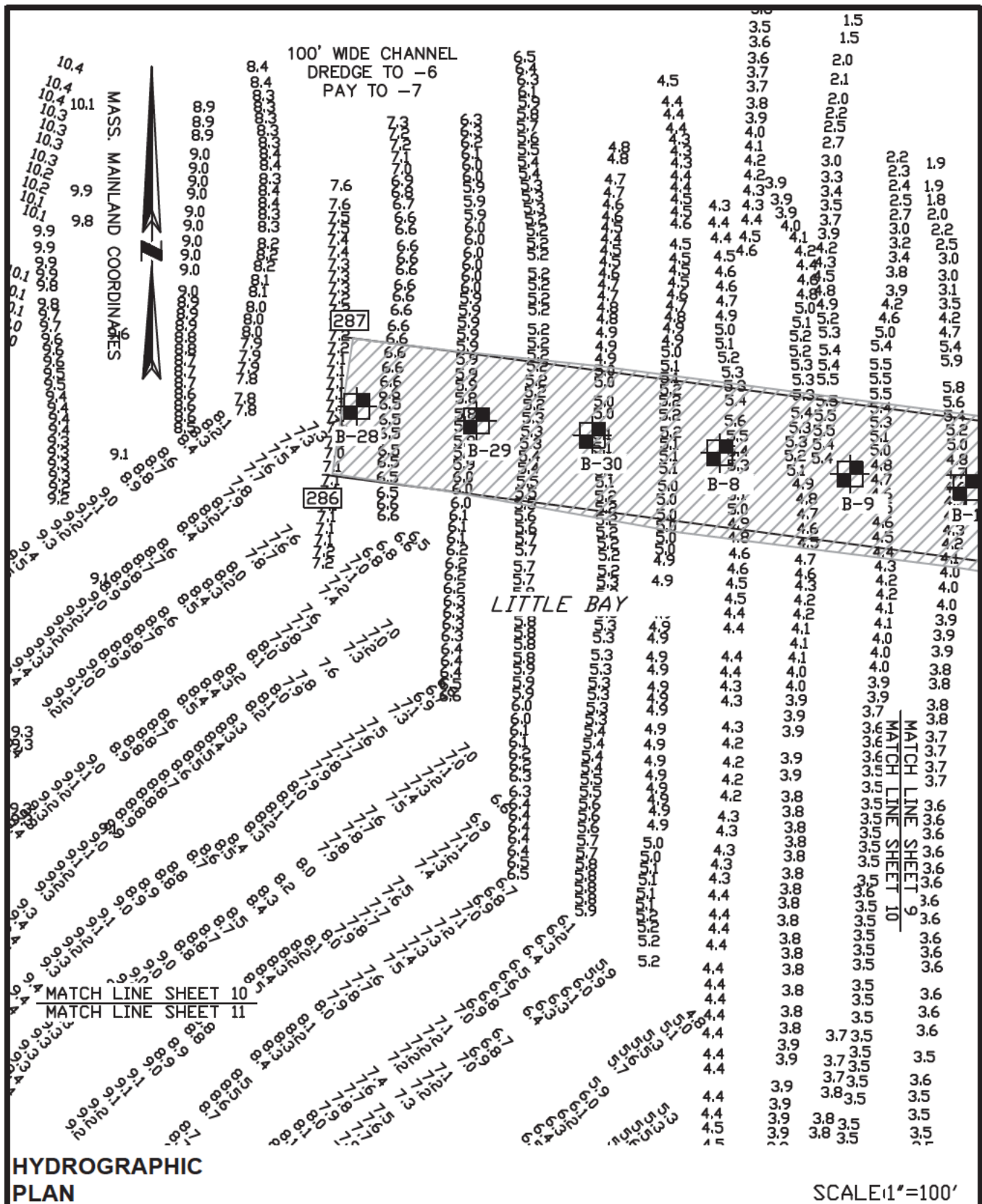
SCALE 1"=100'

MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE II
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 9 OF 25



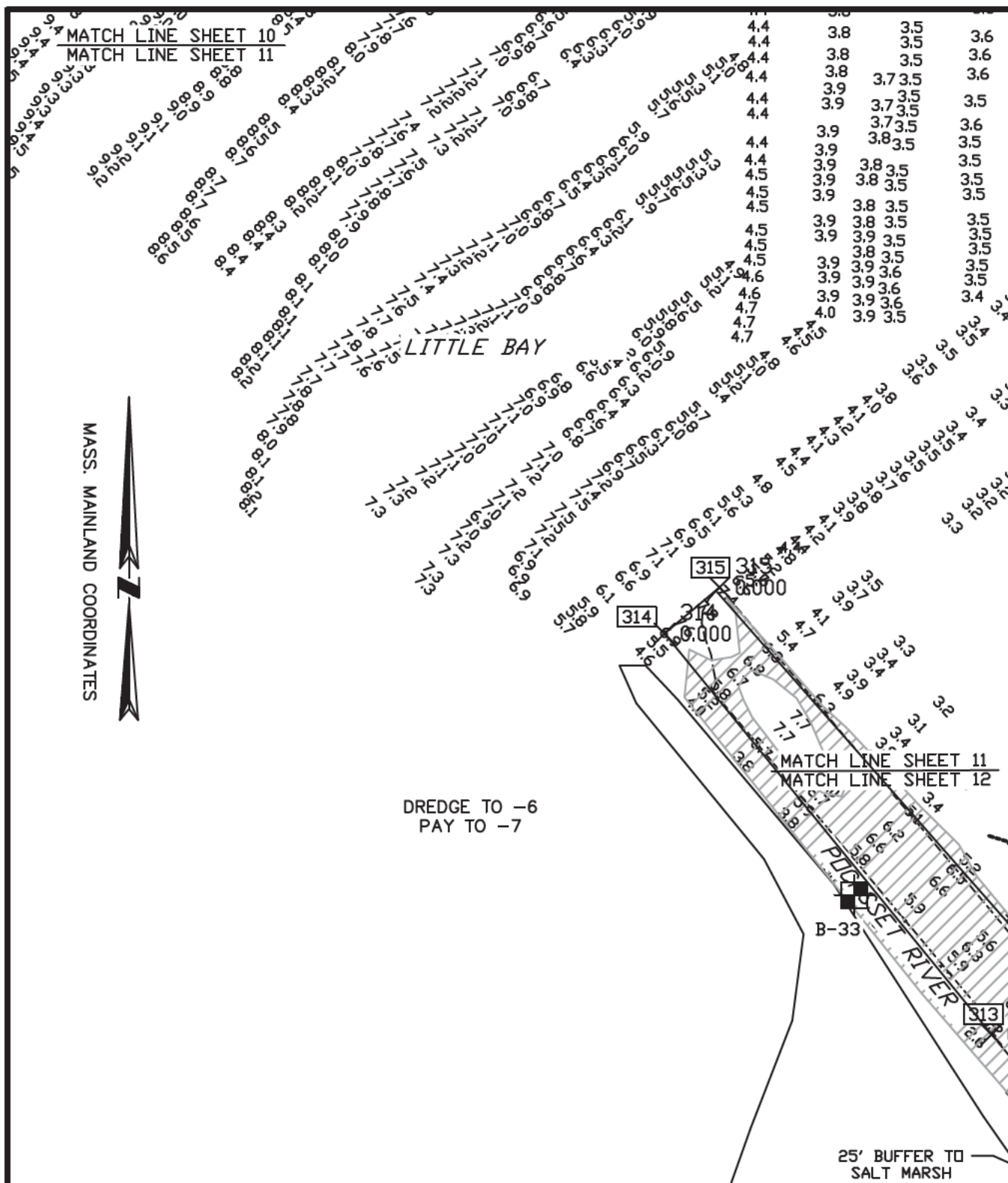
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 10 OF 25



HYDROGRAPHIC PLAN

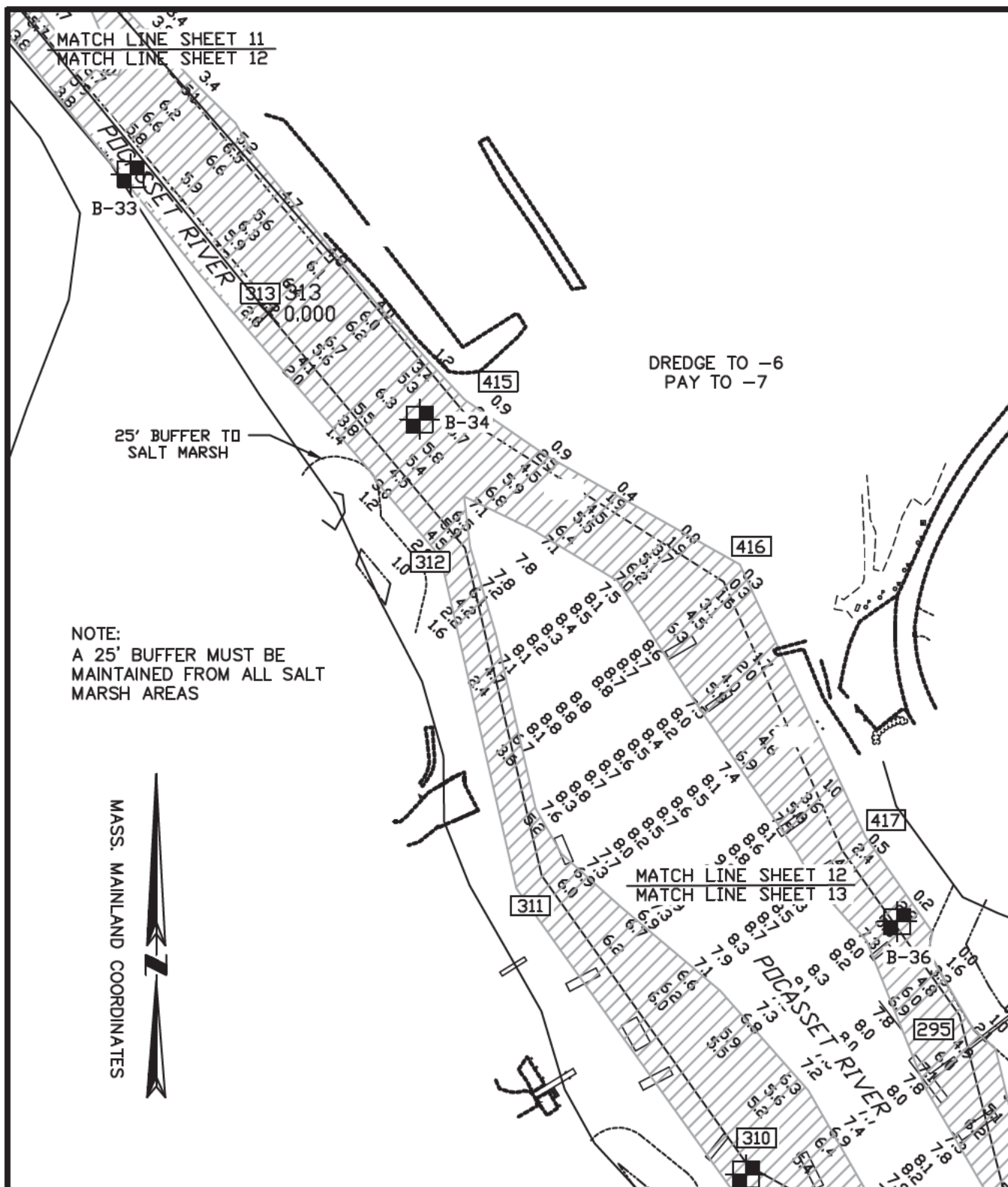
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 11 OF 25



HYDROGRAPHIC PLAN

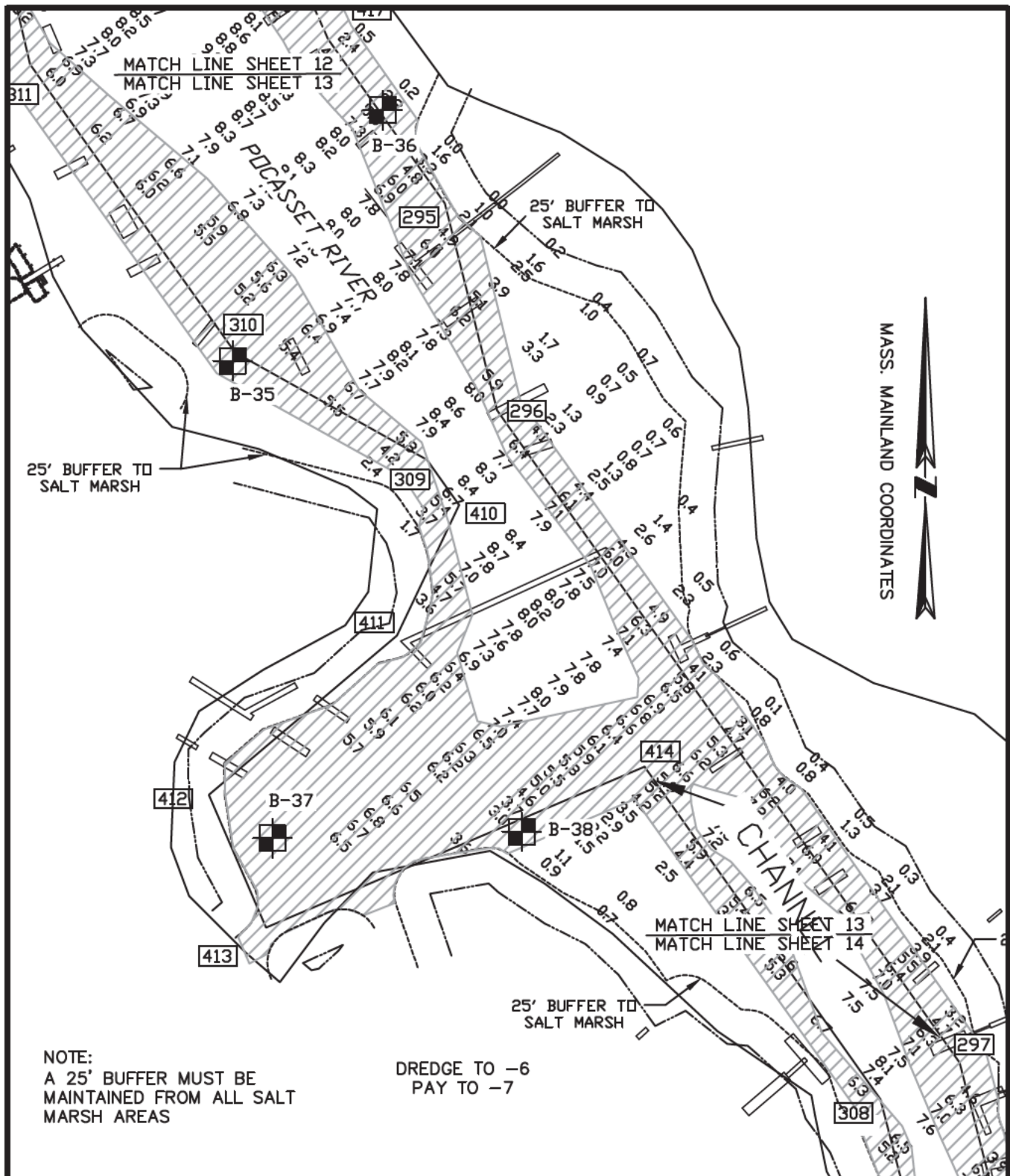
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 12 OF 25



HYDROGRAPHIC PLAN

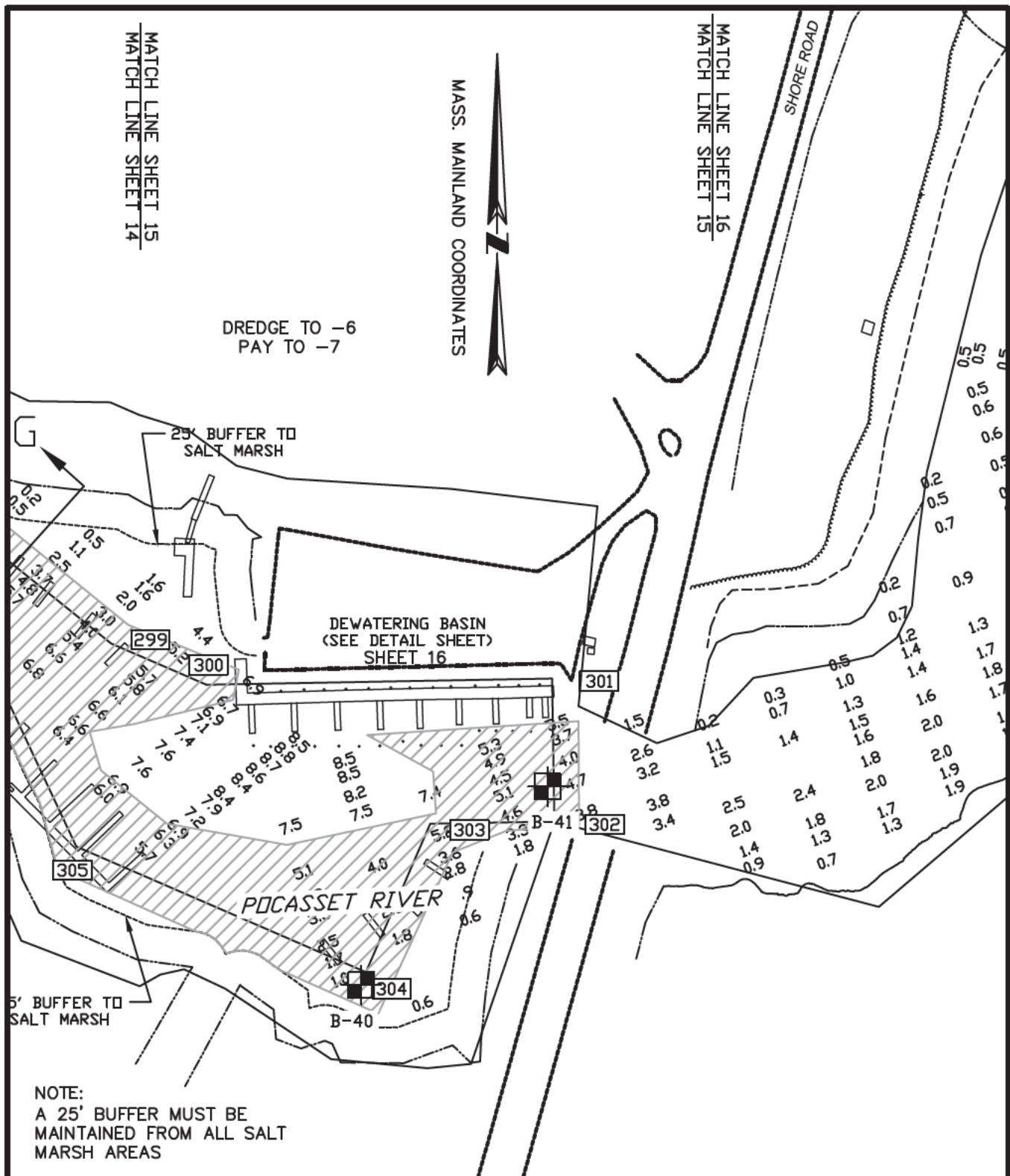
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 13 OF 25



HYDROGRAPHIC PLAN

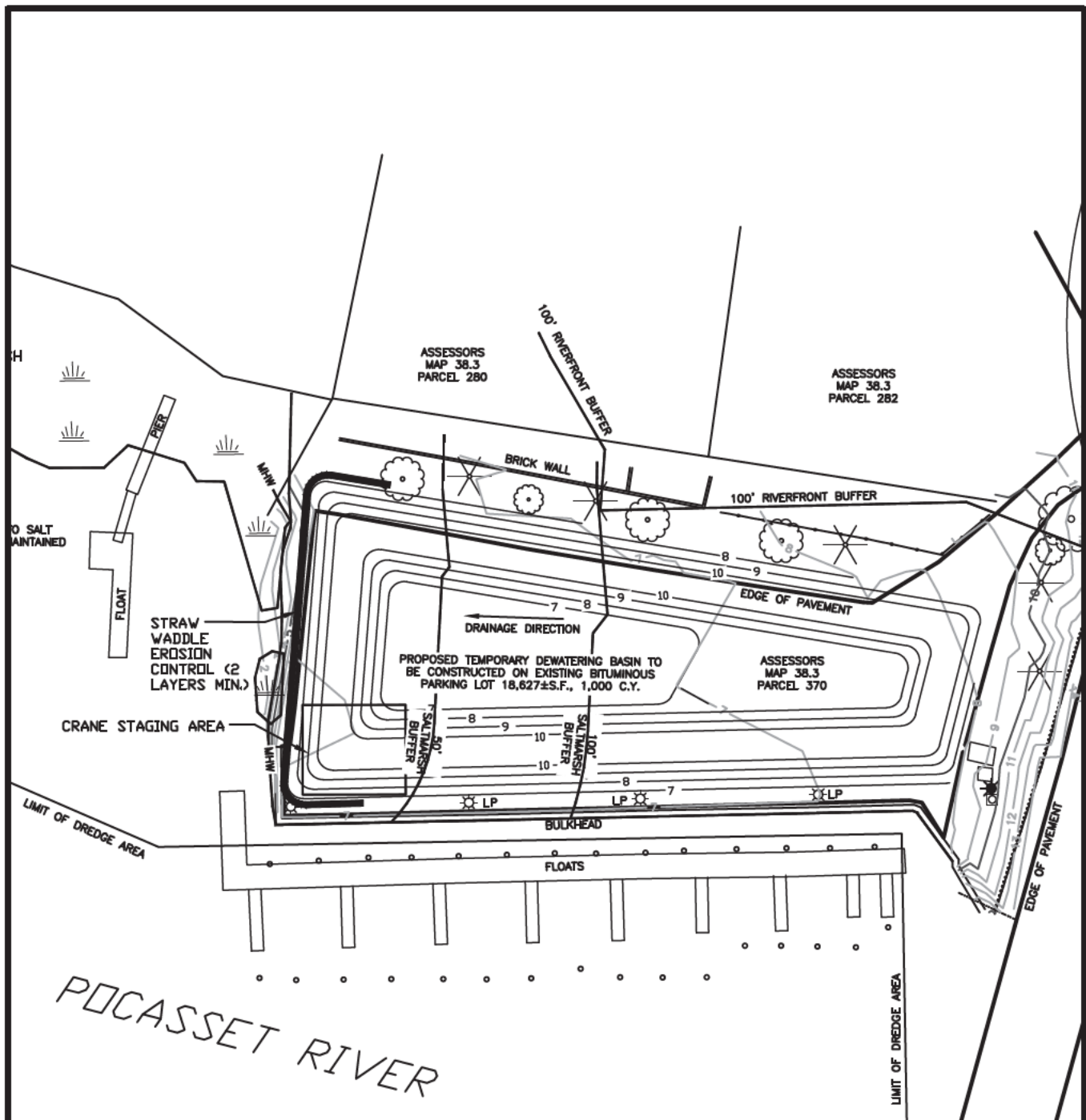
SCALE 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 15 OF 25



POCASSET RIVER DEWATERING BASIN

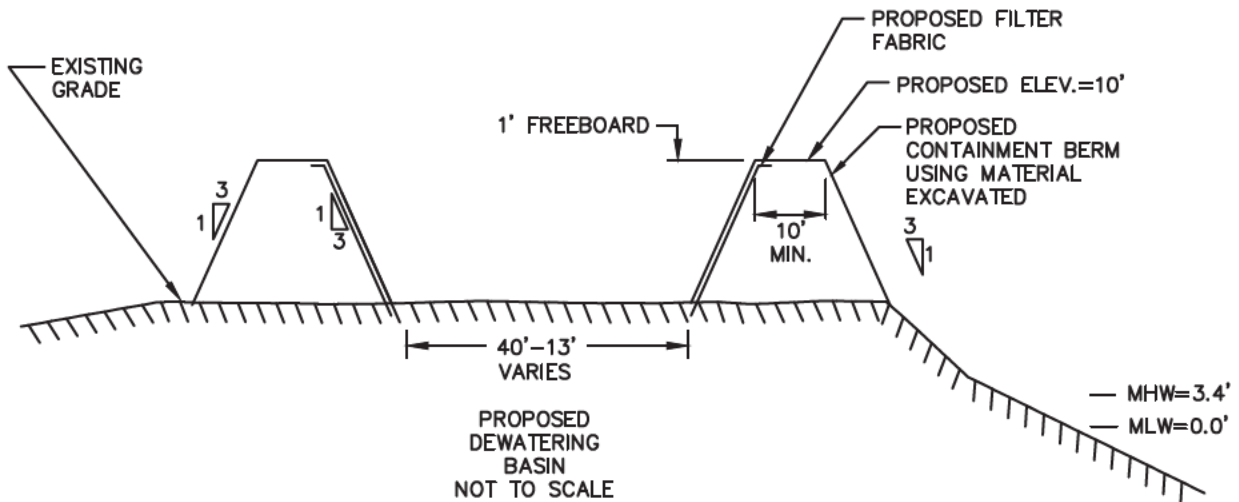
SCALE: 1"=50'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 16 OF 25



DEWATERING NOTES:

1. ALL SLOPES TO BE 3: 1 IN THE DEWATERING BASIN.
2. AREAS DISTURBED BY THE DEWATERING BASIN ARE TO BE RESTORED TO THEIR PRE-CONSTRUCTION CONDITION WHEN DREDGING ACTIVITIES ARE COMPLETED.

POCASSET RIVER DEWATERING BASIN

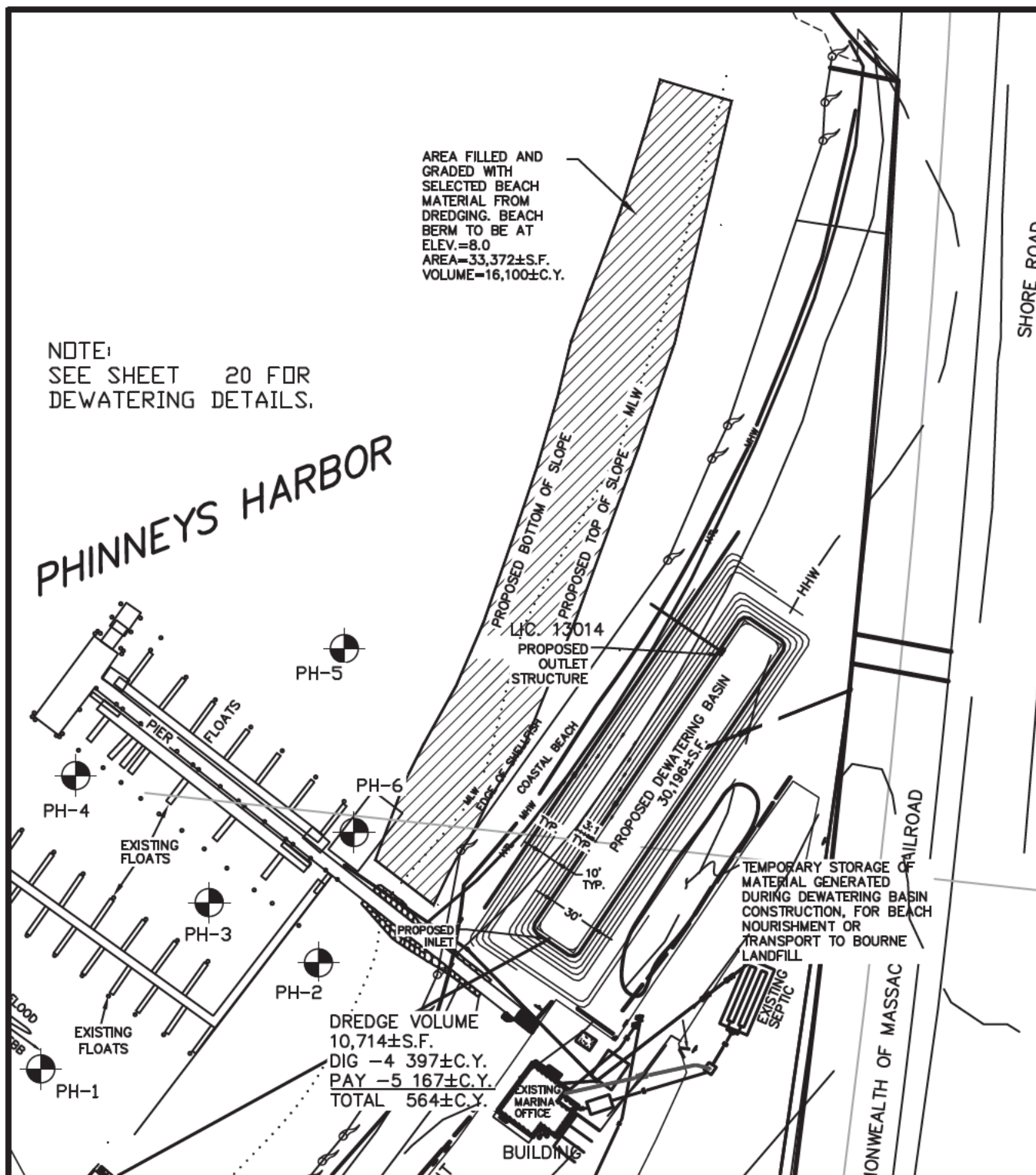
NOT TO SCALE

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 17 OF 25



**PHINNEYS HARBOR DEWATERING
BASIN AND BEACH NOURISHMENT**

SCALE: 1"=100'

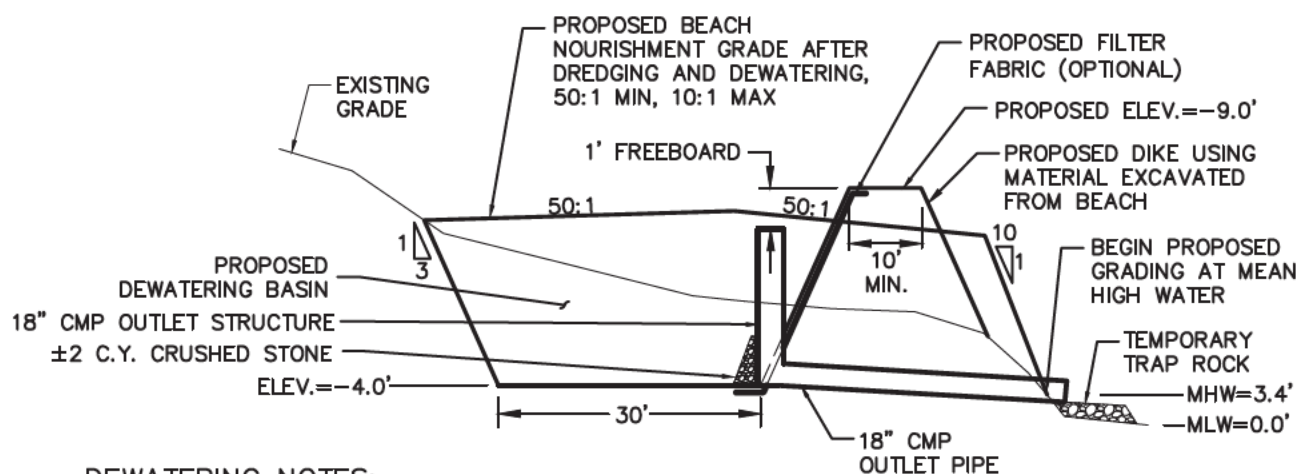
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 18 OF 25

NOTE:
SEE SHEET 1 FOR PLAN
VIEW



DEWATERING NOTES:

1. DEWATERING BASIN TO BE FORMED USING ON SITE SOILS. AFTER DEWATERING, ALL NON-COMPATIBLE SOILS SHALL BE REMOVED FROM THE SITE.
2. ALL SLOPES TO BE 3:1 IN THE DEWATERING BASIN.

3. AREAS DISTURBED BY THE DEWATERING BASIN ARE TO BE RESTORED TO THEIR PRE-CONSTRUCTION CONDITION WHEN DREDGING ACTIVITIES ARE COMPLETED.
4. INSTALL 3/4" TO 1-1/2" CRUSHED STONE AROUND STANDPIPE FOR STABILITY AS REQUIRED.

SECTION EE: DEWATERING BASIN

NOT TO SCALE

NOTE

THE DEWATERING BASIN SHALL BE EXCAVATED SO THE DREDGE SPOILS DO NOT EXTEND ABOVE THE RIM OF THE OUTLET CONTROL STRUCTURE. SUITABLE MATERIAL THAT IS EXCAVATED FROM THE BASIN SHALL BE SPREAD ON THE BEACH AND UNSUITABLE MATERIAL DISPOSED OF AS REQUIRED.

PHINNEYS HARBOR DEWATERING AND NOURISHMENT DETAILS

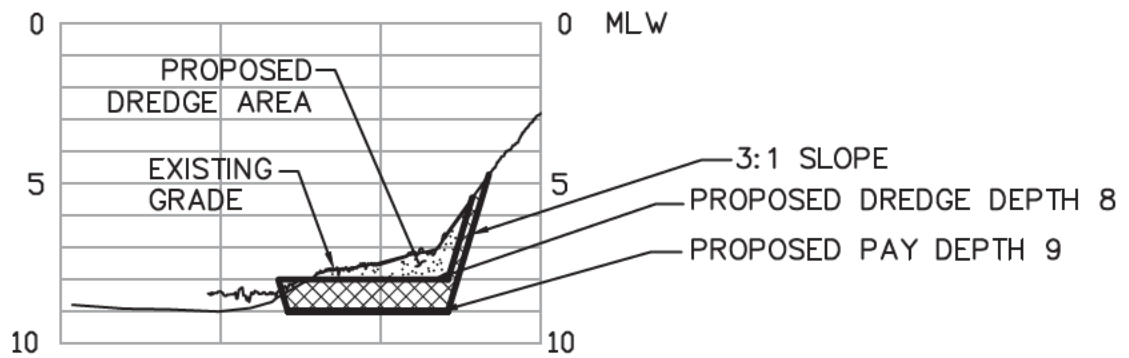
$$\begin{aligned}\text{MLW} &= 0.0' \\ \text{MHW} &= 3.4' \\ \text{HTL} &= 4.3'\end{aligned}$$

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

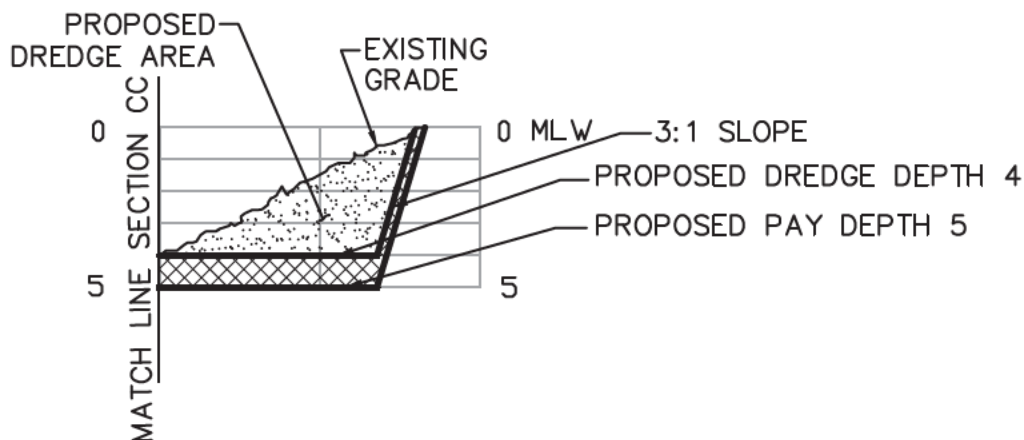
TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 19 OF 25



SECTION AA
SCALE: 1"=60' HORIZONTAL
1"=6' VERTICAL
(SEE SHEET 1)



SECTION BB
SCALE: 1"=60' HORIZONTAL
1"=6' VERTICAL
(SEE SHEET 1)

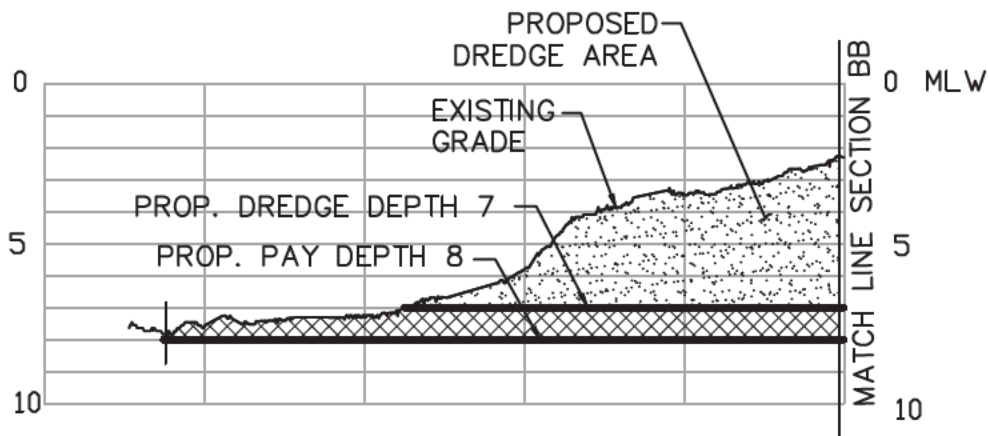
PHINNEYS HARBOR CROSS SECTIONS

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

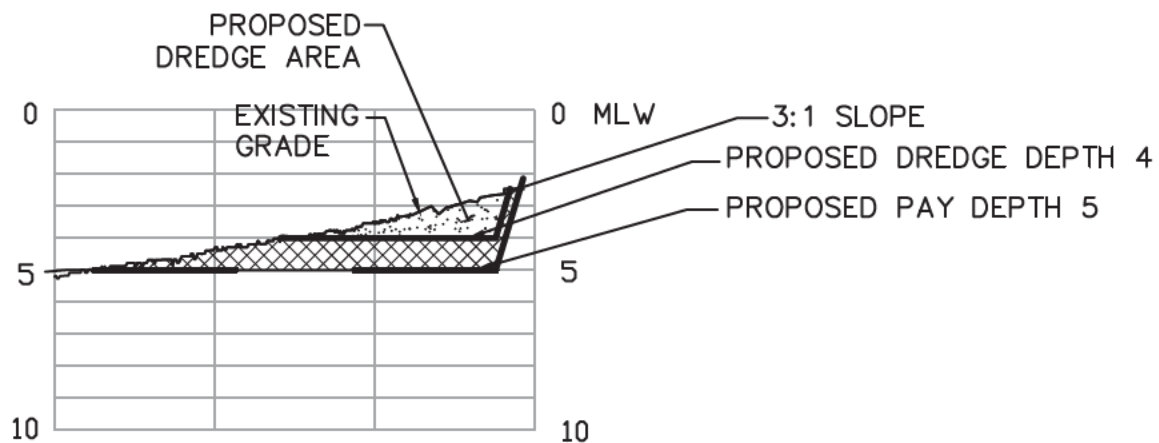
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 20 OF 25



SECTION CC
 SCALE: 1"=60' HORIZONTAL
 1"=6' VERTICAL
 (SEE SHEET 1)



SECTION DD
 SCALE: 1"=60' HORIZONTAL
 1"=6' VERTICAL
 (SEE SHEET 1)

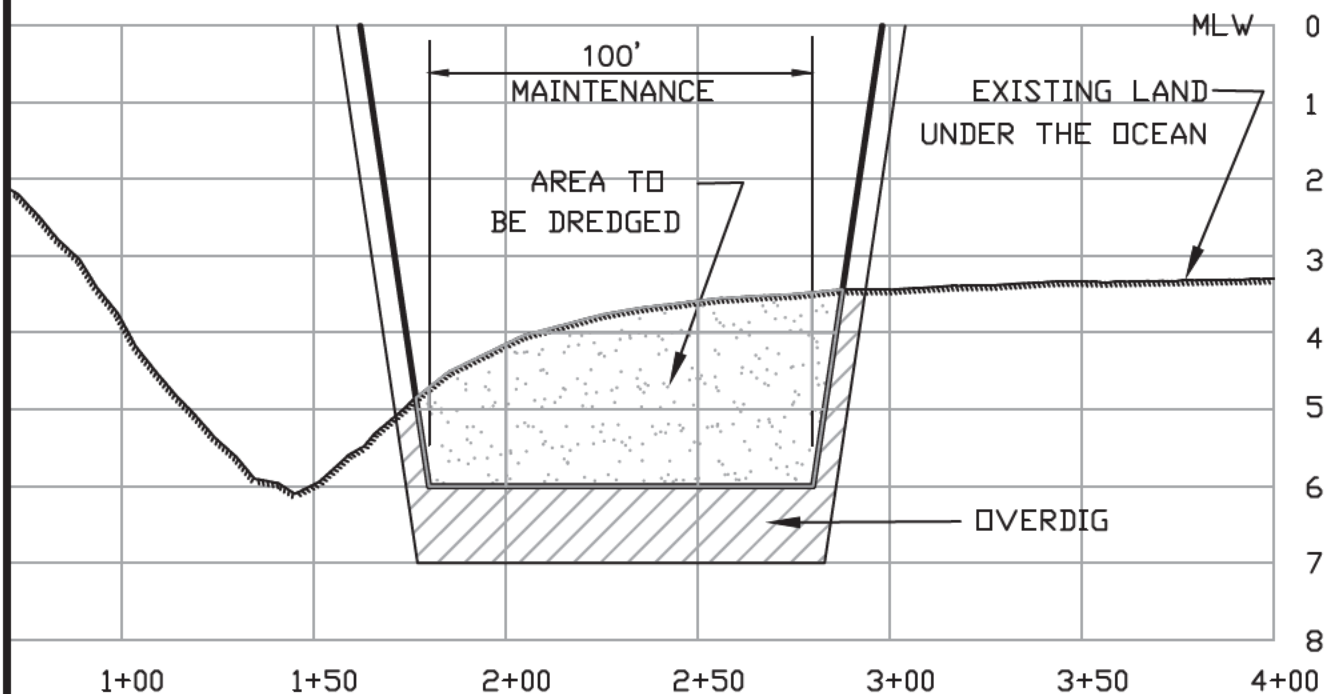
PHINNEYS HARBOR CROSS SECTIONS

MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE II
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 21 OF 25



SECTION F-F
LITTLE BAY
MAINTENANCE DREDGE TYP.

SCALE: 1"=50' H 1"=2.5'V

(SEE SHEET 9)

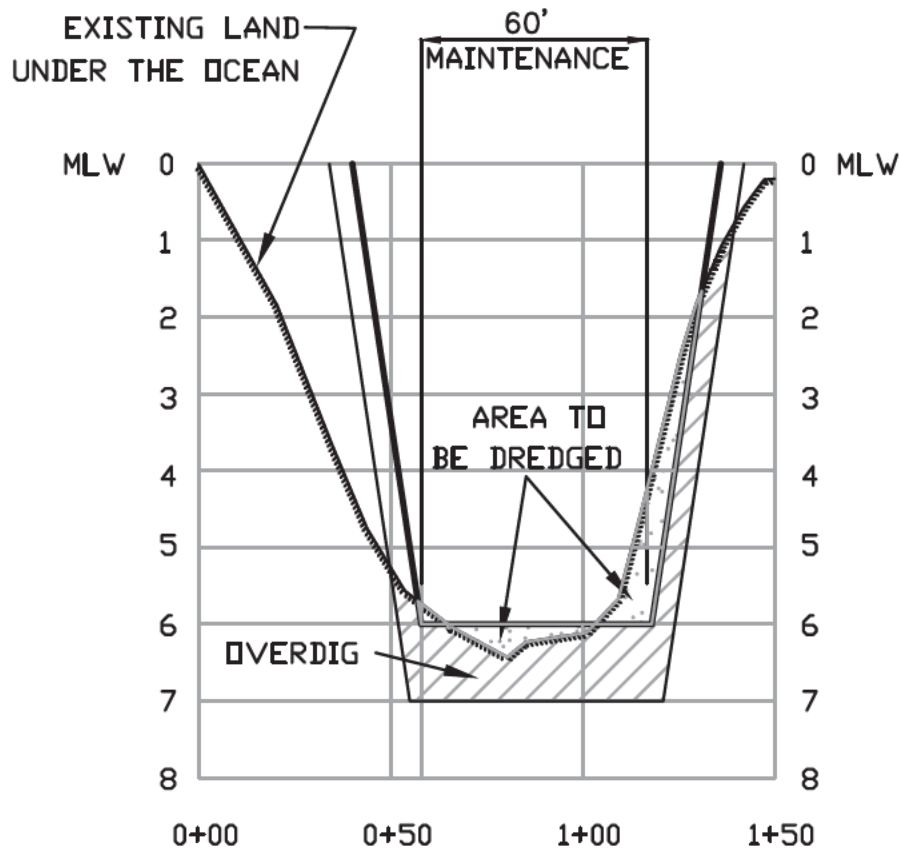
**LITTLE BAY
CROSS SECTION**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 22 OF 25



SECTION GG
POCASSET RIVER
MAINTENANCE DREDGE TYP.
SCALE: 1"=50' H
1"=2.5' V
(SEE SHEET 26)

**POCASSET RIVER
CROSS SECTION**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 23 OF 24

PT NORTHING EASTING

261 2722393.158 897554.4015
262 2722484.406 897438.6554
263 2722359.253 897368.2233
264 2722440.690 897220.4671
265 2722190.289 897201.8705
266 2722131.056 897233.0343
267 2722284.380 897061.5036
268 2722247.159 897028.1175
269 2722026.387 897274.2458
270 2722008.481 897228.5669
271 2721959.863 897181.8994
272 2721952.577 897188.7674
273 2721878.136 897117.3119
274 2721724.631 897060.1594
275 2721714.309 897088.2215
276 2721861.906 897143.1783
277 2721931.803 897210.2722
278 2721925.377 897217.8265
279 2721962.472 897253.4336
280 2721797.647 897039.9133
281 2721772.429 897136.7131
282 2719795.969 896673.8273
283 2718762.396 896556.0665
284 2718038.005 896473.5326
285 2717793.804 896166.5295
286 2717955.816 894935.9246
287 2718054.961 894948.9773
288 2717898.489 896137.4978
289 2718090.481 896378.8644

PT NORTHING EASTING

290 2718773.716 896456.7093
291 2719813.089 896575.1309
292 2716927.098 895423.2812
293 2716764.479 895559.7309
294 2716603.057 895713.7075
295 2716401.634 895856.9867
296 2716256.852 895893.4991
297 2715800.421 896216.8886
298 2715608.845 896266.2693
299 2715410.838 896512.5539
300 2715381.912 896579.2642
301 2715386.242 896820.8792
302 2715286.258 896822.6707
303 2715284.701 896735.7749
304 2715180.959 896690.7920
305 2715268.759 896488.3034
306 2715404.789 896424.3212
307 2715574.571 896213.1426
308 2715774.748 896161.5450
309 2716222.165 895844.5419
310 2716297.298 895710.3103
311 2716498.721 895567.0311
312 2716725.912 895513.7677
313 2716888.532 895377.3179
314 2711959.522 892509.4734
315 2712997.859 893371.6579
410 2716190.5432 895866.9466
411 2716099.2642 895823.5257
412 2715987.8007 895691.8932
413 2715894.9837 895731.9340
414 2716007.5057 895996.6320
415 2716812.1021 895519.7712
416 2716702.5996 895693.2338
417 2716516.4117 895775.3413

**DREDGE AREA
COORDINATES**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE II
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 24 OF 24

POCASSET HARBOR
BARLOWS LANDING
-RED BROOK HARBOR
HEN COVE
HOSPITAL COVE

BARLOWS
LANDING

POCASSET
HARBOR

PATUISSET

$\Rightarrow HEN \quad C(VE)$

BASSETT ISLAND

BUZZARDS BAY
HYDROGRAPHIC PLANS, 1-33

NOURISHMENT AREAS,,,,,18,
23-25,34-36,38,39

CHANNEL SECTIONS.....40-41,43,44

DEWATERING
DETAILS,,,6,34-37,42,44,45

DREDGE AREA COORDINATES,,46-47

SCRAGGY NECK

302	DREDGE AREA
	COORDINATE POINT TYP.



NEW BÖRING



OLD BORING

KEY SHEET

$$\begin{aligned}\text{MLW} &= 0.0' \\ \text{MHW} &= 3.4' \\ \text{HTL} &= 4.3'\end{aligned}$$

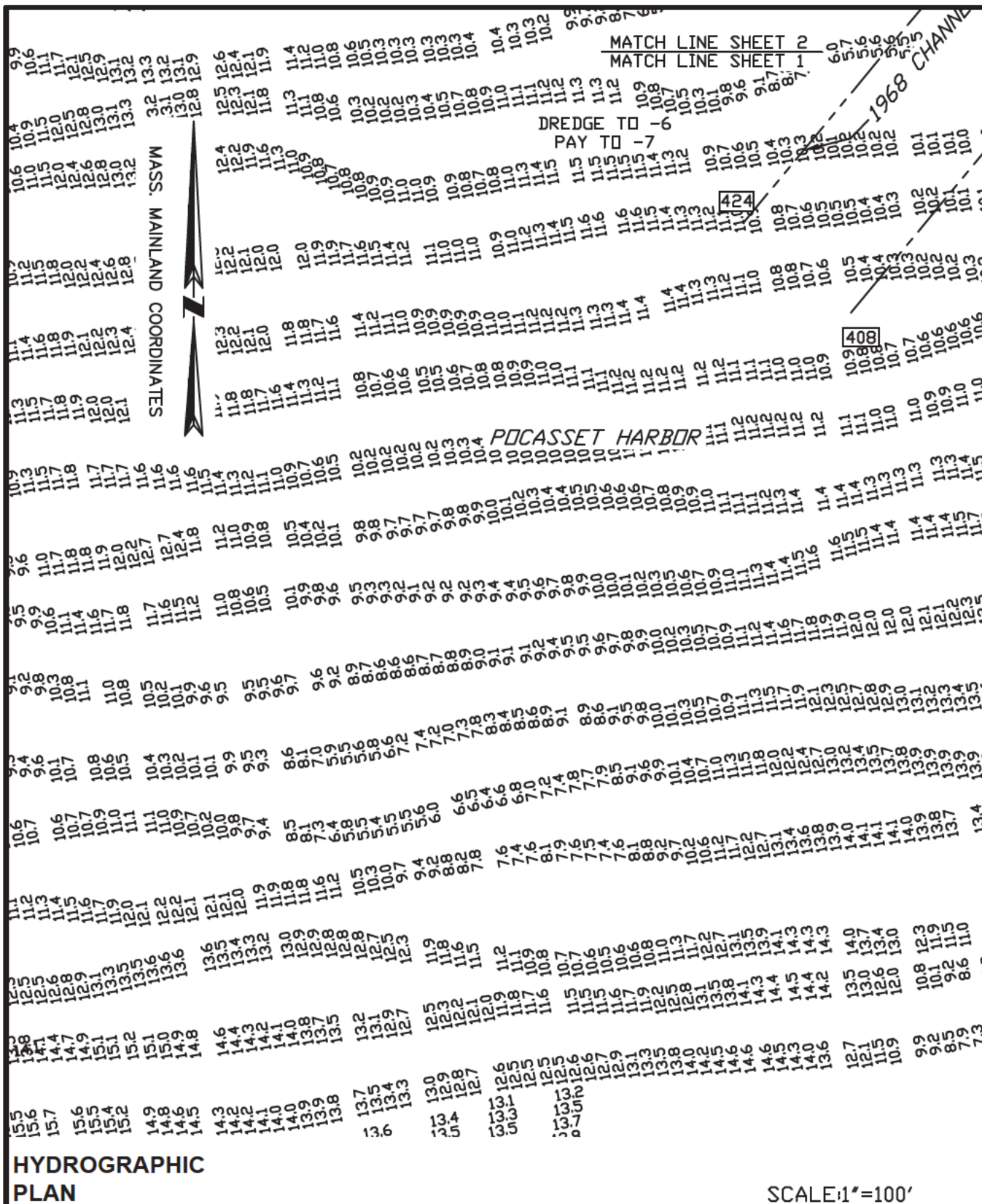
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 0 OF 47



HYDROGRAPHIC PLAN

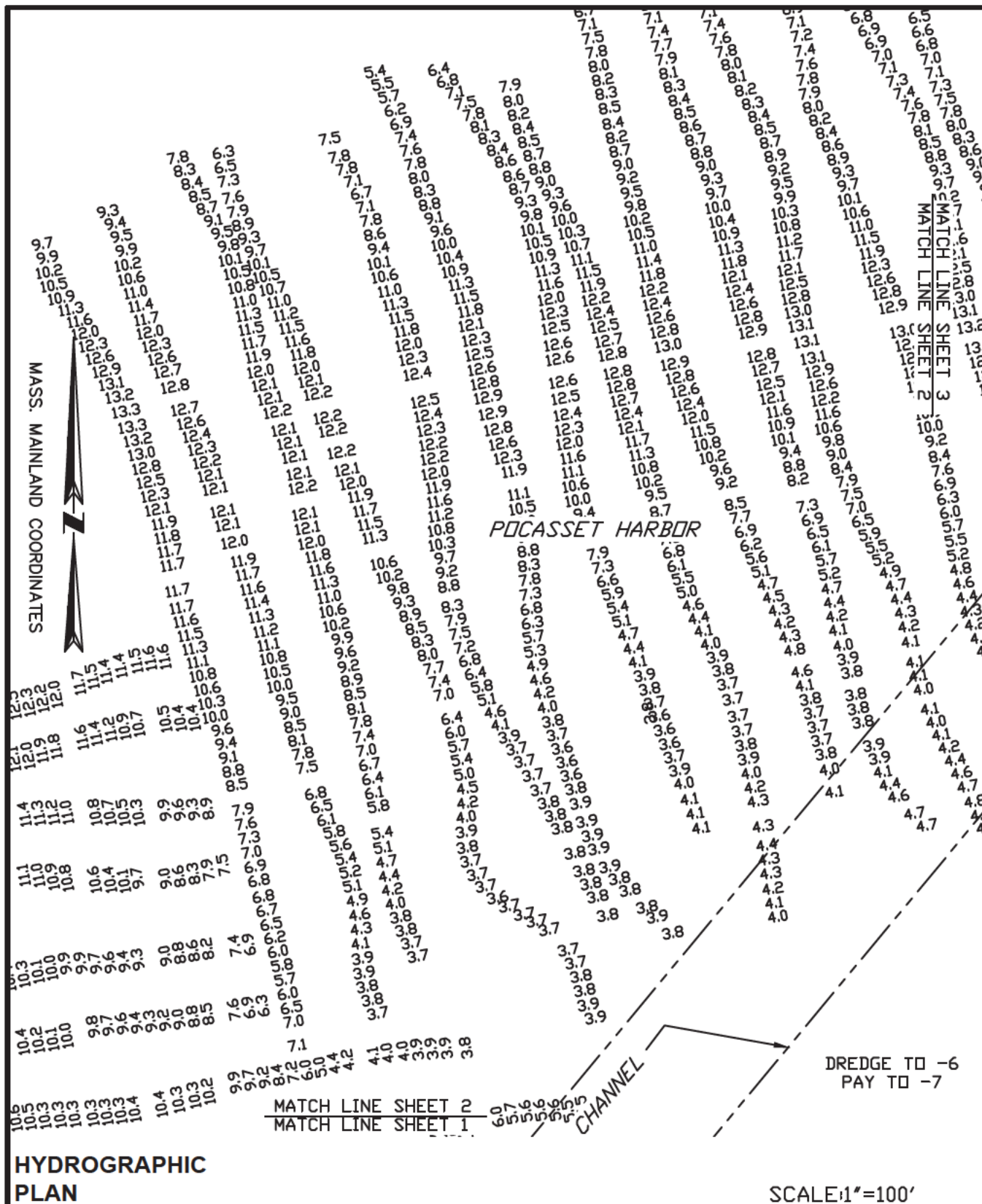
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 1 OF 47

PHASE III

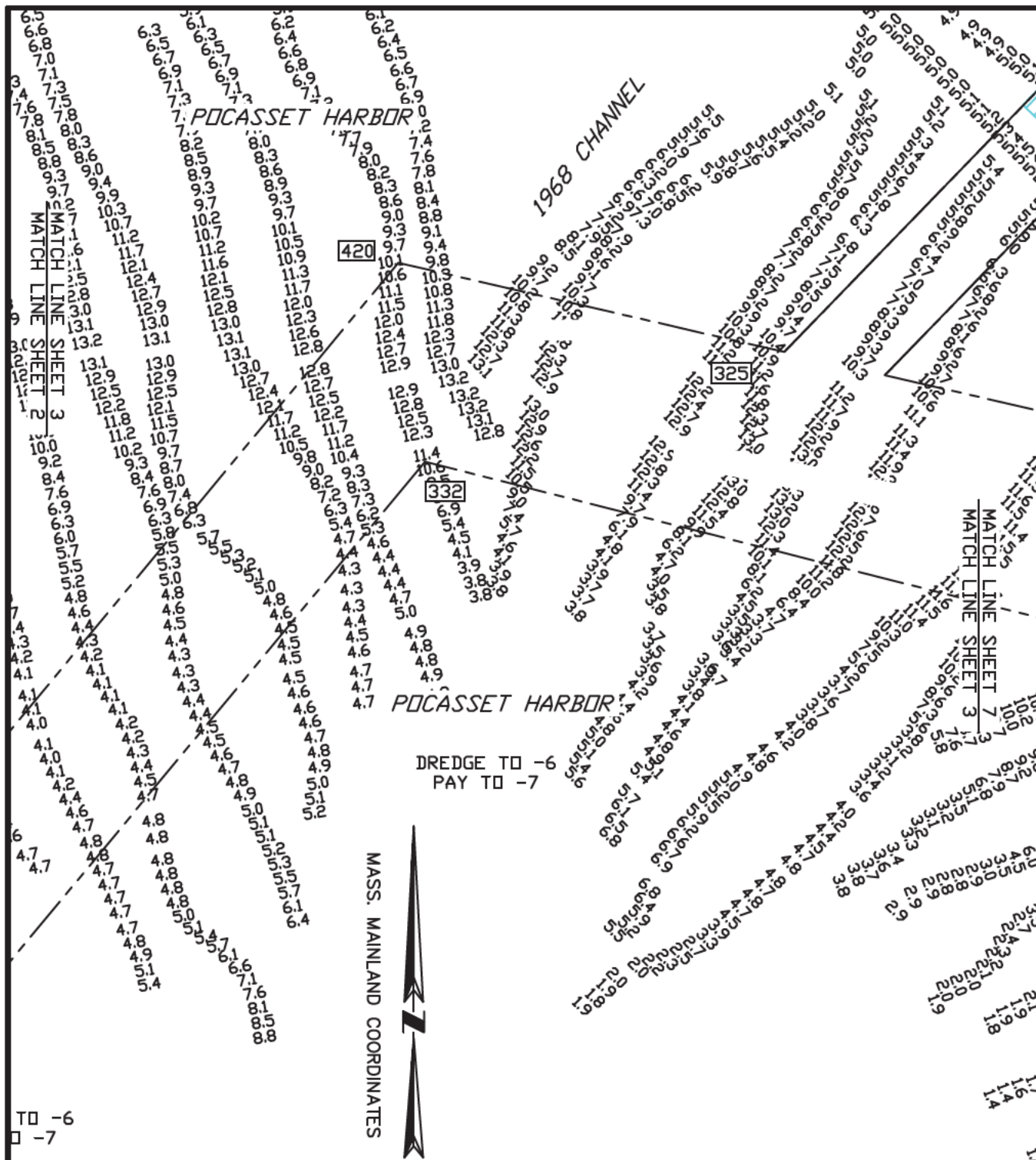


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 2 OF 47



HYDROGRAPHIC PLAN

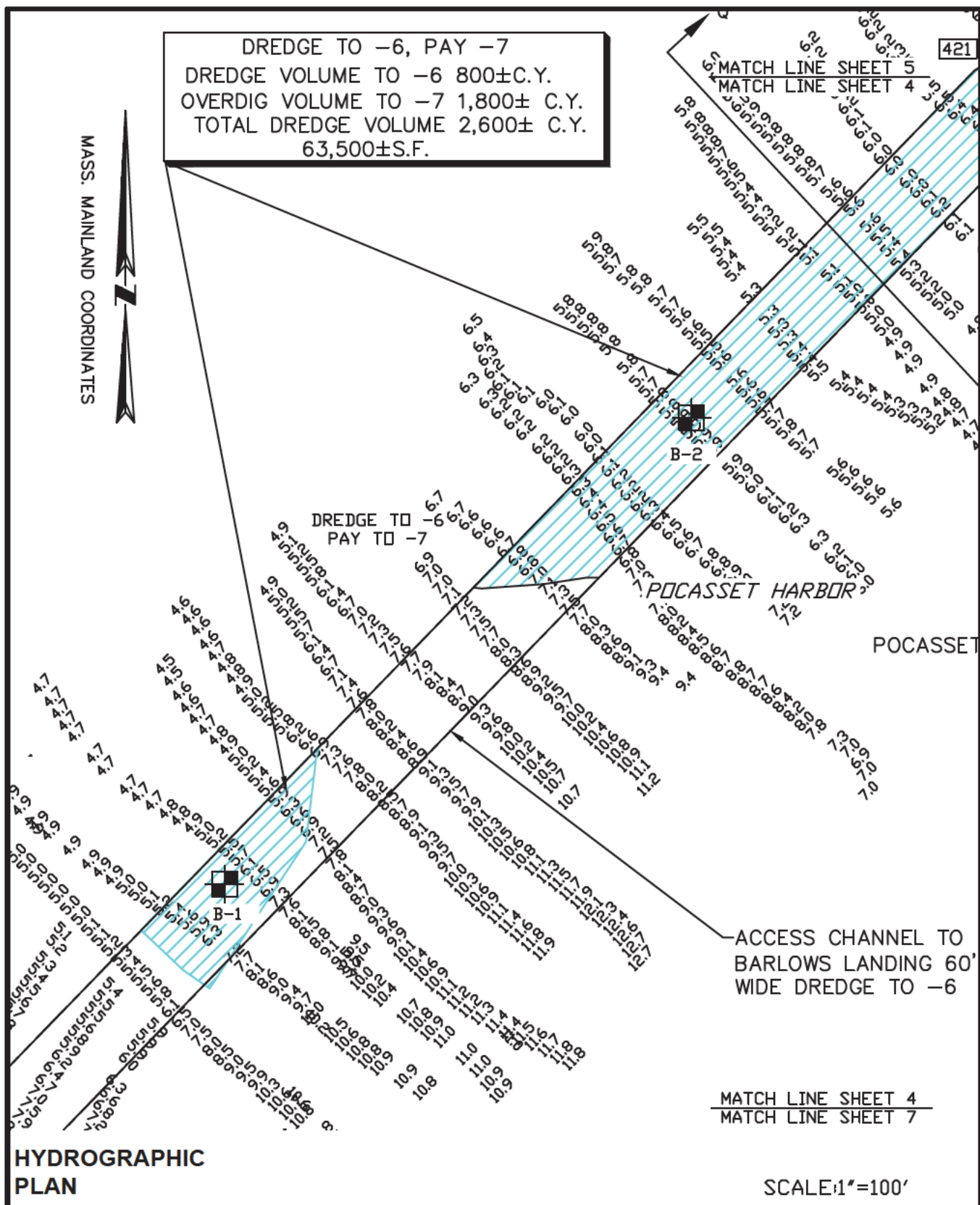
SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 3 OF 47

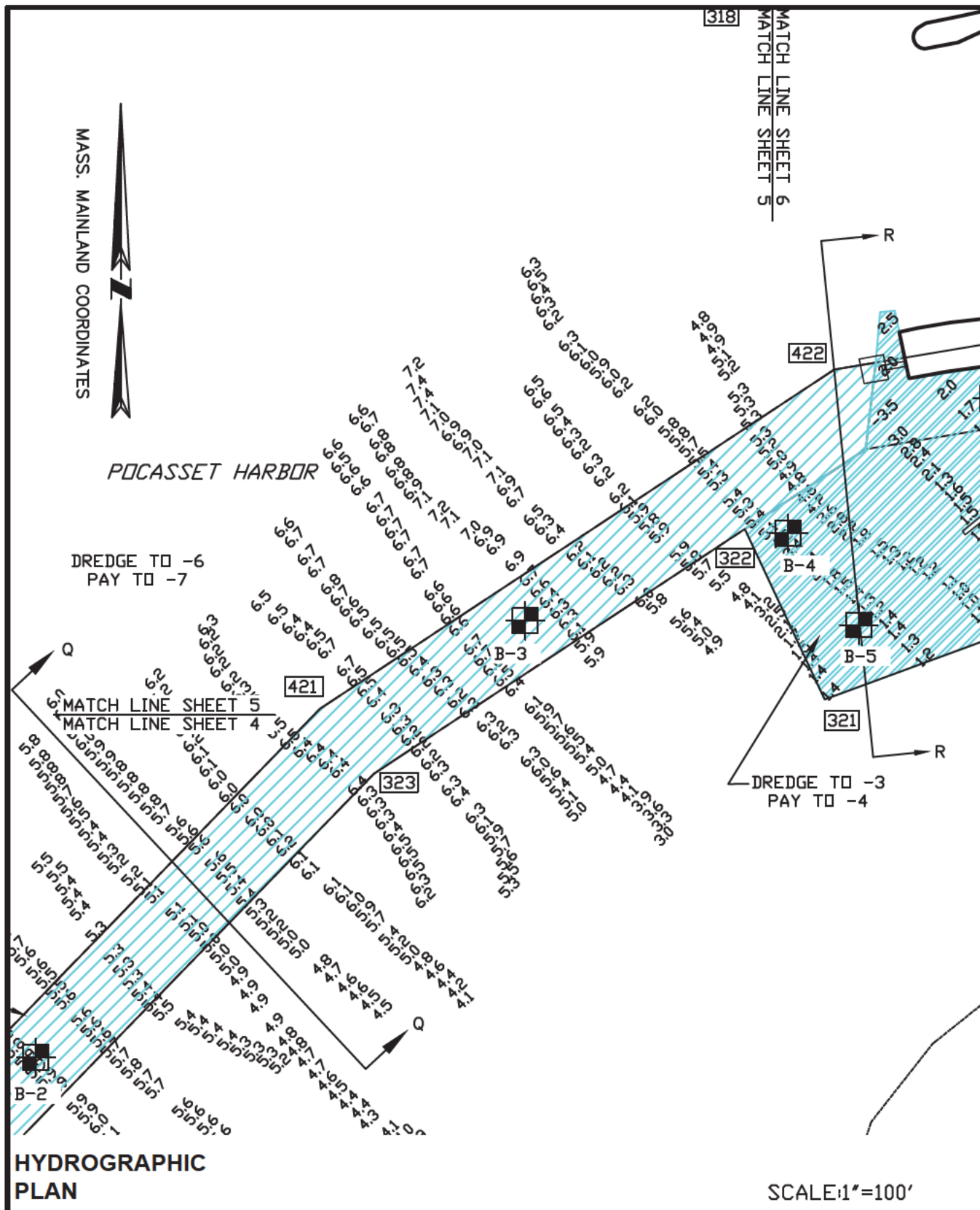


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 4 OF 47



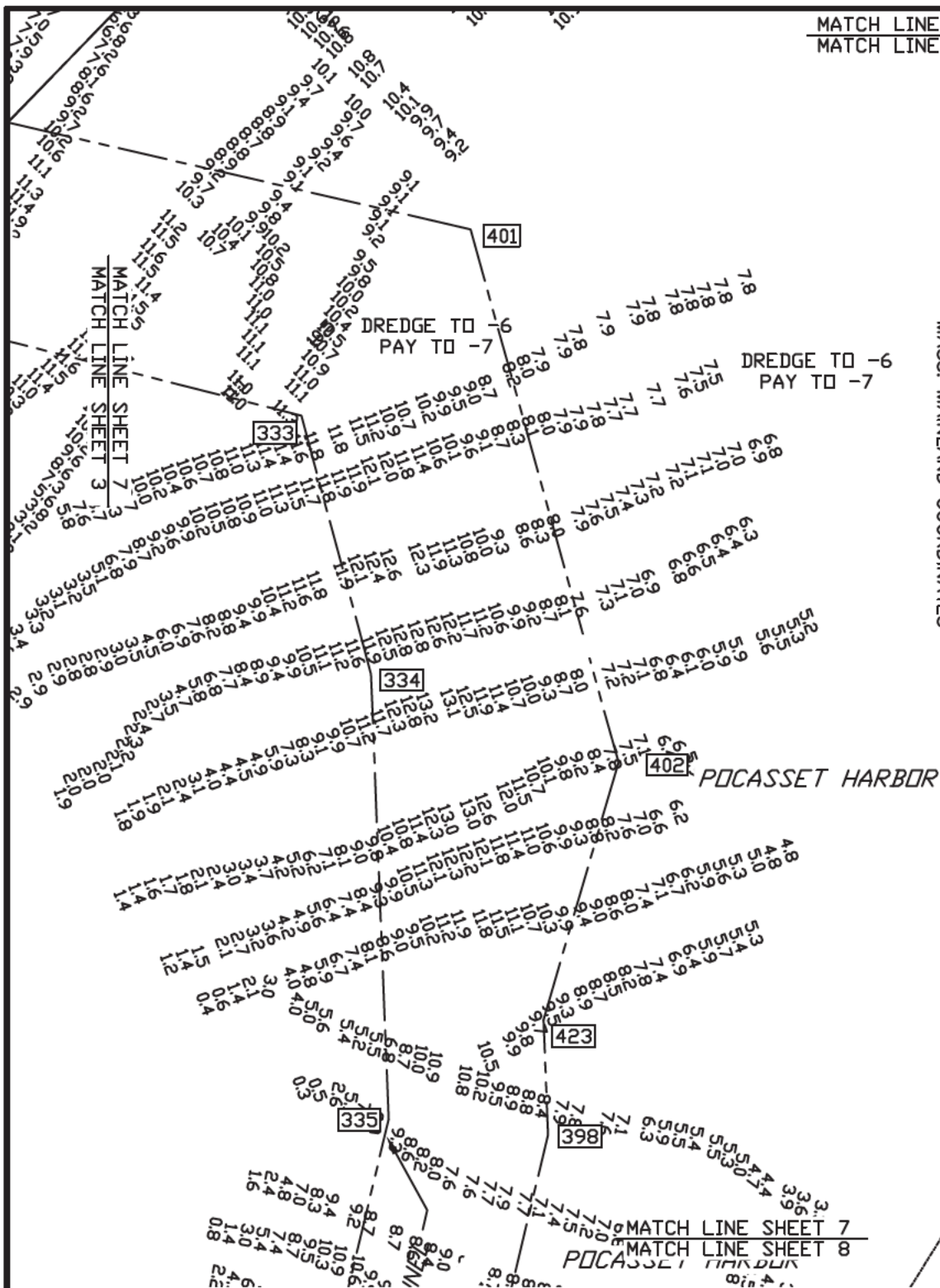
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 5 OF 47

MASS. MAINLAND COORDINATES



HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

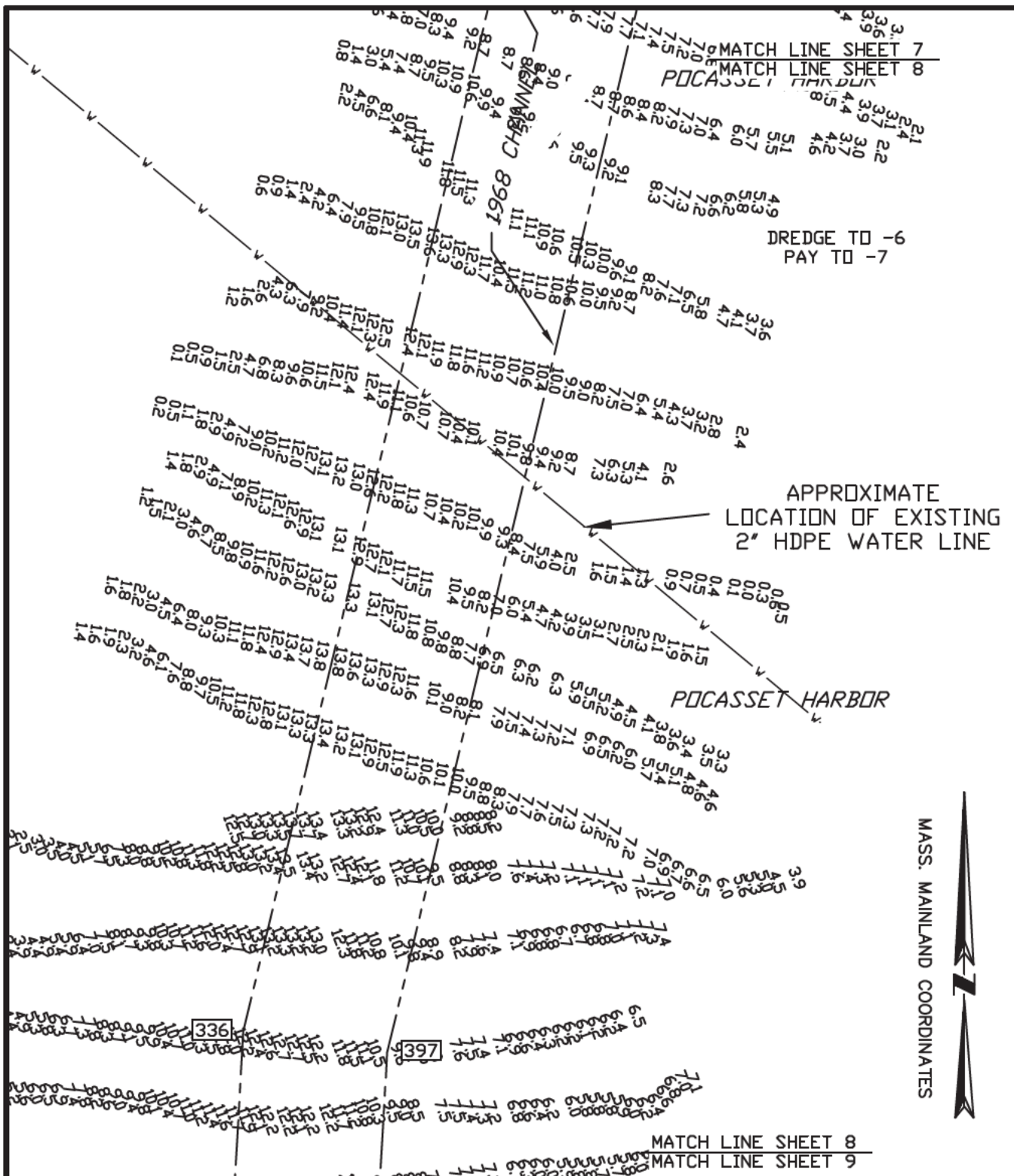
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 7 OF 47



HYDROGRAPHIC PLAN

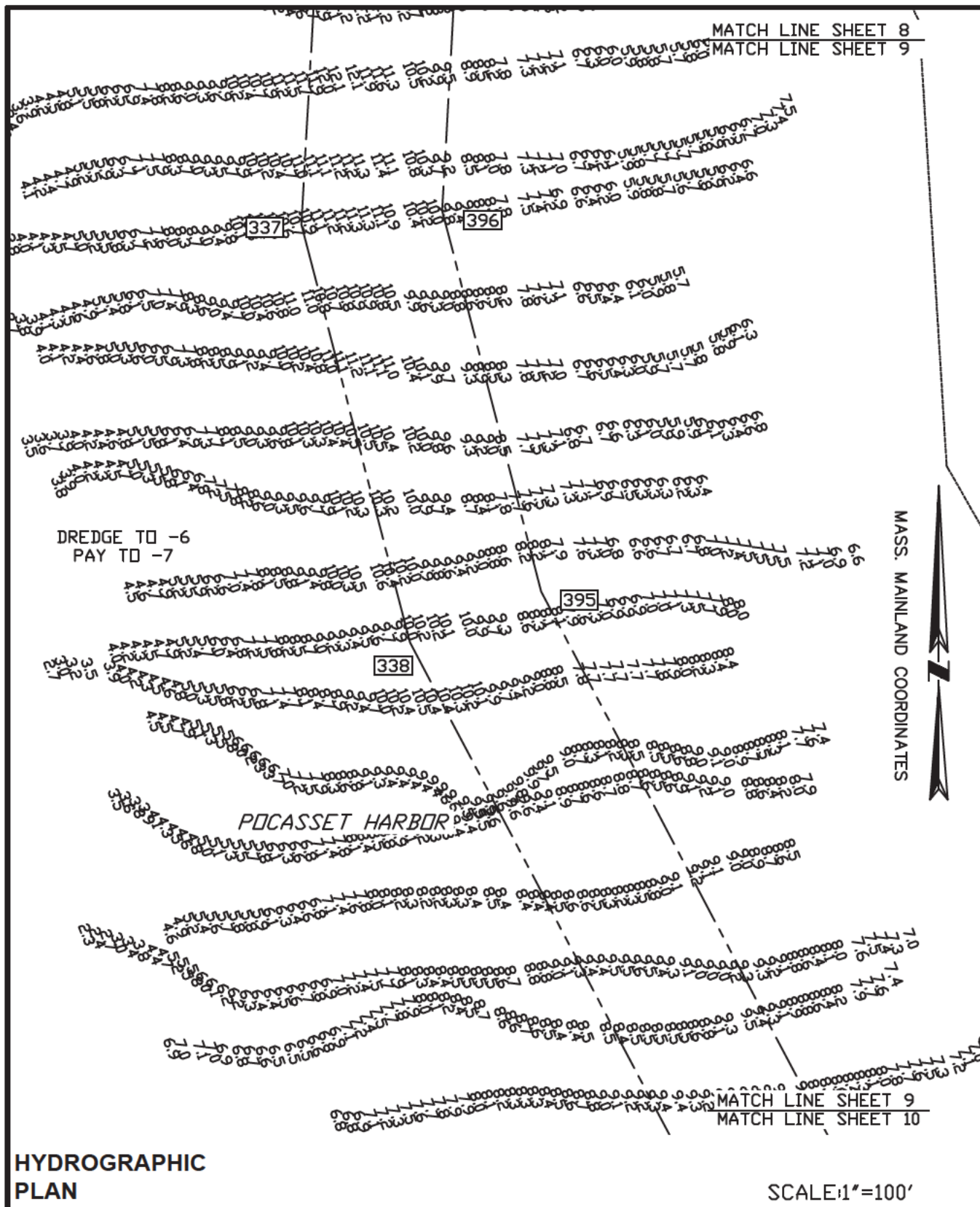
SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 8 OF 47



MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

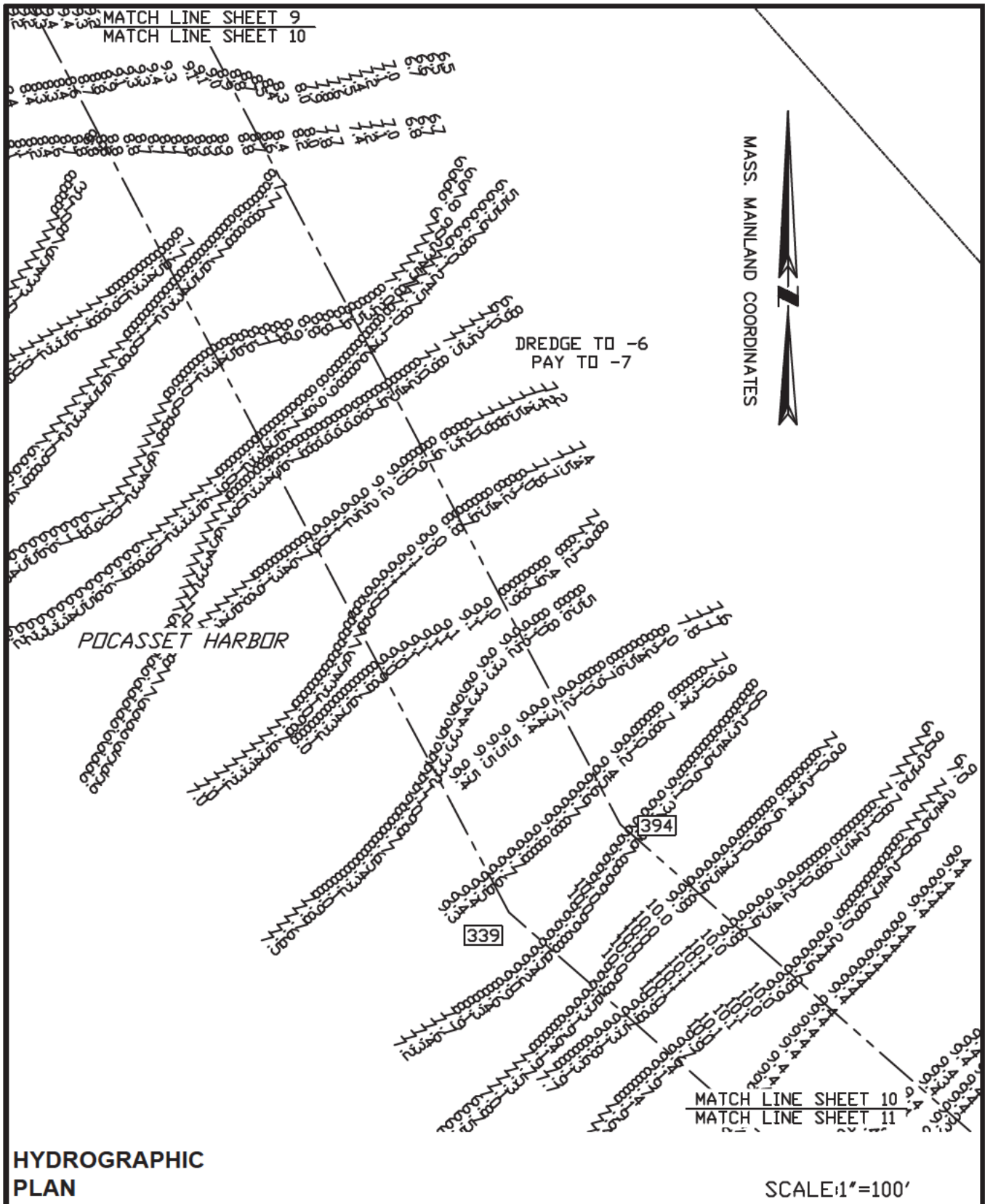
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 9 OF 47

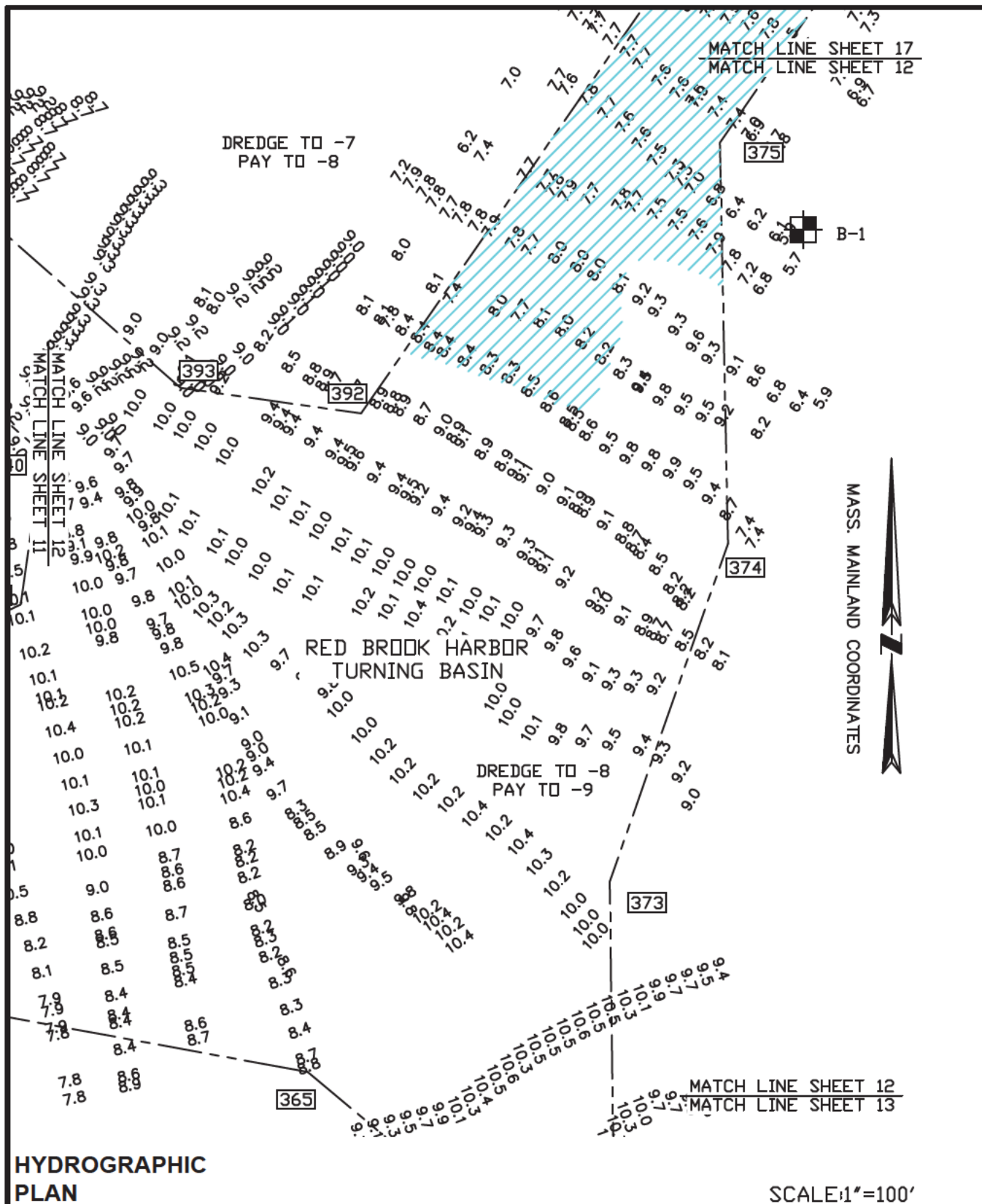


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 10 OF 47



HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

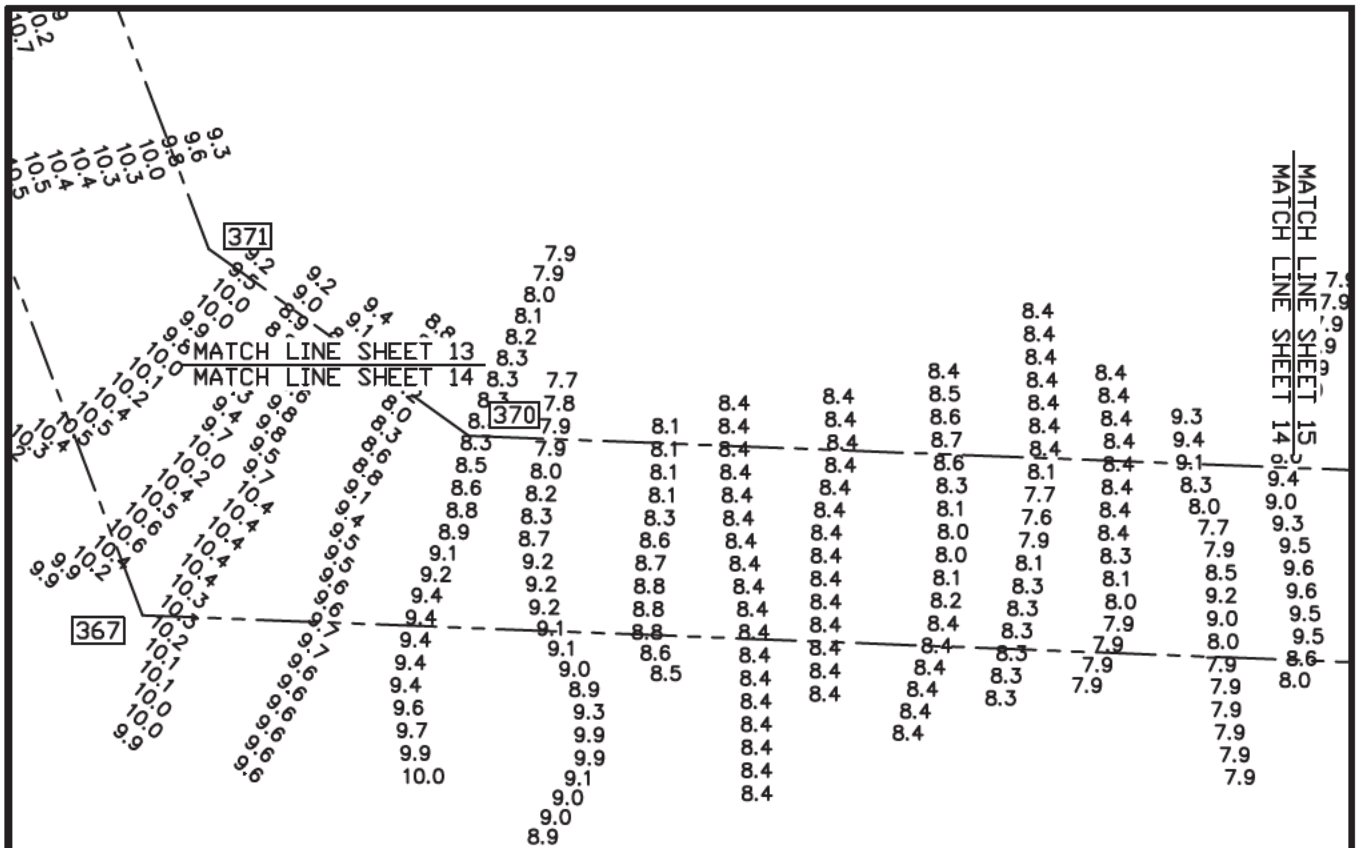
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 12 OF 47



RED BROOK HARBOR

DREDGE TO -8
PAY TO -9



HYDROGRAPHIC PLAN

SCALE: 1"=100'

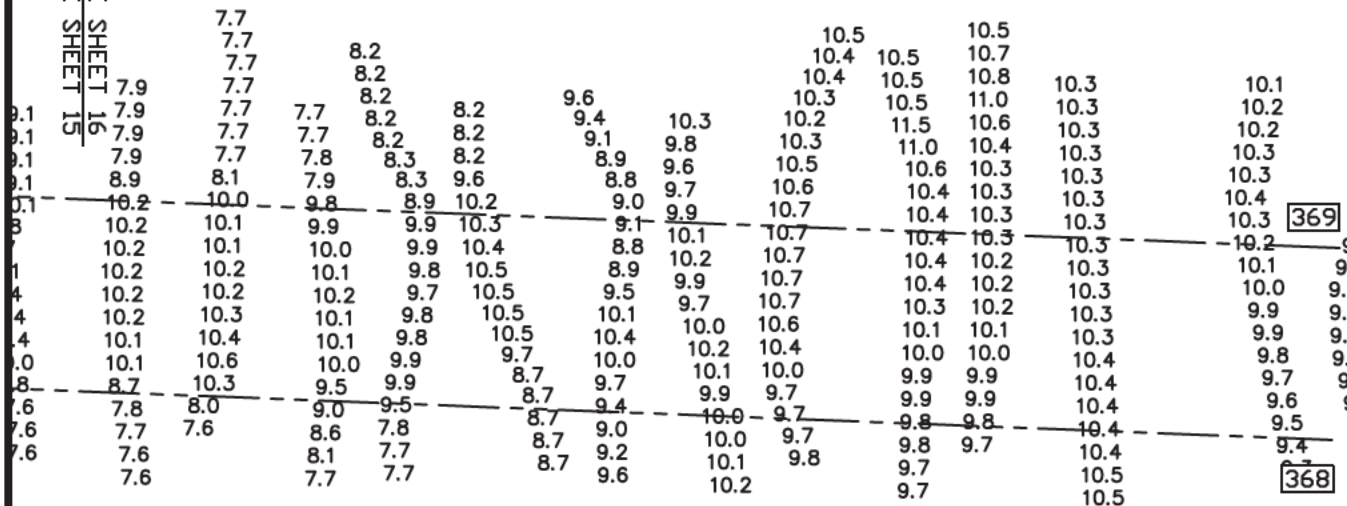
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 14 OF 47

MATCH LINE SHEET 15
MATCH LINE SHEET 16



RED BROOK HARBOR

DREDGE TO -8
PAY TO -9

MASS. MAINLAND COORDINATES



HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 16 OF 47

MATCH LINE SHEET 18
MATCH LINE SHEET 17

HYDROGRAPHIC
INFORMATION NORTH
OF CHANEL POINT
#391 DEPICTED ON
THIS SHEET IS
COMPILED FROM 2008
SURVEY DATA BY BSC

MASS. MAINLAND COORDINATES



HEN COVE

DREDGE TO -7
PAY TO -8

MATCH LINE SHEET 17
MATCH LINE SHEET 12

HYDROGRAPHIC
PLAN

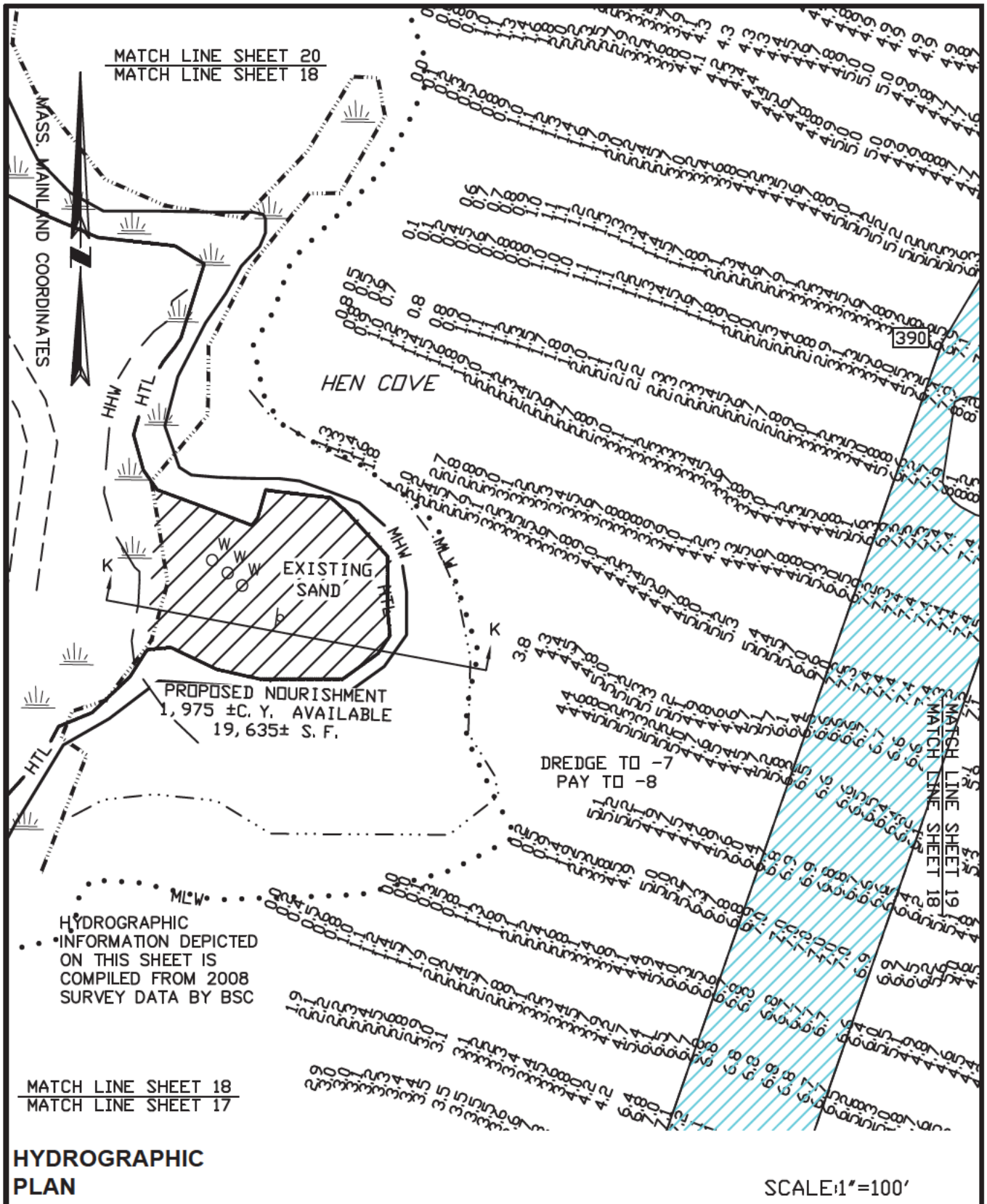
SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 17 OF 47



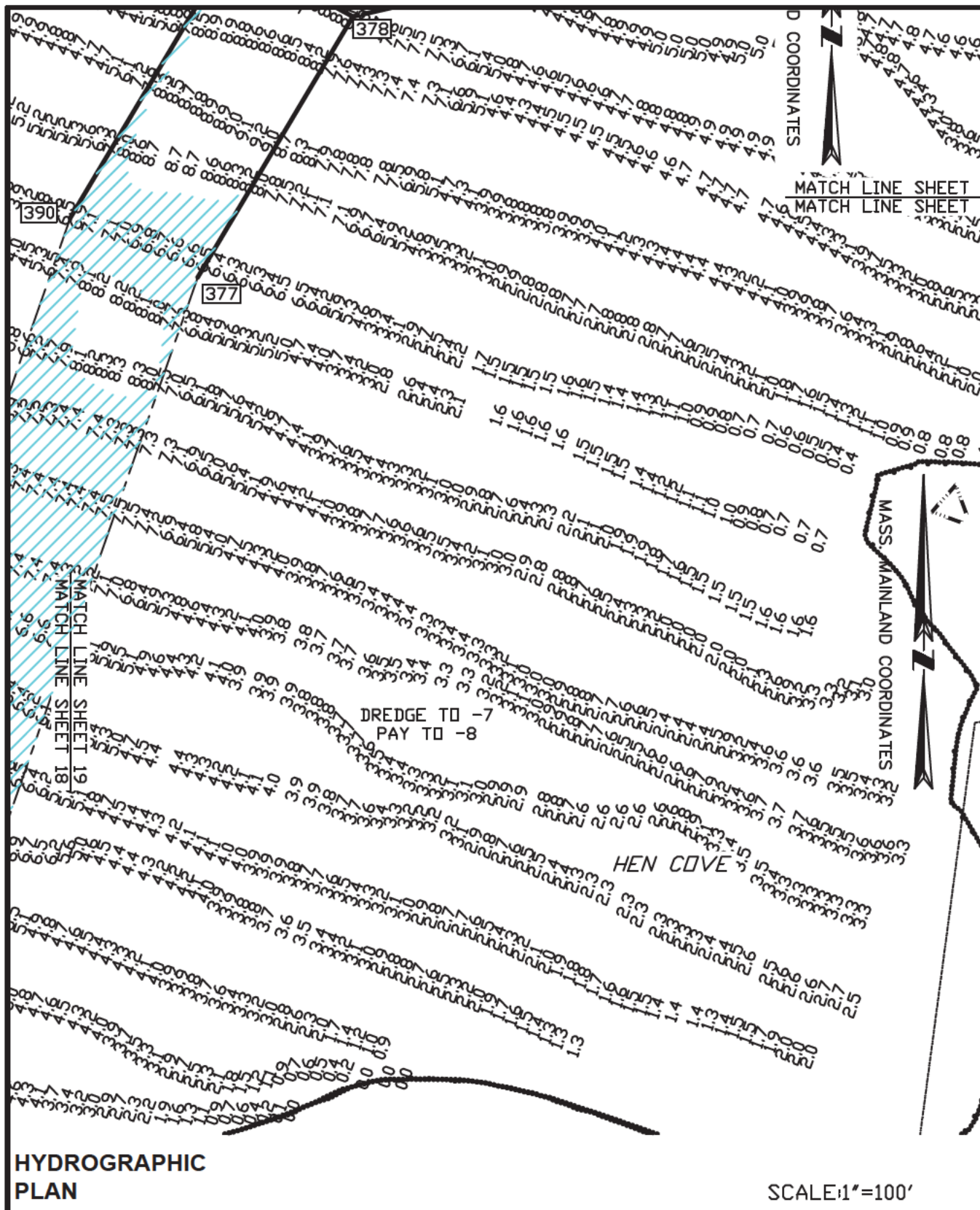
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 18 OF 47



MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

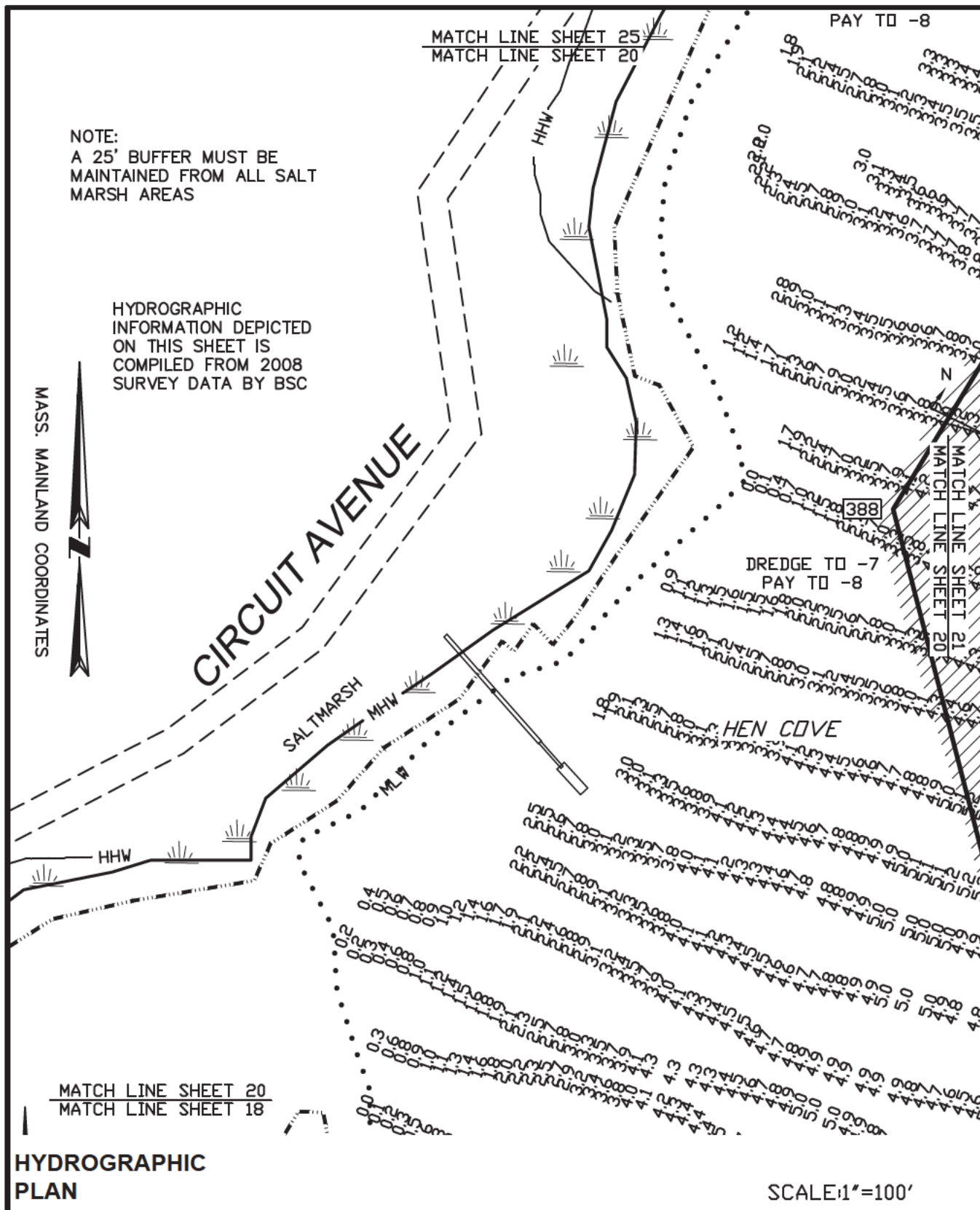
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 19 OF 47

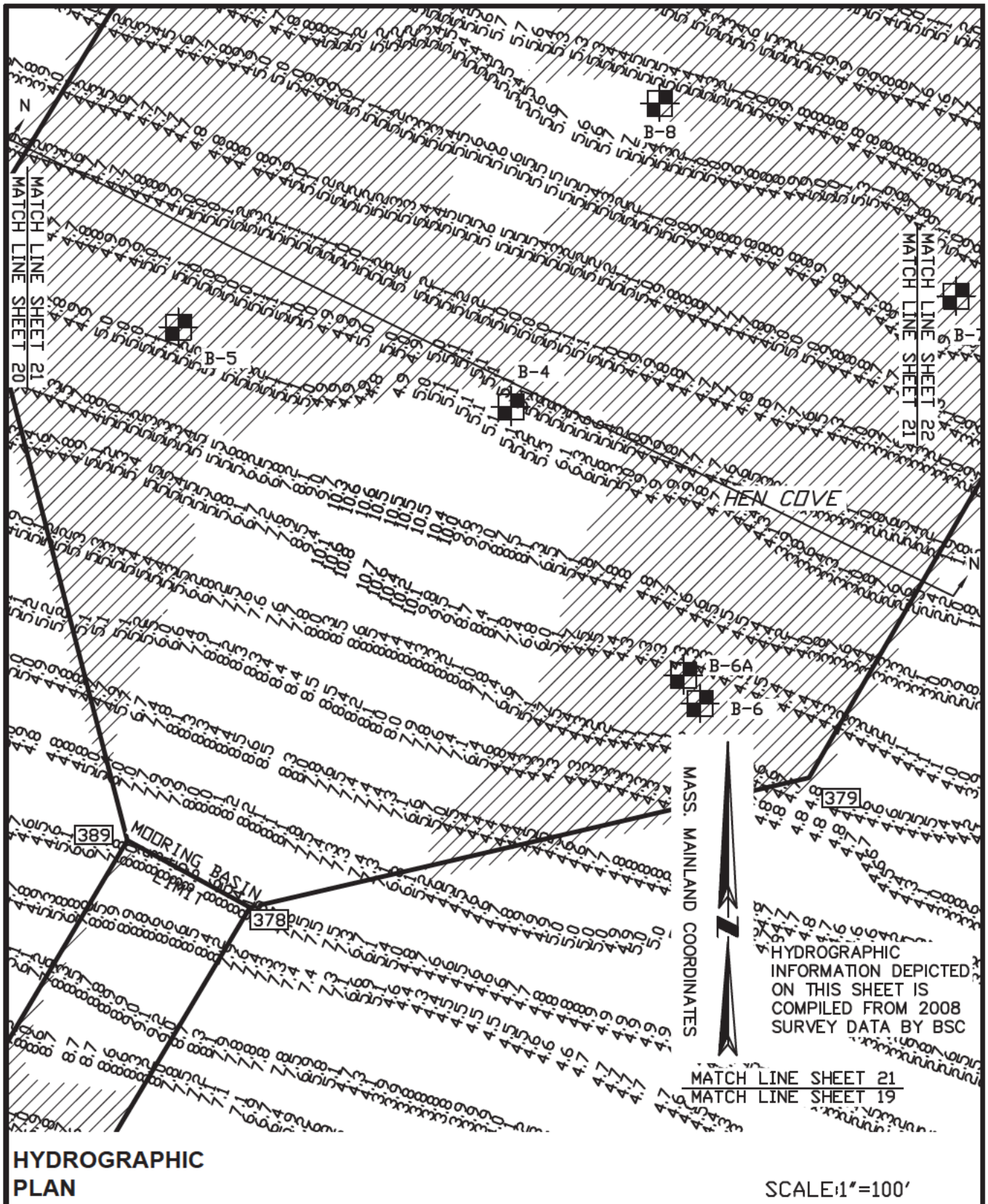


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 20 OF 47

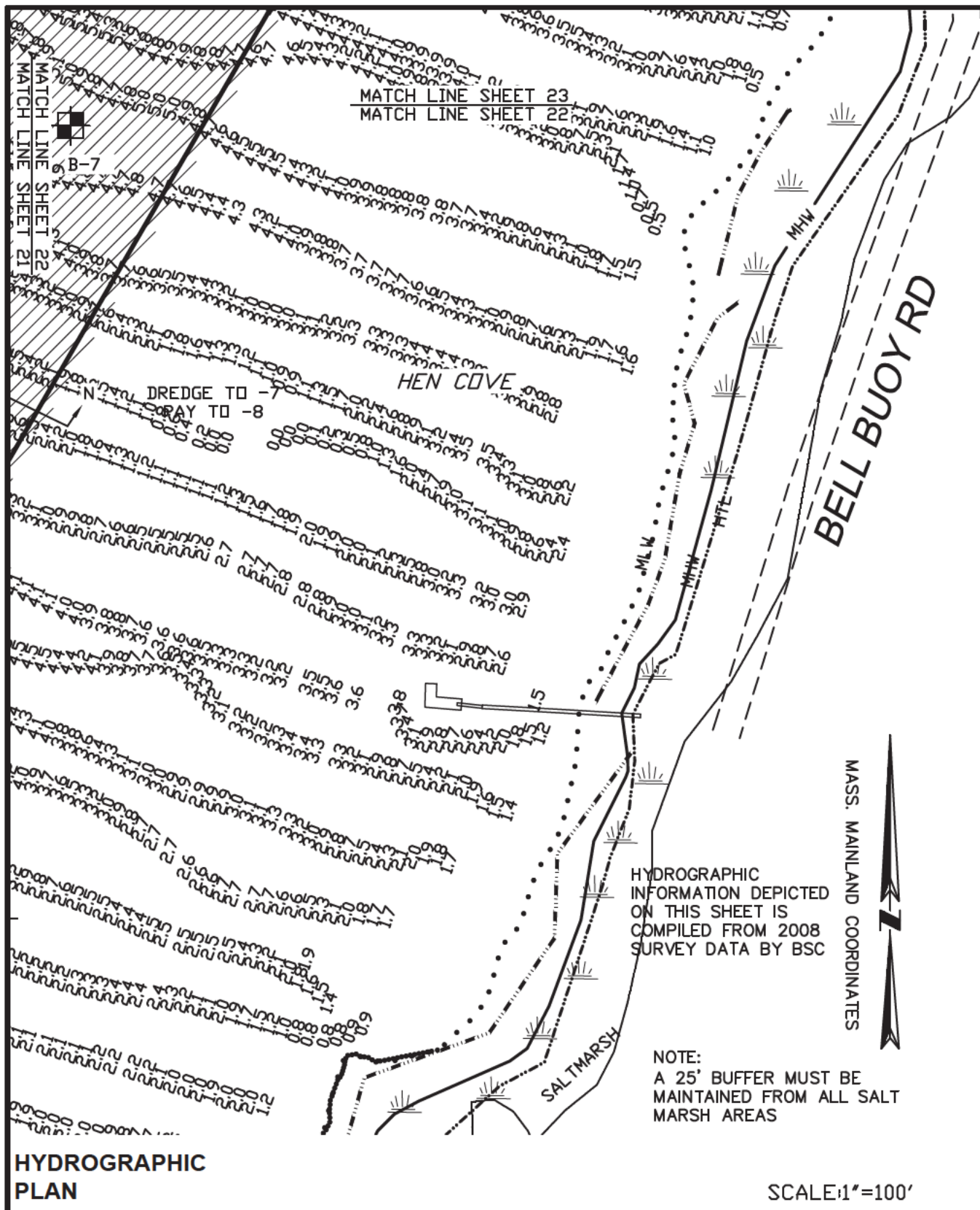


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 21 OF 47

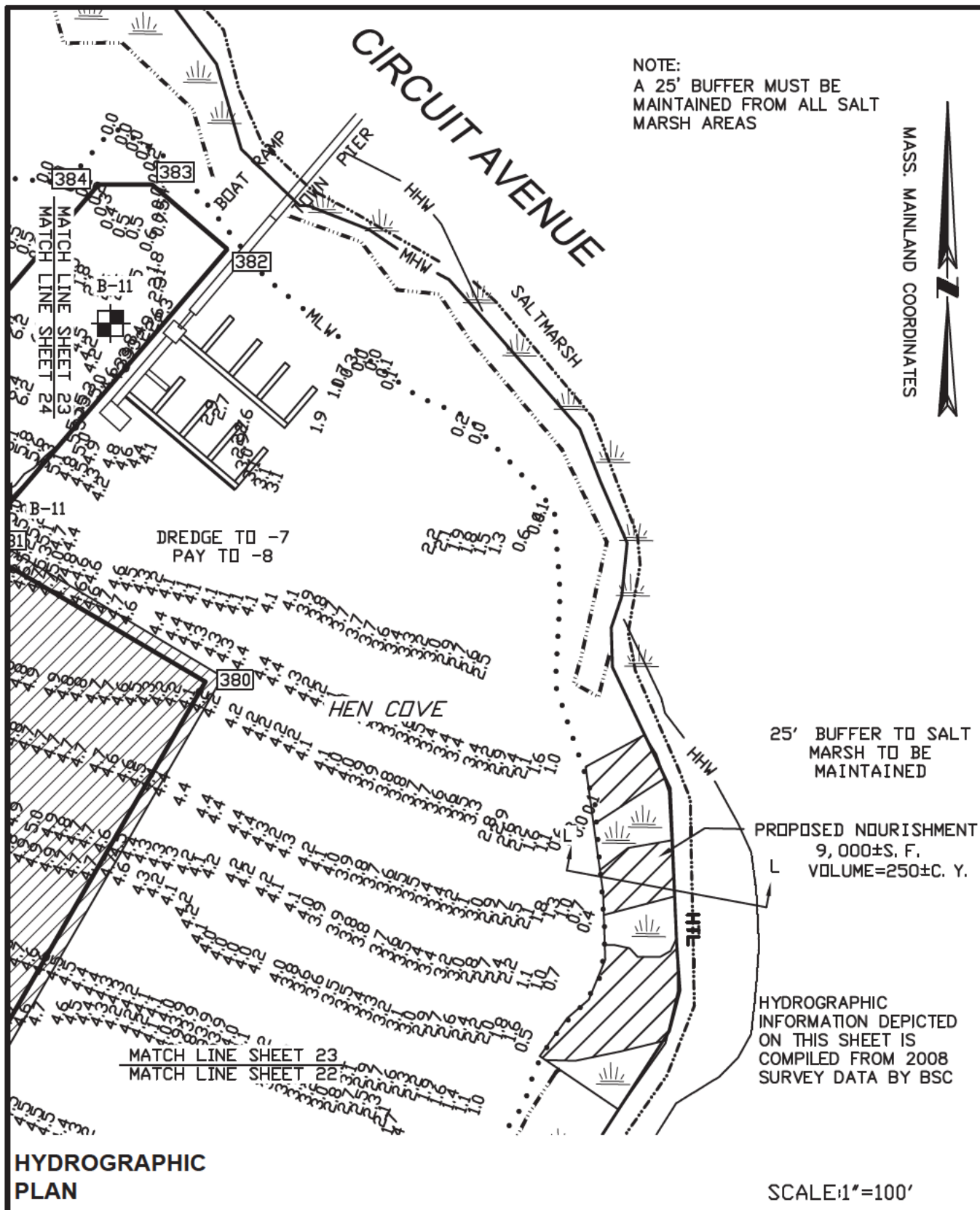


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 22 OF 47

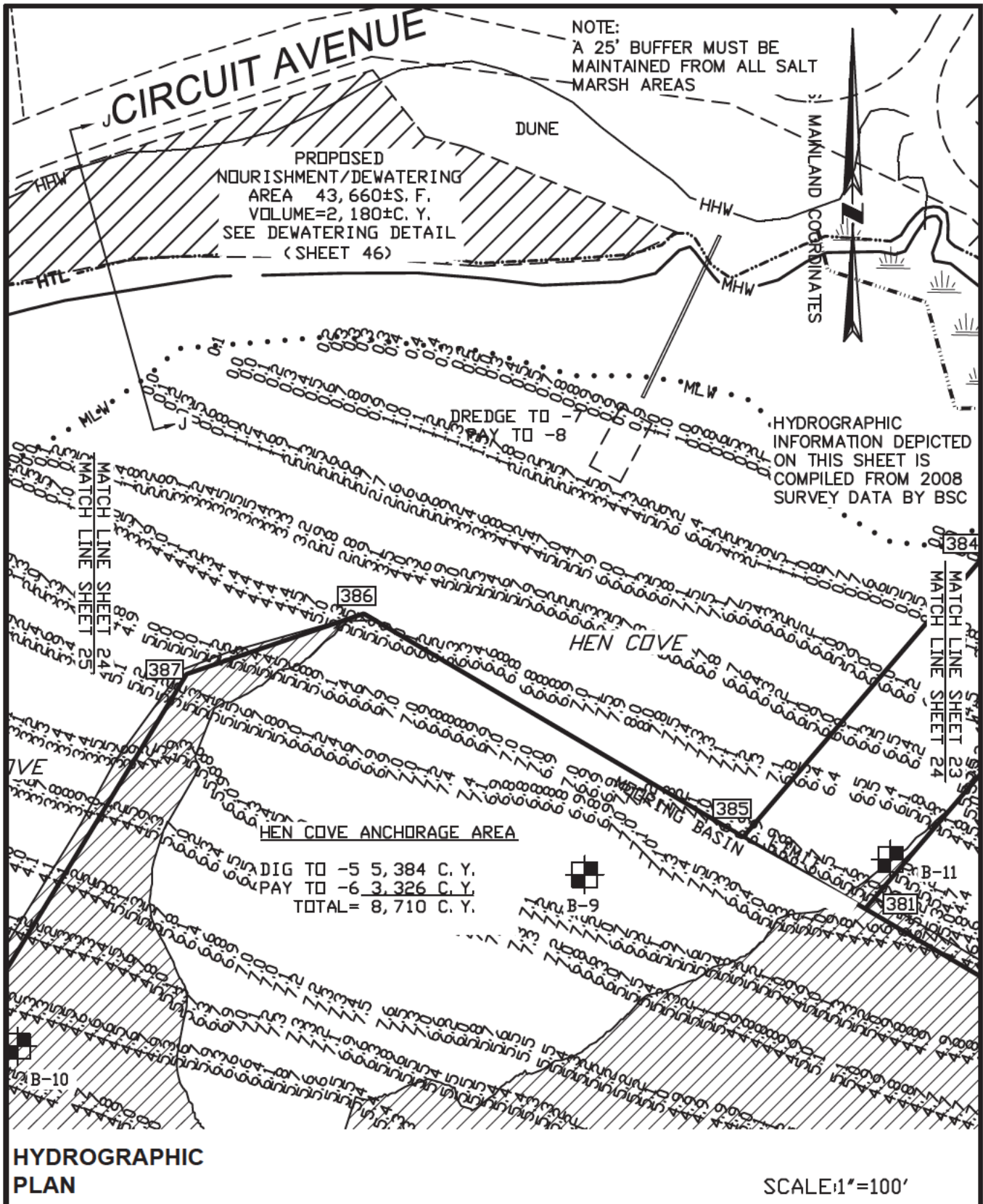


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 23 OF 47

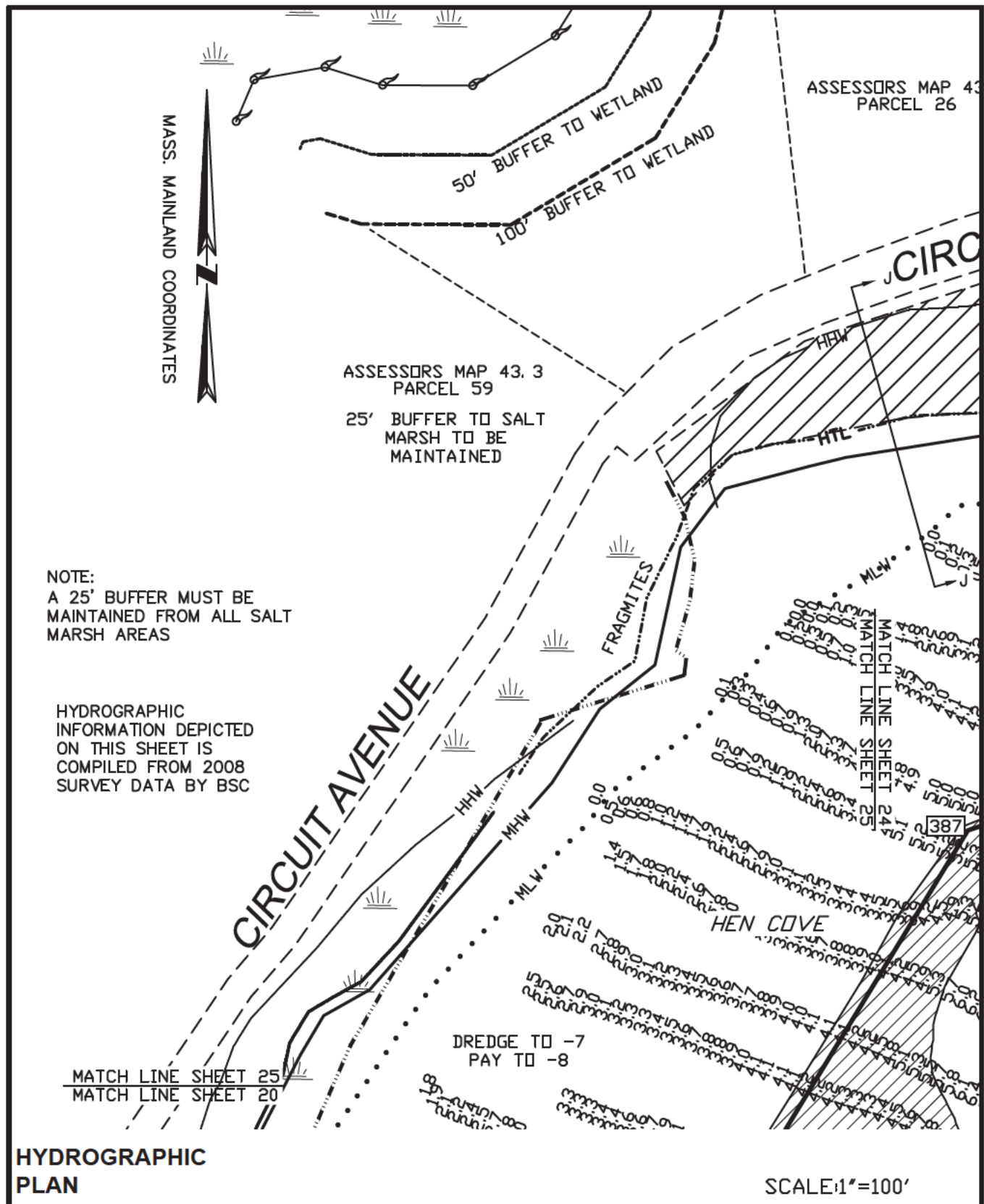


MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

**TOWN OF BOURNE
 COMPREHENSIVE
 DREDGING & DISPOSAL
 PROJECT**

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE III
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 24 OF 47



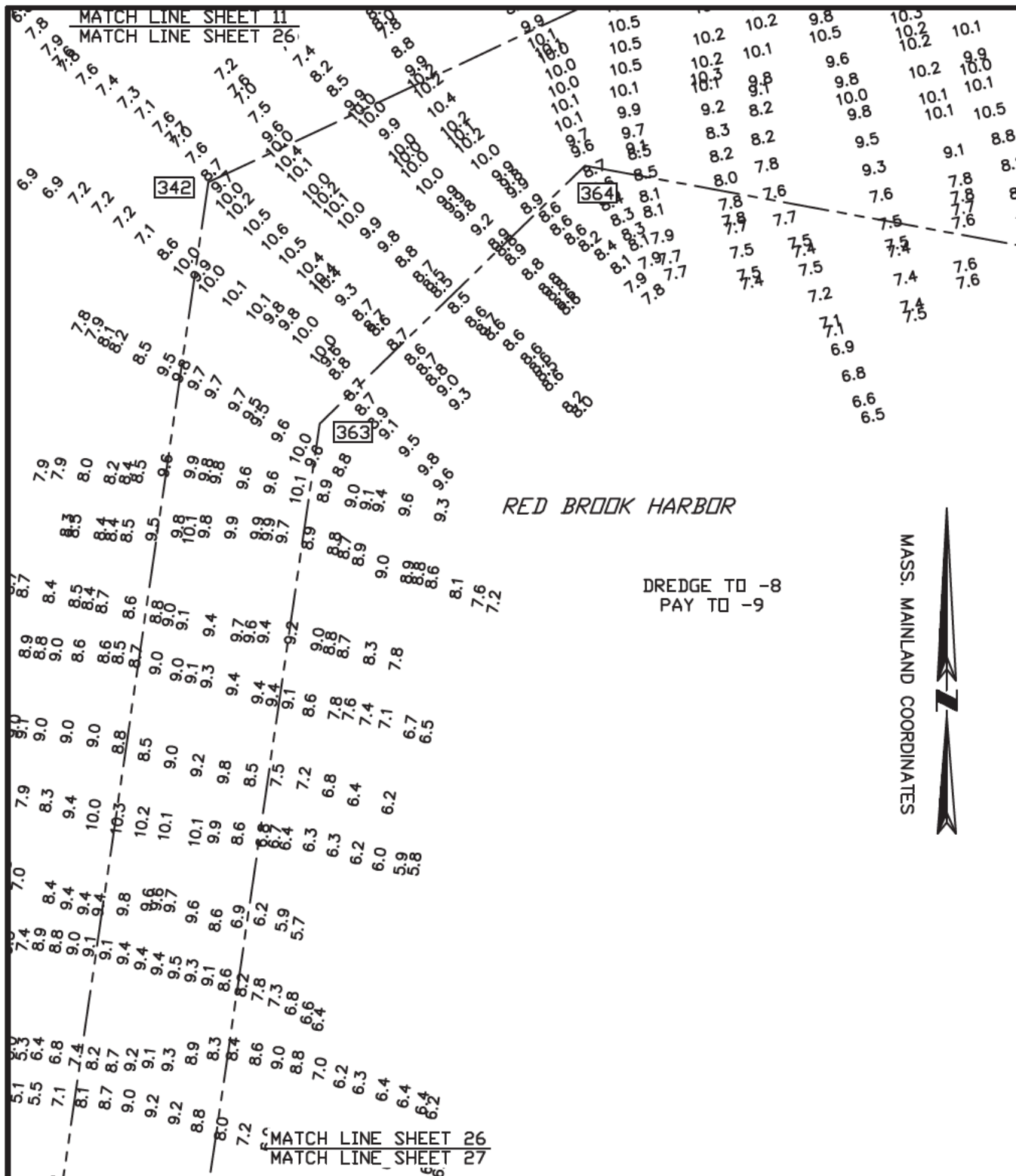
HYDROGRAPHIC PLAN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 25 OF 47



HYDROGRAPHIC PLAN

SCALE: 1"=100'

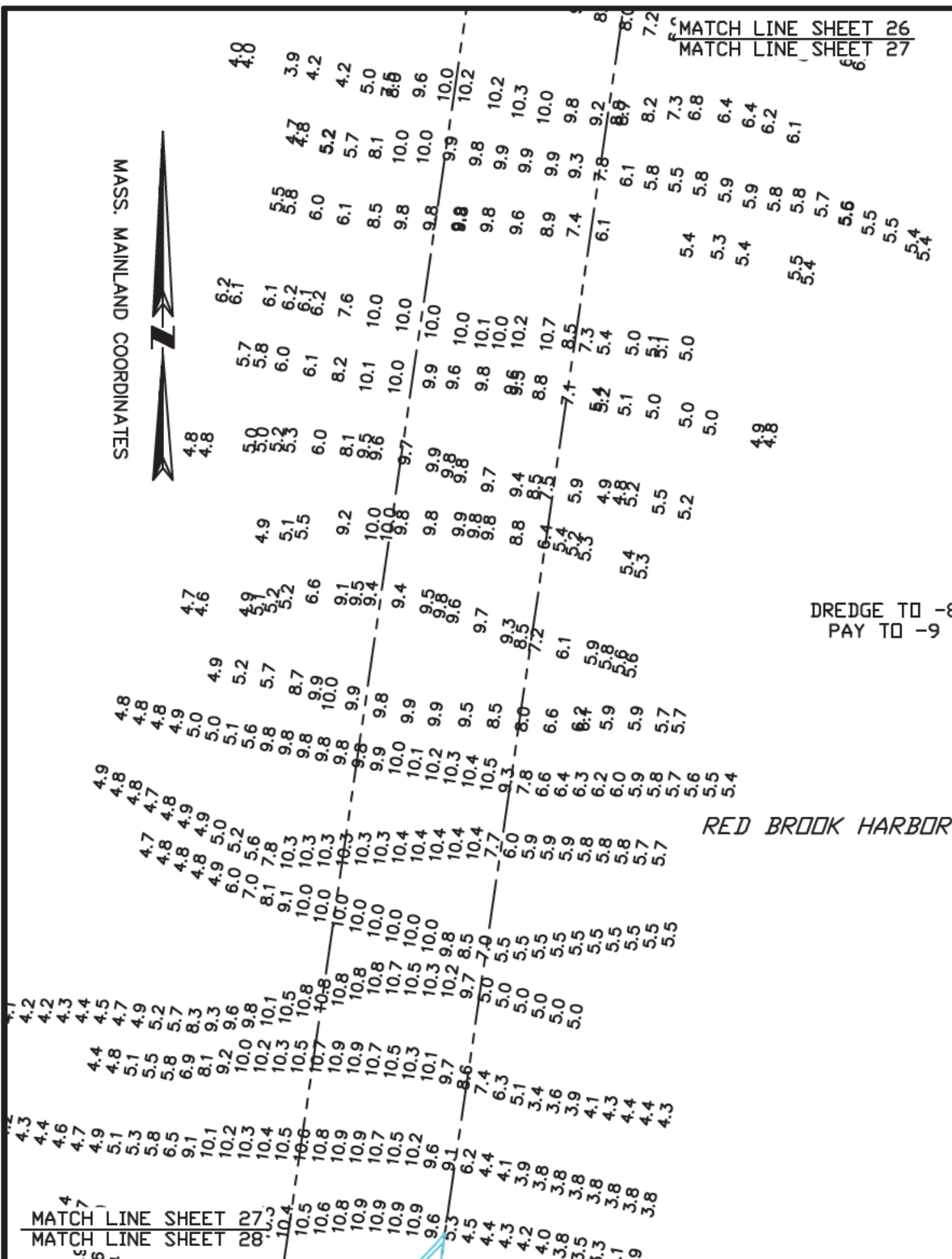
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 26 OF 47

MASS. MAINLAND COORDINATES



DREDGE TO -8
PAY TO -9

RED BROOK HARBOR

HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 27 OF 47

MASS. MAINLAND COORDINATES



MATCH LINE SHEET 27
MATCH LINE SHEET 28

FORMER DREDGE AREA.
NO BORING SAMPLE
TAKEN.
MATERIAL CLEANED OUT
AT TIME OF BORING.

DREDGE TO -8
PAY TO -9

RED BROOK HARBOR

MATCH LINE SHEET 28
MATCH LINE SHEET 29

HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 28 OF 47

MATCH LINE SHEET 28
MATCH LINE SHEET 29

DREDGE TO -8
PAY TO -9

MASS. MAINLAND COORDINATES



RED BROOK HARBOR

MATCH LINE SHEET 29
MATCH LINE SHEET 30

HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

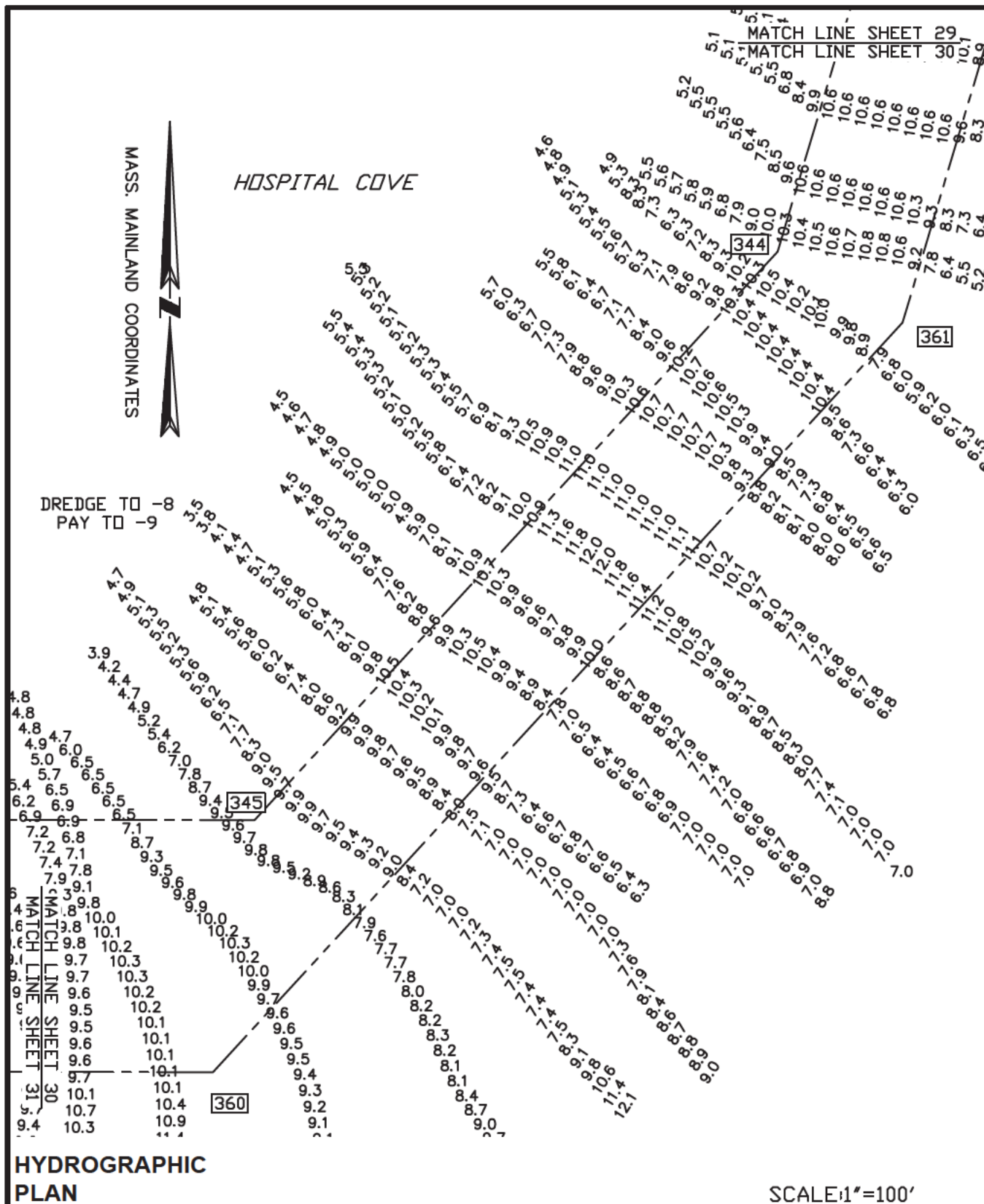
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 29 OF 47



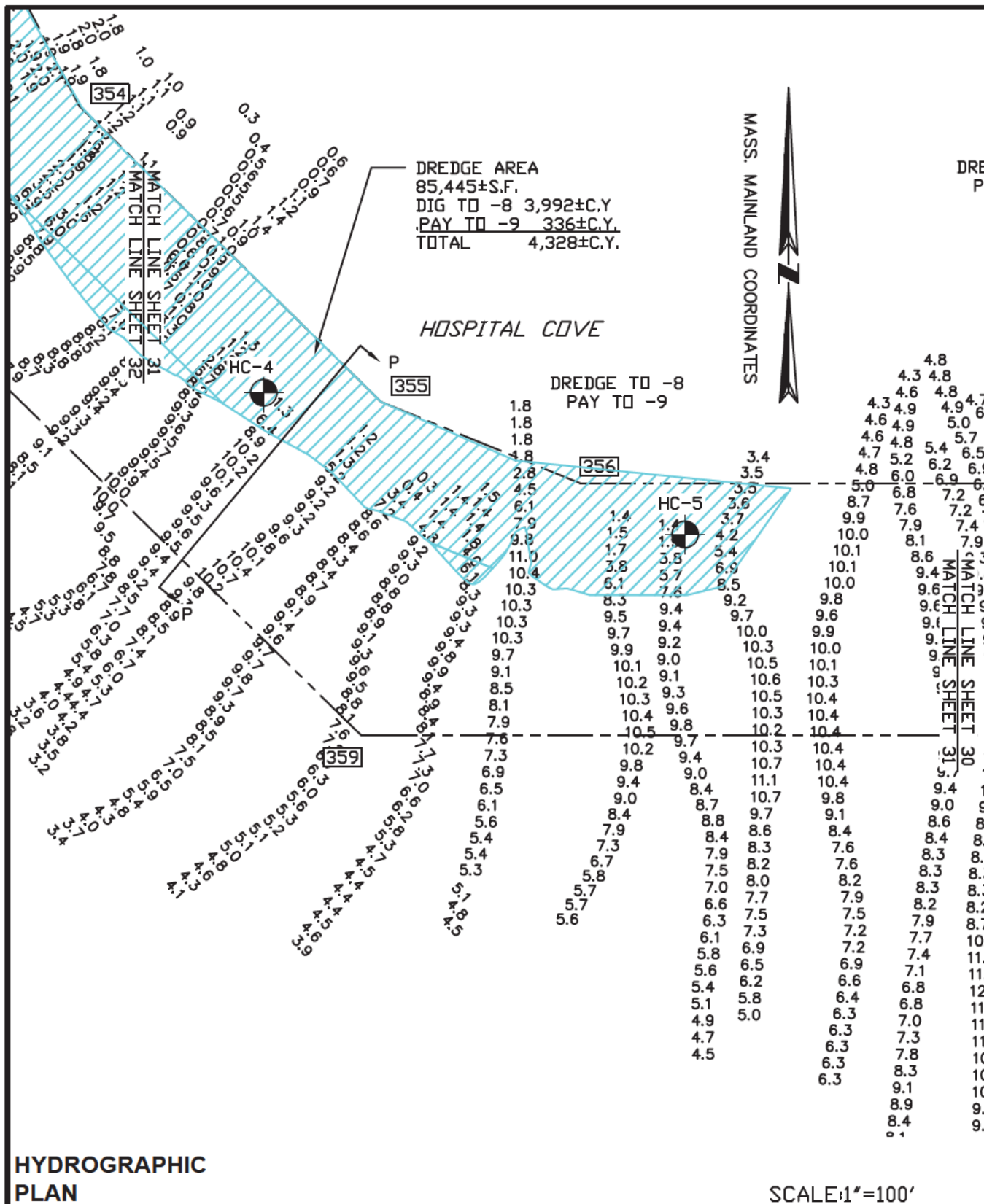
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 30 OF 47

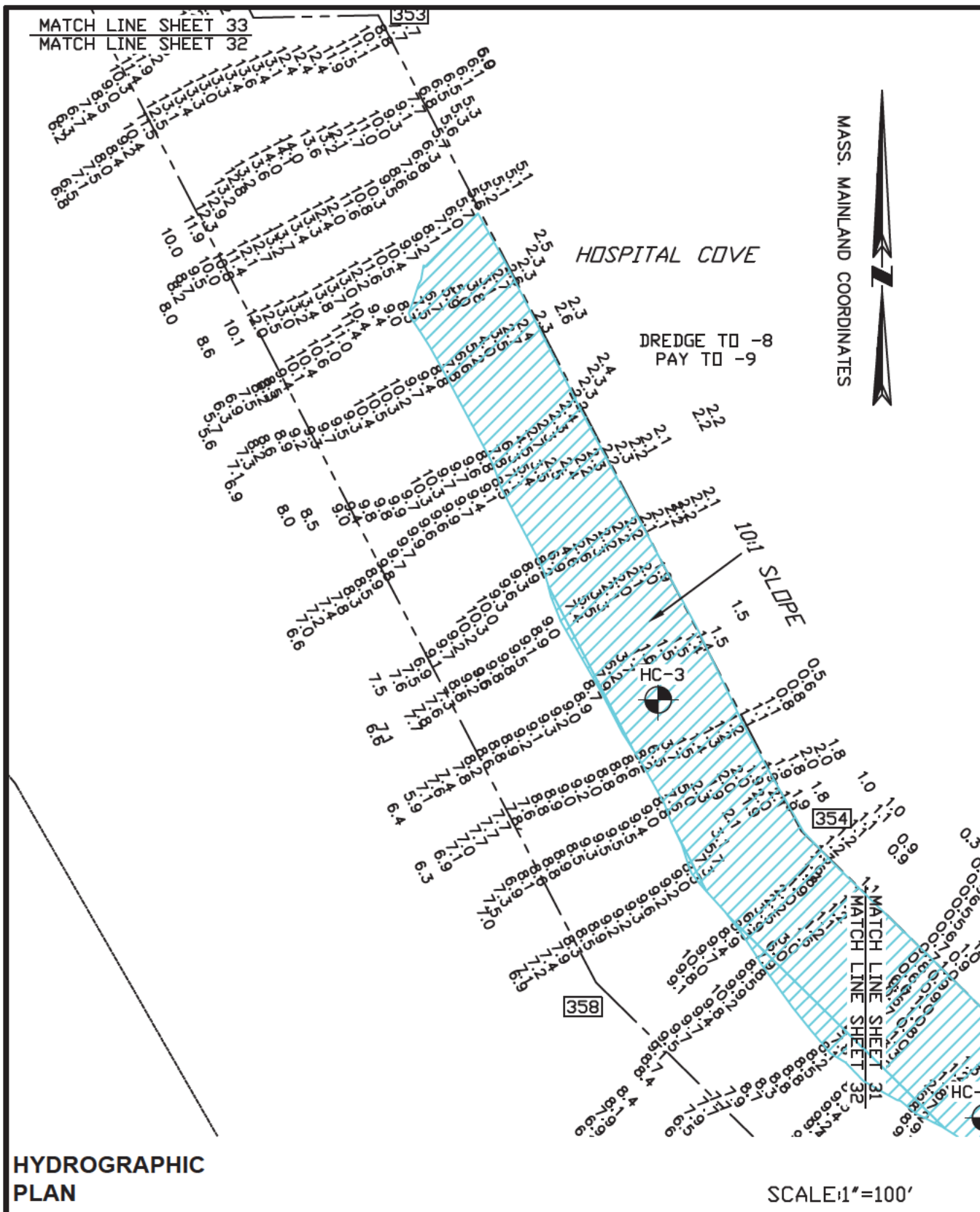


MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

**TOWN OF BOURNE
 COMPREHENSIVE
 DREDGING & DISPOSAL
 PROJECT**

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE III
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 31 OF 47



HYDROGRAPHIC PLAN

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

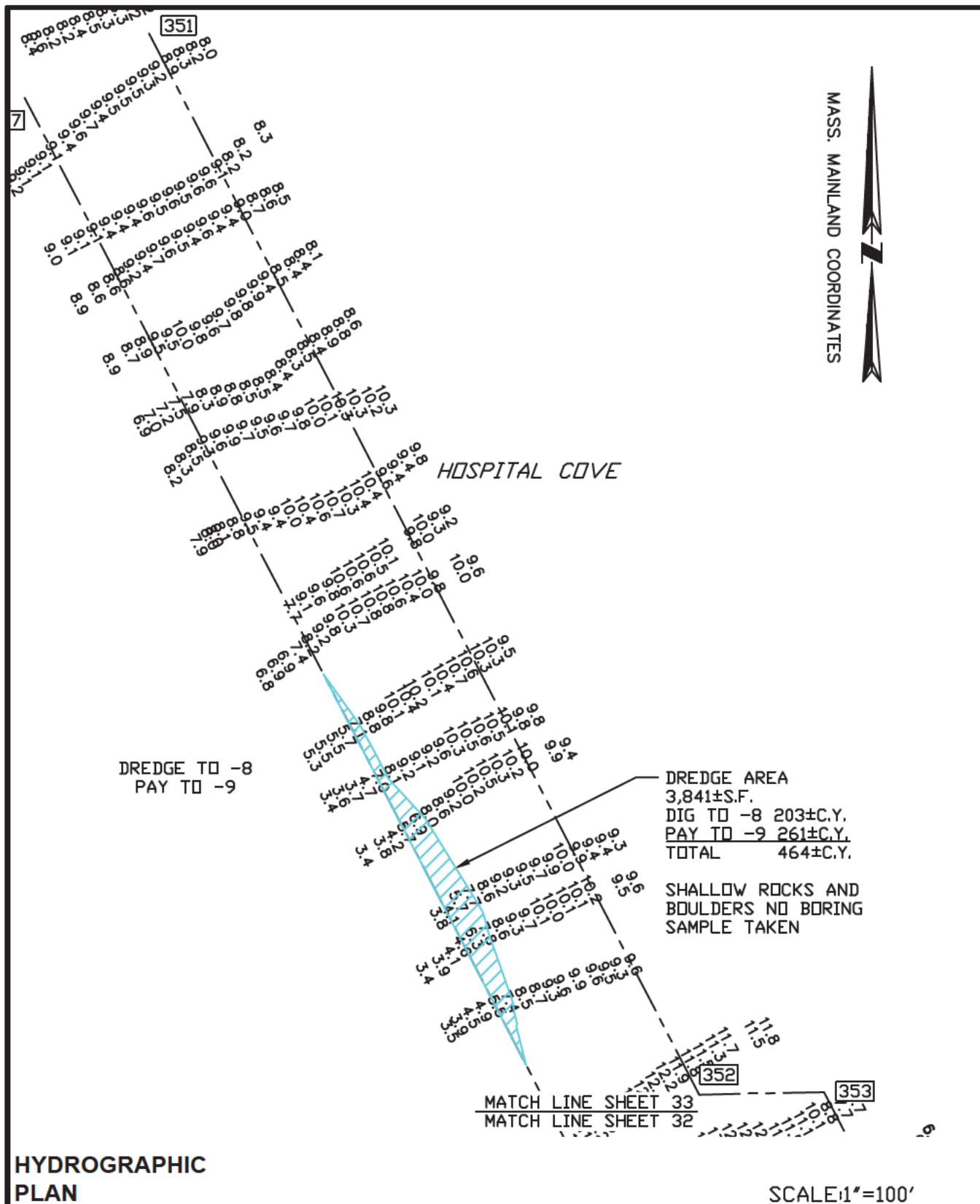
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 32 OF 47

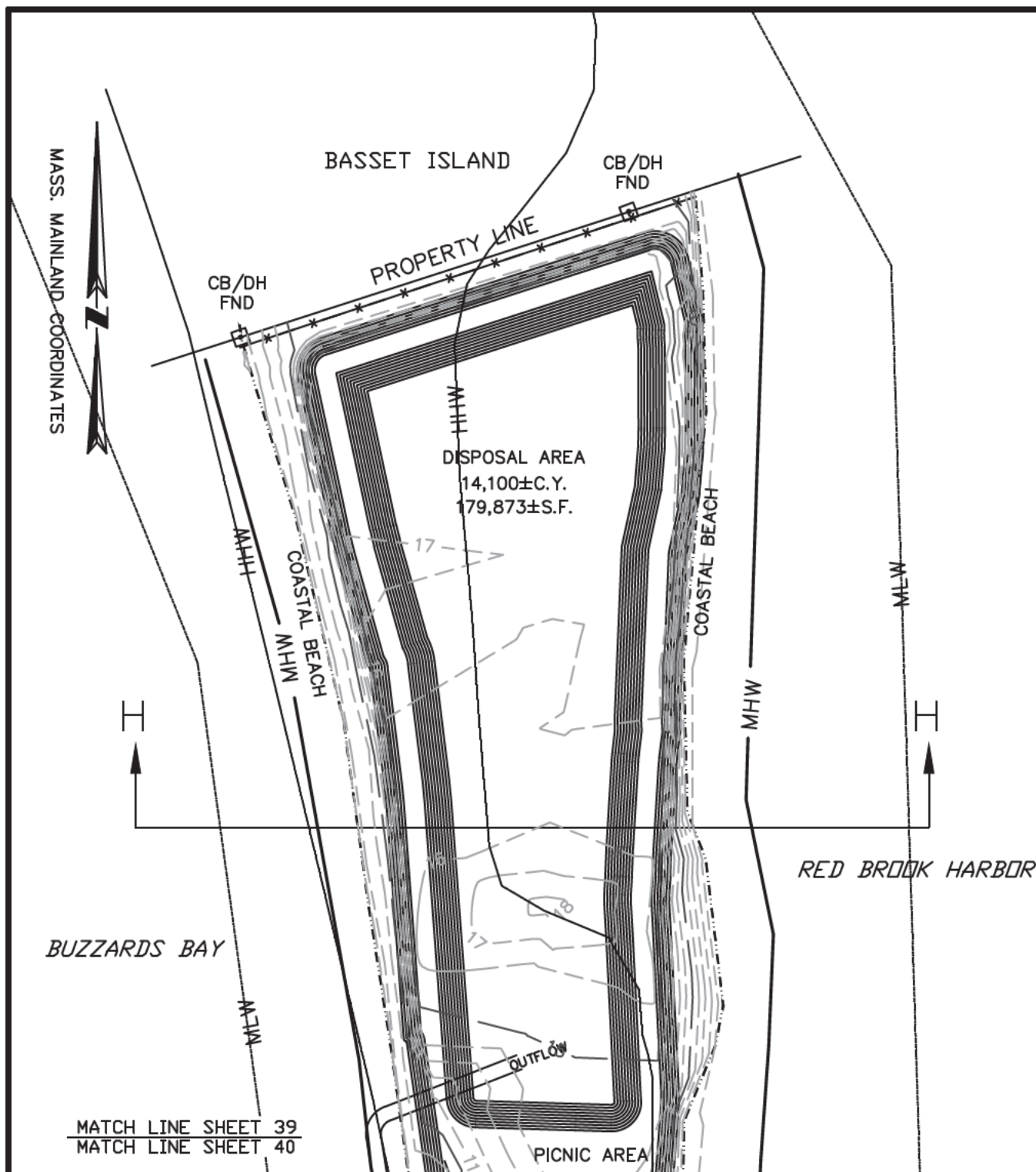


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 33 OF 47



**BASSET ISLAND DEWATERING
BASIN AND DISPOSAL AREA**

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 34 OF 47

MATCH LINE SHEET 39
MATCH LINE SHEET 40

TEMPORARY
TRAP ROCK BAFFLE
TO CONTROL SCOUR

MASS. MAINLAND COORDINATES



COASTAL BEACH

MHH

MHW

PICNIC AREA

5,500 C.Y.
EXCAVATED TO
FORM DIKE
(MOUND OF
ONSITE SAND)

COASTAL BEACH

MHW

MHH

RED BROOK HARBOR

BUZZARDS BAY

MHW

MATCH LINE SHEET 40
MATCH LINE SHEET 41

TREE LINE

WOODED

BASSET ISLAND DEWATERING BASIN AND DISPOSAL AREA

SCALE: 1"=100'

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

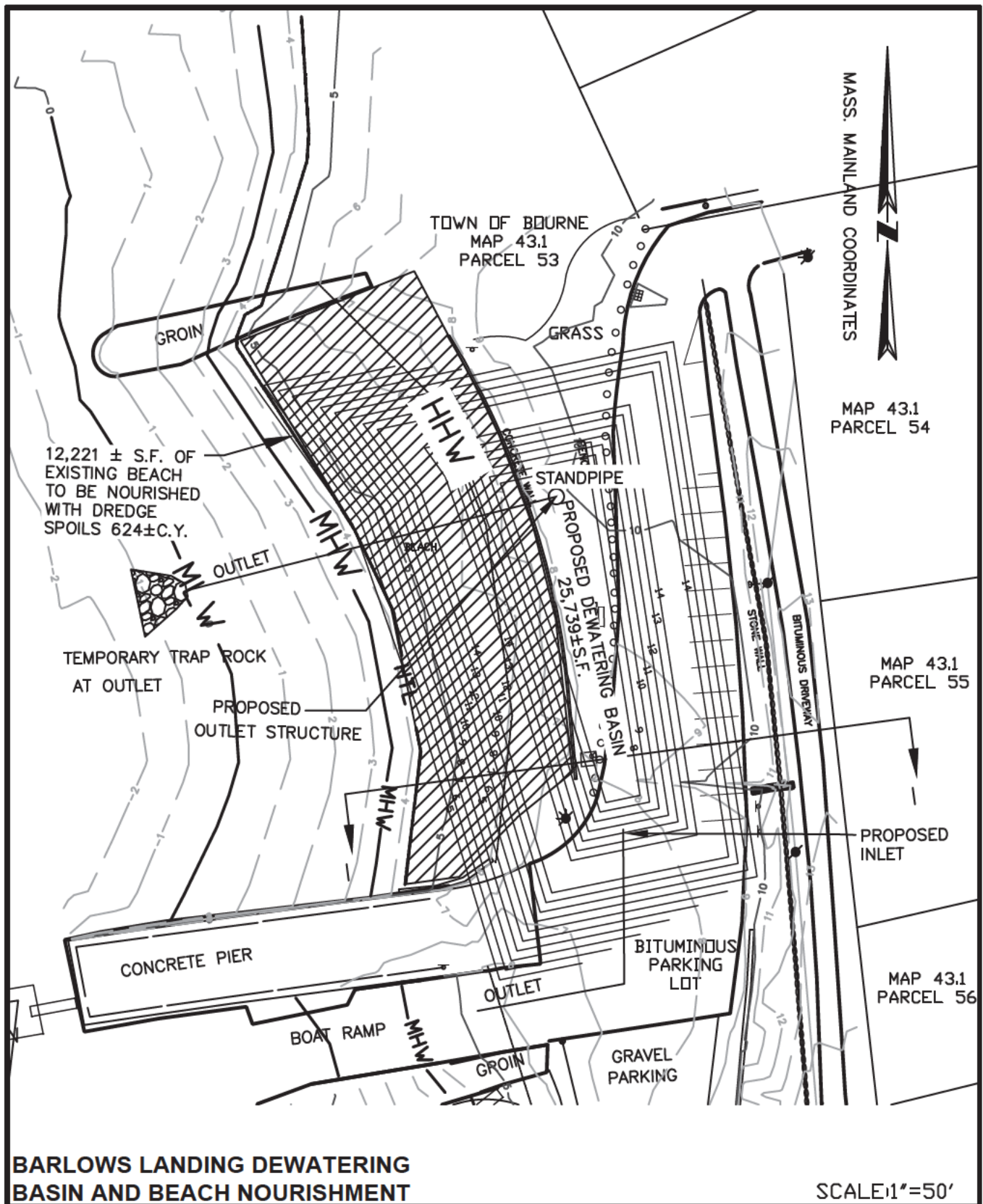
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 35 OF 47

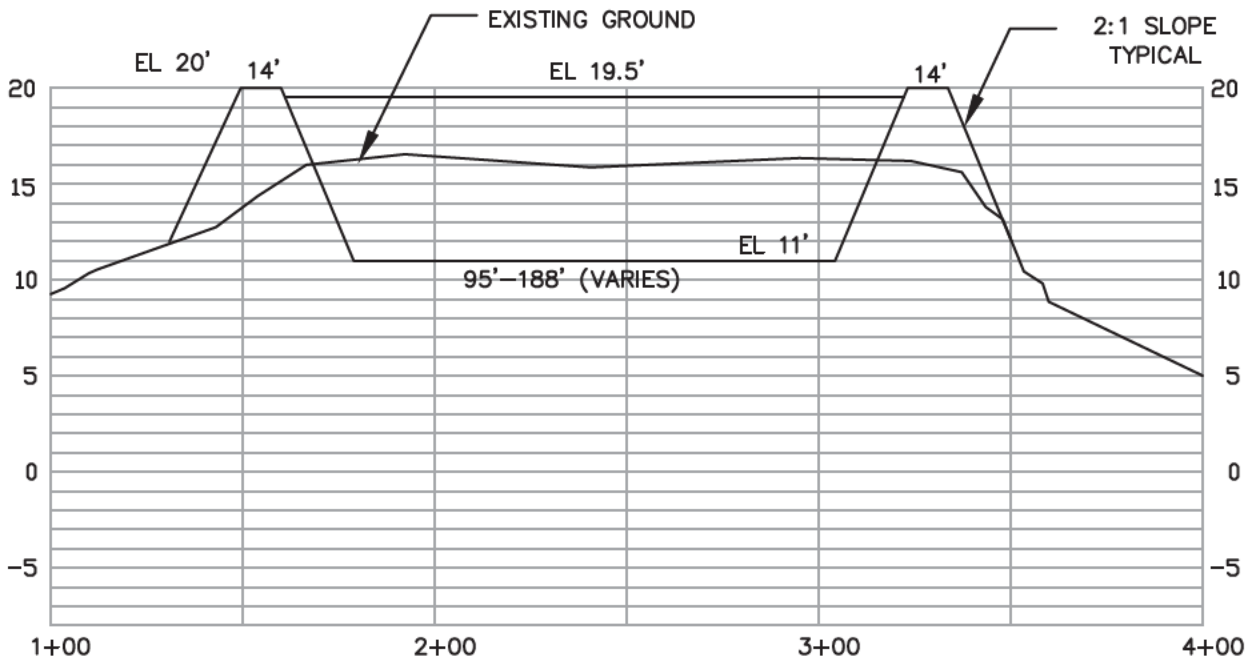


MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 36 OF 47



CROSS SECTION H-H
 DEWATERING BASIN BASSETTS ISLAND
 (BASSETT ISLAND DREDGE DISPOSAL SITE)
 HORIZONTAL SCALE 1" = 50'
 VERTICAL SCALE 1" = 10'

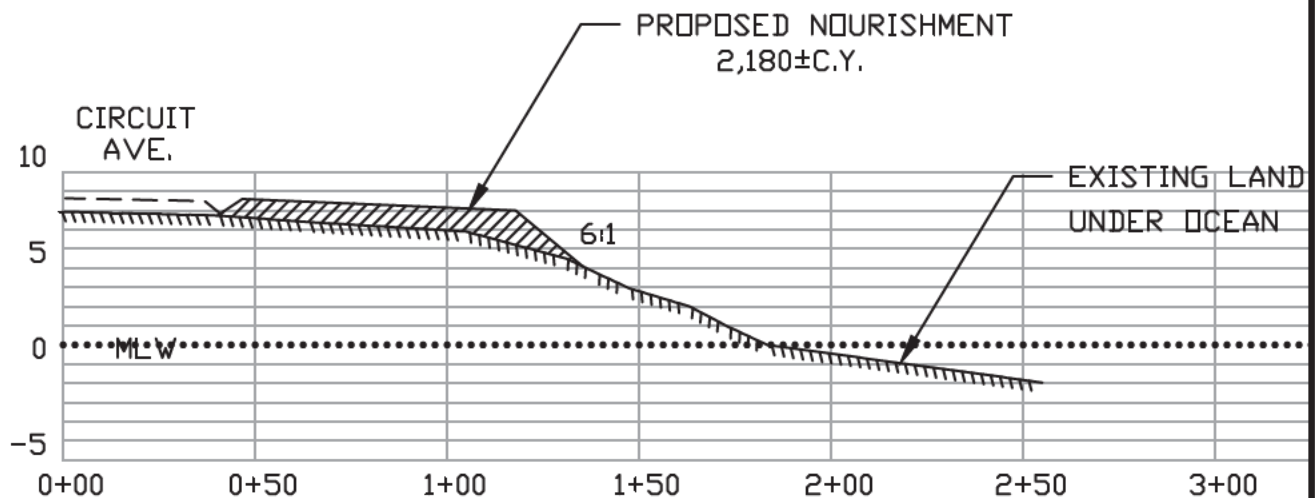
**BASSETT ISLAND
 DEWATERING BASIN
 CROSS SECTION**

MLW = 0.0'
 MHW = 3.4'
 HTL = 4.3'

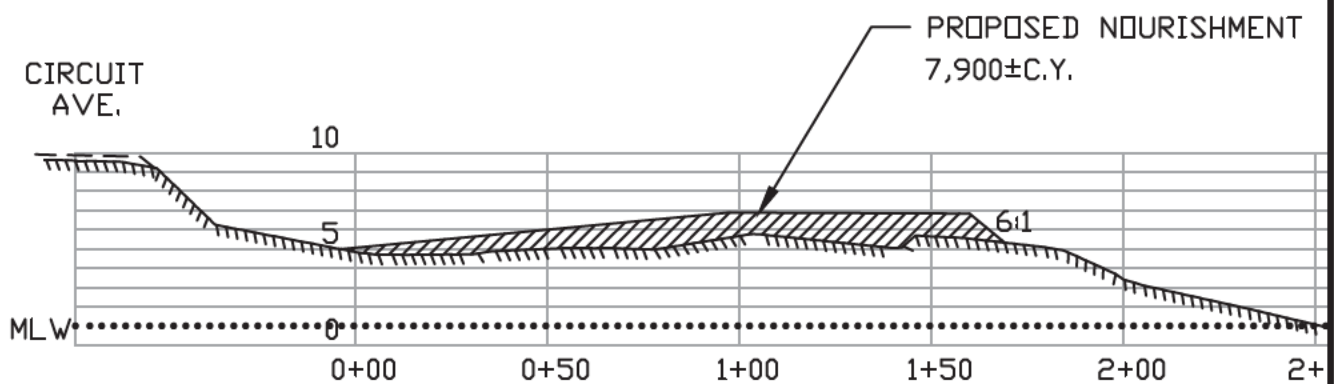
THE BSC GROUP, INC.
 349 ROUTE 28
 UNIT D
 W. YARMOUTH, MA 02673

**TOWN OF BOURNE
 COMPREHENSIVE
 DREDGING & DISPOSAL
 PROJECT**

AT: BUZZARDS BAY
 IN: BOURNE, MA
 COUNTY OF: BARNSTABLE
 FILE: 8075-COMP.DWG
 JOB#: 4-8075.08 PHASE III
 REVISED 1/16/23, 5/5/23, 8/4/23
 DATE: 07/02/19 SHEET 37 OF 47



SECTION J-J
HEN COVE BEACH NOURISHMENT



SECTION K-K

PATUISSET BEACH NOURISHMENT AREA
(DREDGE DISPOSAL SITE)

**HEN COVE
BEACH NOURISHMENT**

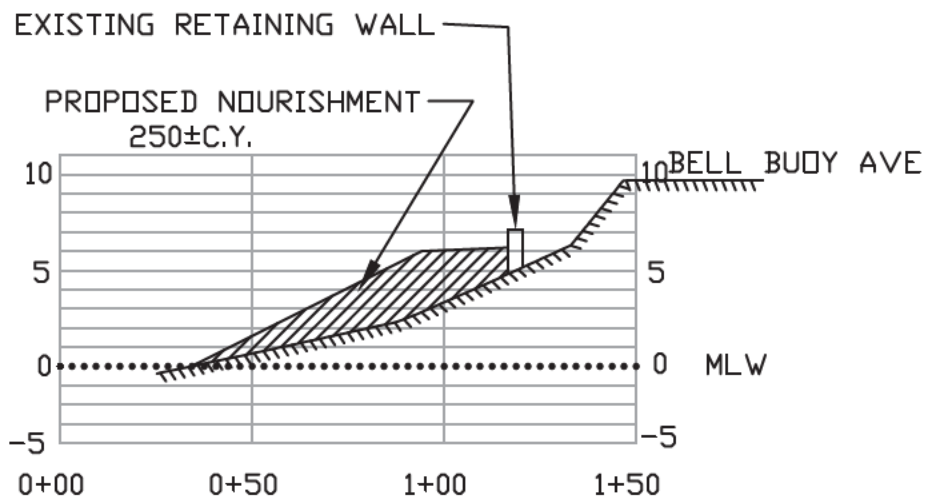
SCALE: 1"=50' H
1"=10' V

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 38 OF 47



SECTION L-L
BEACH NOURISHMENT AREA
(DREDGE DISPOSAL SITE)

HEN COVE
BEACH NOURISHMENT

SCALE: 1"=50' H
1"=10' V

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

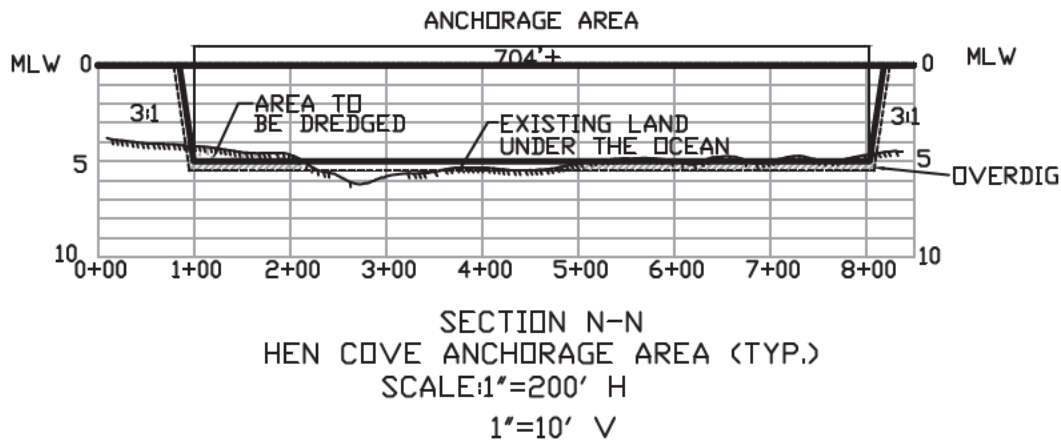
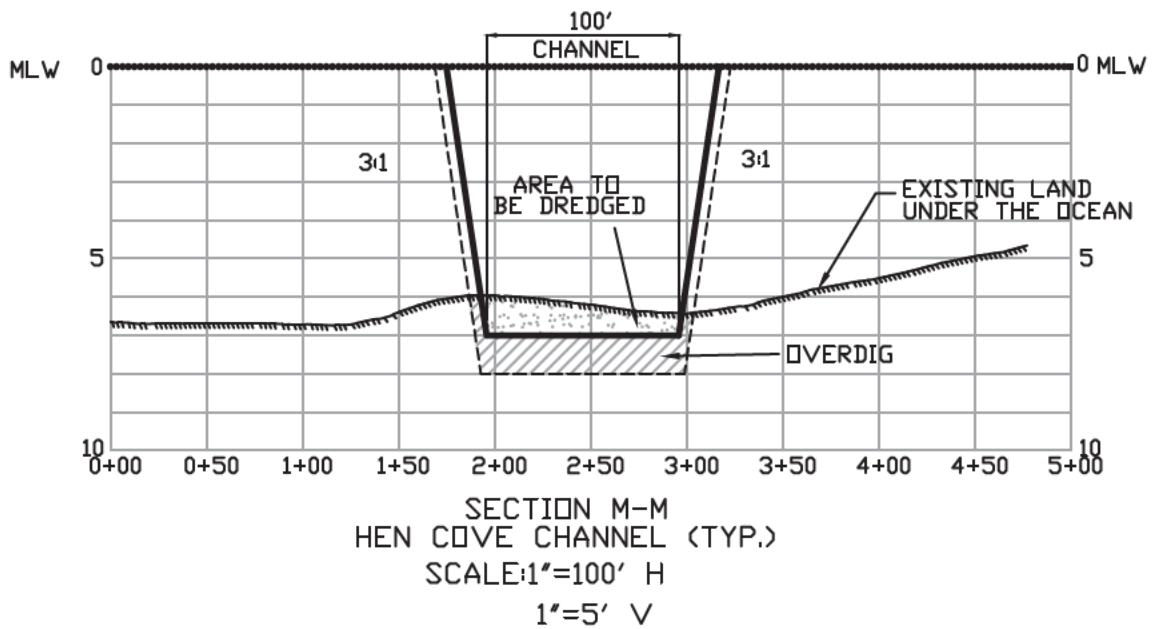
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 39 OF 47



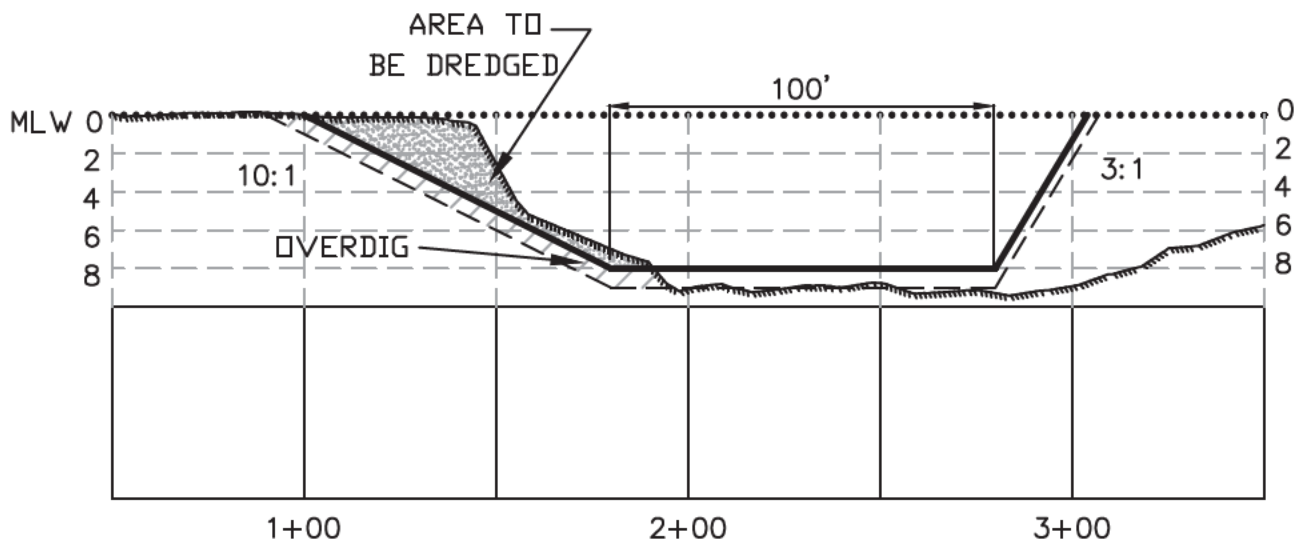
HEN COVE CROSS SECTIONS

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 40 OF 47



SECTION P-P
HOSPITAL COVE CHANNEL (TYP.)

**RED BROOK HARBOR AND
HOSPITAL COVE CHANNEL
CROSS SECTIONS**

SCALE: 1"=50' H
1"=10' V

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 41 OF 47

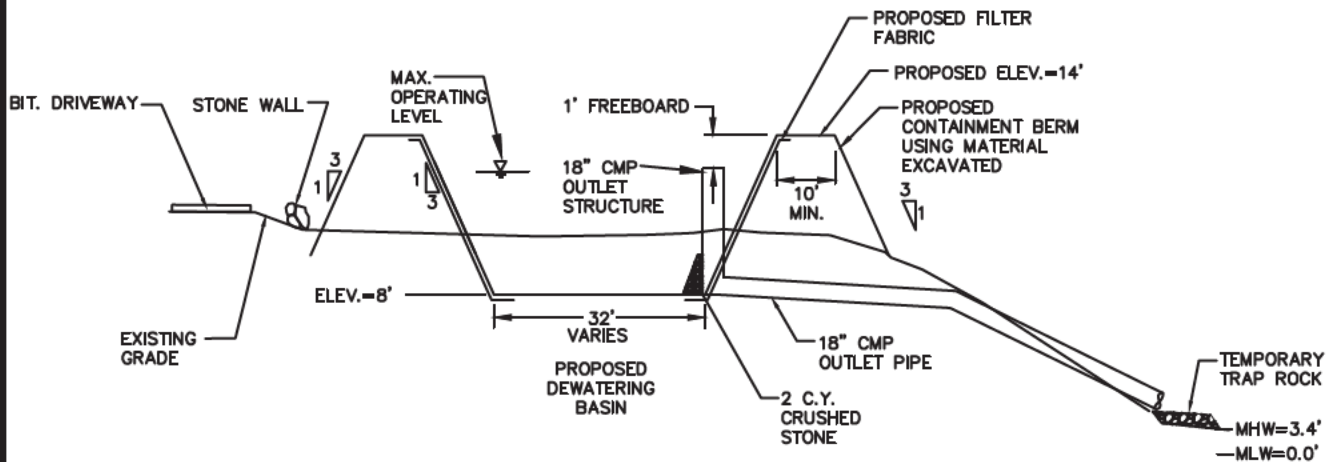
SEE PAGE 36 FOR PLAN VIEW

NOTES:

A. THE DEWATERING BASIN SHALL BE EXCAVATED SO THE DREDGE SPOILS DO NOT EXTEND ABOVE THE RIM OF THE OUTLET CONTROL STRUCTURE. SUITABLE MATERIAL THAT IS EXCAVATED FROM THE BASIN SHALL BE SPREAD ON THE BEACH AND UNSUITABLE MATERIAL DISPOSED OF AS REQUIRED.

B. 12,769 S.F. OF EXISTING BEACH TO BE NOURISHED WITH DREDGE SPOILS

C. PROPERTY LINES ARE APPROXIMATE AND COMPILED FROM AVAILABLE INFORMATION.



DEWATERING NOTES:

1. DEWATERING BASIN TO BE FORMED USING ON SITE SOILS. AFTER DEWATERING, ALL NON-COMPATIBLE SOILS SHALL BE REMOVED FROM THE SITE.
2. ALL SLOPES TO BE 3:1 IN THE DEWATERING BASIN.

3. AREAS DISTURBED BY THE DEWATERING BASIN ARE TO BE RESTORED TO THEIR PRE-CONSTRUCTION CONDITION WHEN DREDGING ACTIVITIES ARE COMPLETED.
4. INSTALL 3/4\" TO 1-1/2\" CRUSHED STONE AROUND STANDPIPE FOR STABILITY AS REQUIRED.
5. AVAILABLE LAND AREA LIMITS THE SIZE OF THE DEWATERING BASIN, DEWATERING WILL REQUIRE PHASING

BARLOWS LANDING DEWATERING BASIN

NOT TO SCALE

SECTION I-I

**BARLOWS LANDING
DEWATERING BASIN
CROSS SECTION**

SCALE: 1\"=50\' H
1\"=10\' V

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

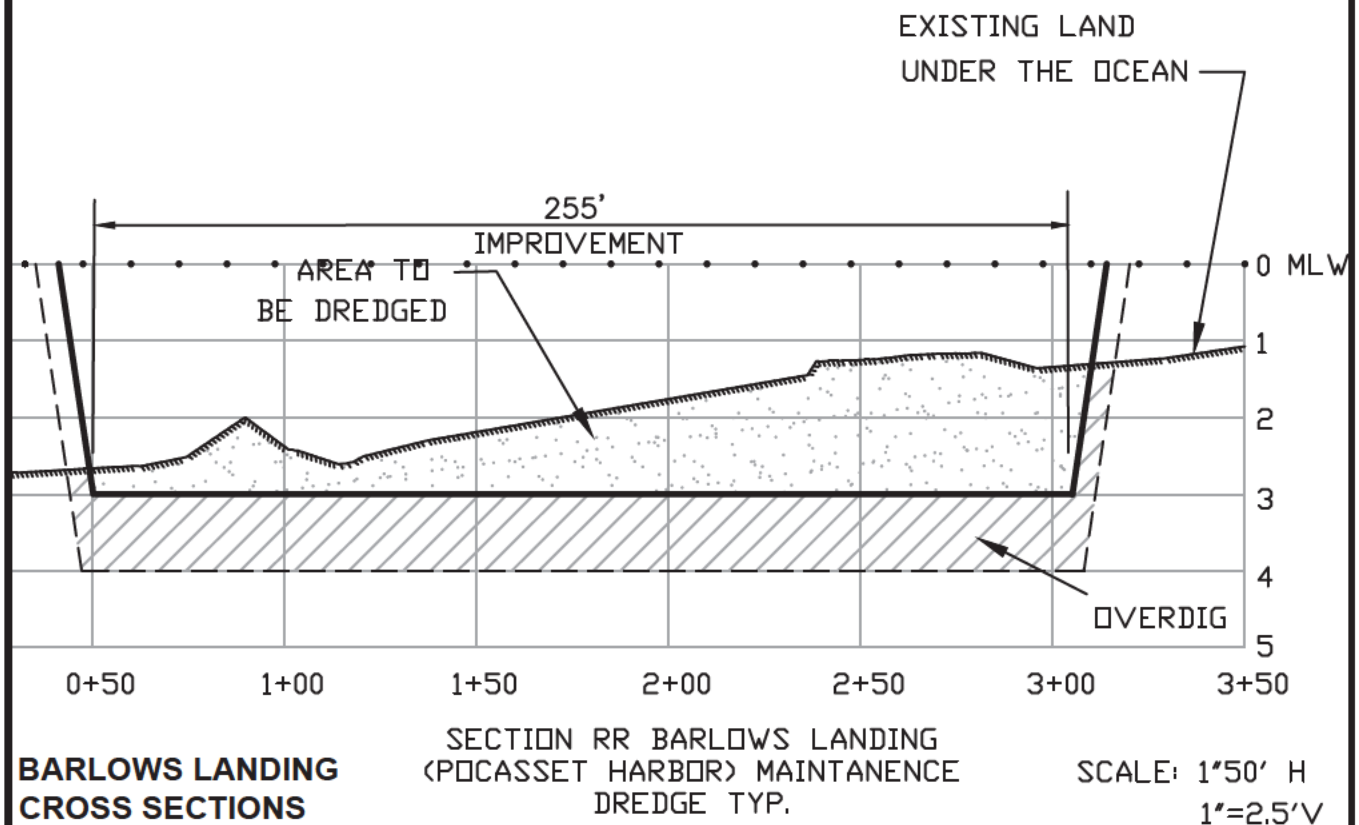
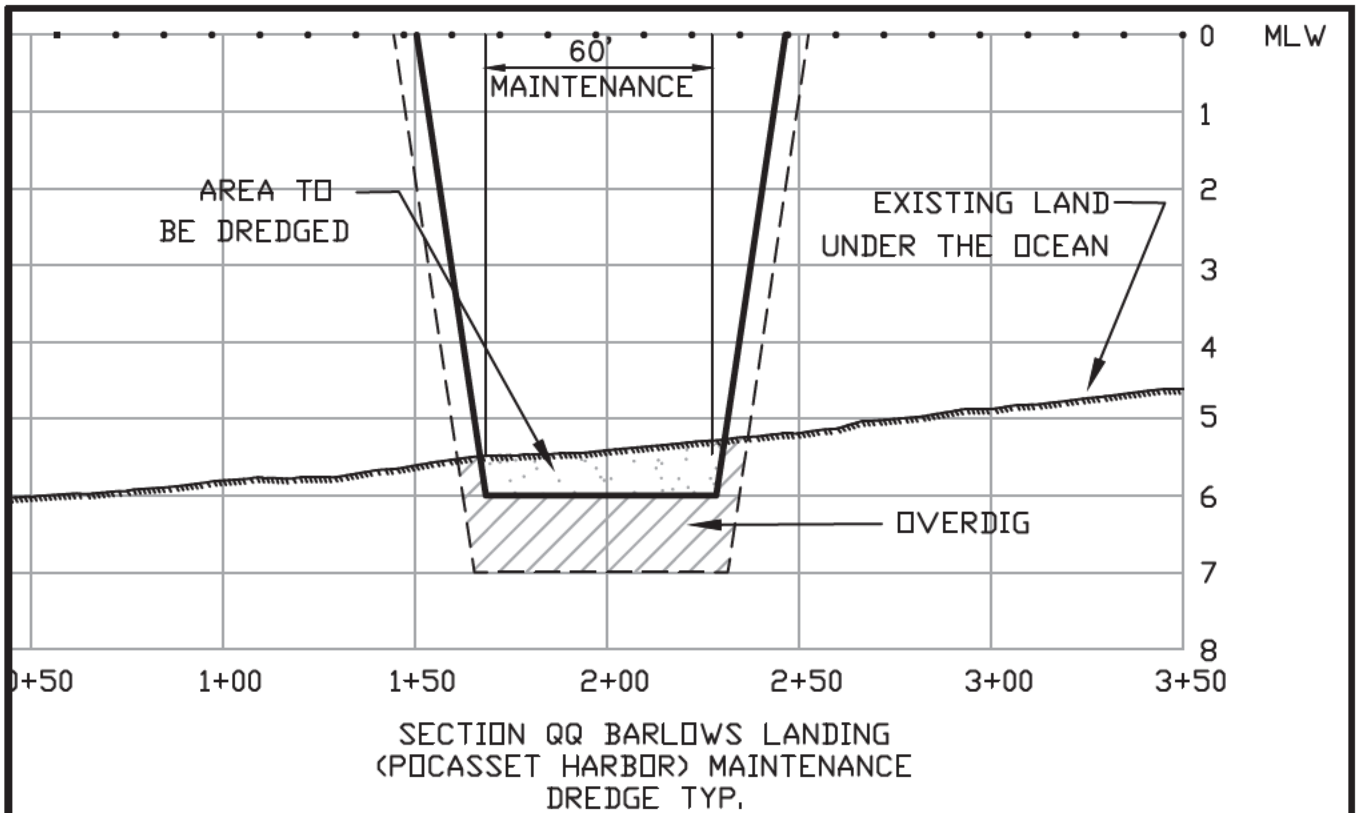
THE BSC GROUP, INC.
349 ROUTE 28
UNIT D

W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG

JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 42 OF 47



**BARLOWS LANDING
CROSS SECTIONS**

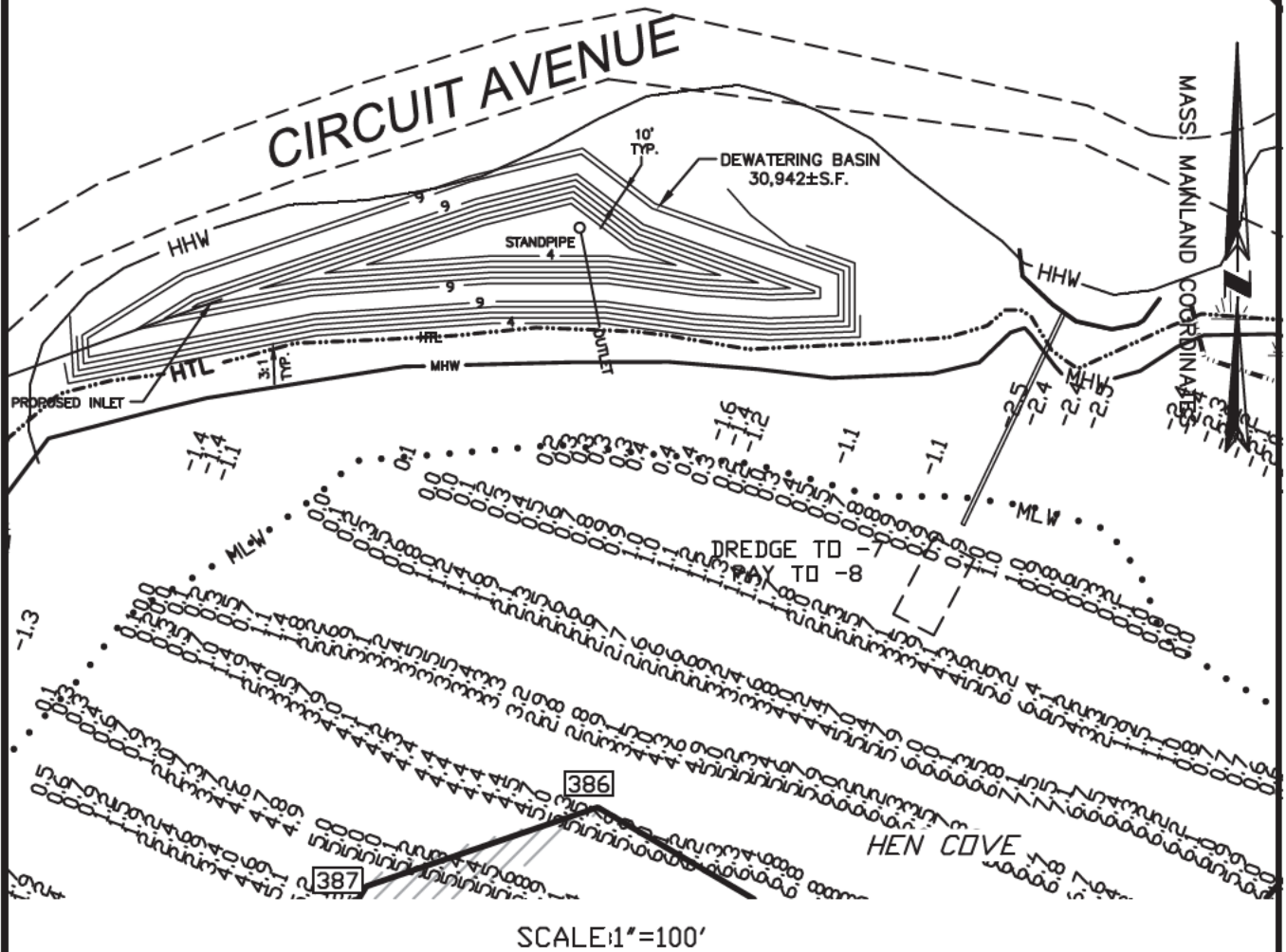
MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 43 OF 47

ASSESSORS MAP 43.3
PARCEL 26



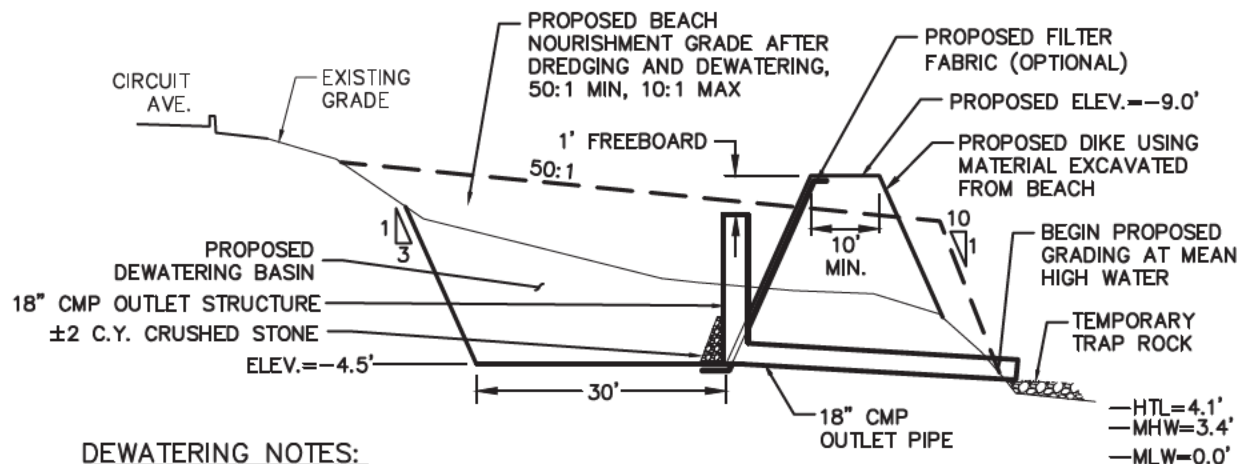
**HEN COVE
DEWATERING BASIN**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 44 OF 47



DEWATERING NOTES:

1. DEWATERING BASIN TO BE FORMED USING ON SITE SOILS. AFTER DEWATERING, ALL NON-COMPATIBLE SOILS SHALL BE REMOVED FROM THE SITE.
2. ALL SLOPES TO BE 3:1 IN THE DEWATERING BASIN.

3. AREAS DISTURBED BY THE DEWATERING BASIN ARE TO BE RESTORED TO THEIR PRE-CONSTRUCTION CONDITION WHEN DREDGING ACTIVITIES ARE COMPLETED.
4. INSTALL 3/4" TO 1-1/2" CRUSHED STONE AROUND STANDPIPE FOR STABILITY AS REQUIRED.

NOTE

THE DEWATERING BASIN SHALL BE EXCAVATED SO THE DREDGE SPOILS DO NOT EXTEND ABOVE THE RIM OF THE OUTLET CONTROL STRUCTURE. SUITABLE MATERIAL THAT IS EXCAVATED FROM THE CHANNEL SHALL BE SPREAD ON THE BEACH AND UNSUITABLE MATERIAL DISPOSED OF AT THE TOWN OF BOURNE LAND FILL.

CIRCUIT AVE DEWATERING BASIN

NOT TO SCALE

CIRCUIT AVENUE DEWATERING BASIN

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

TOWN OF BOURNE COMPREHENSIVE DREDGING & DISPOSAL PROJECT

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 45 OF 47

PT NORTHING EASTING

316 2713352.347 893903.8833
317 2713938.556 893925.9353
318 2713920.126 894415.8400
319 2713780.054 894520.3971
320 2713495.494 894684.7279
321 2713430.210 894507.2367
322 2713552.217 894450.1532
323 2713377.144 894184.7527
324 2712594.976 893426.4946
325 2712612.012 893359.4439
326 2712649.400 893212.2943
327 2712922.732 893439.2562
328 2713229.108 893899.2473
329 2712873.671 893885.8765
330 2712550.340 893602.1761
331 2712529.990 893717.3579
332 2712564.198 893141.5467
333 2712437.907 893638.6051
334 2712274.925 893682.5248
335 2711994.043 893693.6987
336 2711248.036 893515.0709
337 2711032.570 893502.8922
338 2710733.641 893580.6274
339 2709765.080 894090.8691
340 2709104.725 894843.4224
341 2708996.303 894828.0517
342 2708740.824 894283.3712
343 2706914.164 894017.2500
344 2705617.106 893629.2101
345 2705211.067 893255.8012
346 2705204.744 893249.8486
347 2705131.167 893082.1826

PT NORTHING EASTING

348 2705131.067 892818.3310
349 2705201.085 892646.9348
350 2705432.342 892411.1274
351 2706819.060 891692.1664
352 2706061.131 892085.1240
353 2706062.969 892174.2840
354 2705480.510 892476.2669
355 2705269.202 892691.7328
356 2705211.067 892834.0415
357 2706773.032 891603.3890
358 2705372.131 892329.7031
359 2705031.067 892677.4792
360 2705031.067 893226.0868
361 2705566.313 893718.4979
362 2706892.490 894115.2496
363 2708574.191 894360.1589
364 2708752.246 894543.2084
365 2708662.511 895032.9124
366 2708551.001 895166.7764
367 2707866.156 895426.8494
368 2707792.432 897325.4185
369 2707892.356 897329.2966
370 2707959.633 895596.7701
371 2708057.000 895461.3437
372 2708610.560 895251.1265
373 2708798.442 895248.6309
374 2709039.859 895333.0443
375 2709326.237 895327.2413
376 2709633.111 895540.4786
377 2710595.261 895876.9013
378 2710780.373 895987.4770
379 2710873.182 896387.9523
380 2711506.832 896755.0864

**DREDGE AREA
COORDINATES**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 46 OF 47

PT NORTHING EASTING

381 2711604.407 896589.1718
382 2711816.273 896770.7767
383 2711862.422 896716.9381
384 2711862.422 896678.6246
385 2711655.906 896501.6050
386 2711816.169 896229.0953
387 2711772.969 896102.0470
388 2711258.370 895788.2374
389 2710828.304 895899.6319
390 2710636.345 895785.3296
391 2709678.982 895450.5810
392 2709132.803 895071.0579
393 2709151.067 894942.2250
394 2709828.048 894170.7245
395 2710770.01 893674.49570
396 2711042.572 893603.6171
397 2711233.455 893614.4063
398 2711984.202 893794.1692
399 2712290.111 893781.9998
400 2712730.825 892985.5820
401 2712555.42 0 893745.3440
402 2712219.145 893838.6011
403 2711562.261 893647.1367
404 2711590.244 893551.1317
405 2712219.826 893734.6382
406 2712471.366 893664.8799
407 2712633.388 892963.0869
408 2711895.639 892586.4083
420 2712698.9864 893123.4887
421 2713423.6160 894146.2387
422 2713666.3301 894514.1785
423 2712056.7983 893791.2813

**DREDGE AREA
COORDINATES**

MLW = 0.0'
MHW = 3.4'
HTL = 4.3'

THE BSC GROUP, INC.
349 ROUTE 28
UNIT D
W. YARMOUTH, MA 02673

**TOWN OF BOURNE
COMPREHENSIVE
DREDGING & DISPOSAL
PROJECT**

AT: BUZZARDS BAY
IN: BOURNE, MA
COUNTY OF: BARNSTABLE
FILE: 8075-COMP.DWG
JOB#: 4-8075.08 PHASE III
REVISED 1/16/23, 5/5/23, 8/4/23
DATE: 07/02/19 SHEET 47 OF 47

From: [Carlucci, Nathan \(OCD\)](#)
Subject: Update to Compliance Guidelines for MBTA Communities
Date: Thursday, August 17, 2023 2:50:54 PM
Attachments: [REVISION to Section 3A Compliance Guidelines \(August 17 2023\) CLEAN.pdf](#)
[REVISION to Section 3A Compliance Guidelines \(August 17 2023\) REDLINE.pdf](#)
[Summary of Changes 8-17-2023.pdf](#)

Dear MBTA Community Stakeholder:

The Executive Office of Housing and Livable Communities is announcing revisions to the Compliance Guidelines for Multi-Family Zoning Districts under Section 3A of the Zoning Act (Guidelines).

We are pleased to announce that MBTA communities may now receive some credit for zoning districts that require a non-residential component on the ground floor of buildings in a mixed-use development district. Several MBTA communities wish to locate new zoning districts in mixed-use, walkable neighborhoods, where residents of future housing can easily access resources, amenities, and transit stations as pedestrians... Today's revision to the Guidelines modifies the "reasonable size" section of the Guidelines and provides flexibility for communities that want to require a non-residential component in housing developments.

Please note that the Guidelines were also revised to include a list of discretionary grant programs that will take MBTA communities' compliance into consideration.

Attached to this email are: a one page summary of the changes, clean and redlined versions of the Guidelines.

Please make other stakeholders such as Planning Boards and/or working groups aware of the revised Guidelines. Here is a link to the revised Guidelines posted on the MBTA Communities website:

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities#section-3a-guidelines->

Please stay tuned for additional resources further explaining and implementing these revisions, including an updated compliance model and an eligible location determination application. The additional resources will be on the website, as well as distributed via email. If you have any questions about these changes, please contact program staff at nathan.carlucci@mass.gov and emma.snellings@mass.gov.

If you are receiving this message a second time, it is because your name was listed as both the contact person, and the municipal CEO of an MBTA Community

Sincerely,

Nathan Carlucci
MBTA Communities Compliance Coordinator (he - him)
Executive Office of Housing and Livable Communities
nathan.carlucci@mass.gov



Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

TO: Municipal Officials in MBTA Communities
FROM: Secretary Edward M. Augustus, Jr.
DATE: August 17, 2023
RE: Revisions to Section 3A Compliance Guidelines

On August 10, 2022, EOHLC released Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act (the "Guidelines"). One revision was made in October 2022. This is a summary of the second change. In response to feedback from municipal leaders in several MBTA communities, EOHLC is revising the Guidelines to offer MBTA communities a path to receive some credit for mixed-use development zoning districts. The revision also specifies how Section 3A compliance may affect certain discretionary grant award decisions. These revisions:

1. Allow an MBTA community to "offset" the minimum multi-family unit capacity requirement in certain multi-family zoning district(s) by up to 25%, based on the unit capacity of a mixed-use zoning district that meets key requirements of Section 3A and the Guidelines, but for requiring a ground floor non-residential component. Such "offset" – only available where existing village-style or downtown development is essential to preserve pedestrian access to amenities – still requires a municipality to demonstrate the same total amount of unit capacity.
2. Protect the financial feasibility of achieving housing goals where mixed-use zoning requires ground-floor non-residential uses by (i) setting forth location criteria for mixed-use development districts and requiring that EOHLC has pre-approved the location before the MBTA community's vote on its zoning changes; (ii) capping the percentage floor area of each development that may be required to be non-residential (ground floor only); (iii) requiring a broad mix of non-residential uses allowed as of right; and (iv) prohibiting minimum parking requirements for non-residential uses.
3. Allow MBTA communities to locate more housing in walkable and transit-oriented neighborhoods without jeopardizing existing non-residential resources and amenities. Many MBTA communities expressed a desire to locate districts in village-style or downtown neighborhoods but feared that allowing multi-family housing as of right in those areas could risk a loss of existing businesses and buildings. Many residents expressed a desire to live in village-style, downtown, and transit-oriented neighborhoods.
4. Add a list of thirteen discretionary grants programs to Section 9 to alert MBTA communities of additional grant programs that will consider compliance with Section 3A in making grant awards.

These revisions to the Guidelines are intended to provide greater flexibility to MBTA communities to adopt new zoning districts in mixed-use neighborhoods, and to promote housing opportunities for residents in such neighborhoods. The revisions do not reduce the total unit capacity required by the Guidelines.



Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

Issue Date: August 10, 2022

Revised: October 21, 2022

Revised: August 17, 2023

Compliance Guidelines for Multi-family Zoning Districts **Under Section 3A of the Zoning Act**

1. Overview of Section 3A of the Zoning Act

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Executive Office of Housing and Livable Communities (EOHLC), in consultation with Executive Office of Economic Development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. EOHLC promulgated preliminary guidance on January 29, 2021. EOHLC updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on EOHLC’s Subsidized Housing Inventory. Nothing in these Guidelines changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by EOHLC.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, EOHLC, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by EOHLC to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by EOHLC as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan

approved by EOHLC; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if EOHLC determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“EOHLC” means the Executive Office of Housing and Livable Communities.

“EOED” means the Executive Office of Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Mixed-use development” means development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Mixed-use development zoning district” means a zoning district where multiple residential units are allowed as of right if, but only if, combined with non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) EOHLC considers requests for funding from the Housing Choice Initiative, (iii) EOED, EOHLC and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

3. General Principles of Compliance

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. EOHLC will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

a. *Site plan review*

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.¹ These guidelines similarly recognize that site plan review may be required for multi-family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

b. *Affordability requirements*

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, EOHLC will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, EOHLC may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

- (i) The affordability requirements applicable in the multi-family zoning district are reviewed and approved by EOHLC as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by EOHLC; or
- (ii) The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to EOHLC, and using a methodology and format acceptable to EOHLC. The analysis must demonstrate that a reasonable

¹ See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

In no case will EOHLC approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, except in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to the issuance of these guidelines, including any such existing district that is expanded or amended to comply with these guidelines.

c. *Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

5. **Determining "Reasonable Size"**

In making determinations of "reasonable size," EOHLC will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. EOHLC will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community

determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, EOHLC will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<u>Category</u>	<u>Percentage of total housing units</u>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 (40×15) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing

units in that MBTA community.

Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying $1,000 \times .1 = 100$ units; (ii) second, by multiplying $50 \times 15 = 750$ units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of 1,000 = 250 units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

c. Reasonable Size – Consideration Given to Unit Capacity in Mixed-Use Development Districts

In making determinations of whether an MBTA Community has a multi-family zoning district of “reasonable size” under this section, EOHLC shall also take into consideration the existence and impact of mixed-use development zoning districts, subject to the requirements below.

EOHLC shall take these mixed-use development districts into consideration as reducing the unit capacity needed for a multi-family zoning district to be “reasonable” (as listed in Appendix I) where:

- (i) the mixed-use development zoning district is in an eligible location where existing village-style or downtown development is essential to preserve pedestrian access to amenities;
- (ii) there are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families with children;
- (iii) mixed-used development in the district is allowed “as of right” as that phrase has been interpreted by EOHLC (for example, in section 4(c) with respect to affordability requirements);
- (iv) the requirement for non-residential uses is limited to the ground floor of buildings, and in no case represents a requirement that more than thirty-three percent of the floor area of a building, lot, or project must be for non-residential uses;
- (v) the requirement for non-residential uses does not preclude a minimum of three residential dwelling units per lot;
- (vi) the requirement for non-residential uses allows a broad mix of non-residential uses as-of-right in keeping with the nature of the area; and
- (vii) there are no minimum parking requirements associated with the non-residential uses allowed as of right.

An MBTA community asking to reduce the unit capacity requirement for its multi-family zoning district(s) based on the unit capacity for one or more mixed-use development districts shall submit to EOHLC, on a form to be provided by EOHLC, a request for a determination that the mixed-use development district is in an eligible location meeting the requirements of subparagraph (i). This request must be submitted at least 90 days prior to the vote of the MBTA community’s legislative body.

An MBTA community also may submit a broader inquiry as to Section 3A compliance in accordance with section 9(b). EOHLC shall respond prior to the vote of the MBTA community's legislative body if the request is timely submitted.

In any community with both a multi-family zoning district and a mixed-use development district that meets these considerations, the unit capacity requirement for the multi-family zoning district listed in Appendix I shall be reduced by the lesser of

- (i) the unit capacity of residential dwelling units in the mixed-use development district or subdistrict (as calculated by EOHLC using a methodology similar to that in section 5(d) which takes into account the impact of non-residential uses), or
- (ii) twenty five percent of the unit capacity requirement listed in Appendix I. This consideration shall not affect the minimum land area acreage or contiguity requirements for a multi-family zoning district otherwise required by these Guidelines.

d. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the EOHLC compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

e. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within

the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

6. Minimum Gross Density

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. District-wide gross density

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A’s gross density requirement, the EOHLIC compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-

districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. EOHLC will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

7. Determining Suitability for Families with Children

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” EOHLC will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

8. Location of Districts

a. *General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with Section 3A, EOHLC will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. EOHLC will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<u>Total developable station area within the MBTA community (acres)</u>	<u>Portion of the multi-family zoning district that must be within a transit station area</u>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, *and* at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

b. MBTA communities with limited or no transit station area

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

c. General guidance on district location applicable to all MBTA communities

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

9. Determinations of Compliance

Section 3A provides that any MBTA community that fails to comply with Section 3A's requirements will be ineligible for funding from any of the listed funding sources. EOHLC will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. The following discretionary grant programs will take compliance with Section 3A into consideration when making grant award recommendations:

- i. Community Planning Grants, EOHLC,
- ii. Massachusetts Downtown Initiative, EOED,
- iii. Urban Agenda, EOED,
- iv. Rural and Small Town Development Fund, EOED,
- v. Brownfields Redevelopment Fund, MassDevelopment,
- vi. Site Readiness Program, MassDevelopment,
- vii. Underutilized Properties Program, MassDevelopment,
- viii. Collaborative Workspace Program, MassDevelopment,
- ix. Real Estate Services Technical Assistance, MassDevelopment,
- x. Commonwealth Places Programs, MassDevelopment,
- xi. Land Use Planning Grants, EOEEA,
- xii. Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA, and
- xiii. Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Determinations of compliance also may inform other funding decisions by EOED, EOHLC, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.

EOHLC interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, EOHLC will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when EOHLC determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

a. *Process to achieve interim compliance*

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by EOHLC. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
 - ii. *EOHLC approval of an action plan.* EOHLC will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in Table 3. If EOHLC determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, EOHLC will issue a determination of interim compliance. EOHLC may require modifications to a proposed action plan prior to approval.
 - iii. *Implementation of the action plan.* After EOHLC approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. EOHLC may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. EOHLC and EOED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
 - iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a EOHLC determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.
- b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with EOHLC staff throughout the process of implementing an action plan, and may inquire about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or

modify such a district. Such requests shall be made on a form to be provided by EOHLC. If a request is submitted at least 90 days prior to the vote of the legislative body, EOHLC shall respond prior to the vote.

c. Requests for determination of district compliance

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from EOHLC. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by EOHLC and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.
- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, EOHLC will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, EOHLC will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at EOHLC.

10. Ongoing Obligations; Rescission of a Determination of Compliance

After receiving a determination of compliance, an MBTA community must notify EOHLC in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. EOHLC may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if EOHLC determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify EOHLC of a zoning amendment that affects the multi-family zoning district;

- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district (or any mixed-use zoning development district taken into account in determining the required multi-family unit capacity in the multi-family zoning district);
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

11. Changes to MBTA Service

Section 3A applies to the 177 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

List of Appendices:

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model



Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

Issue Date: August 10, 2022

Revised: October 21, 2022

Revised: August 17, 2023

Compliance Guidelines for Multi-family Zoning Districts **Under Section 3A of the Zoning Act**

1. Overview of Section 3A of the Zoning Act

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The ~~Department of Housing and Community Development~~Executive Office of Housing and Livable Communities (EOHLC), in consultation with Executive Office of Economic Development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. ~~DHCD~~EOHLC promulgated preliminary guidance on January 29, 2021. ~~DHCD~~EOHLC updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on ~~DHCDEO~~HLC’s Subsidized Housing Inventory. Nothing in these Guidelines changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by ~~DHCDEO~~HLC.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, ~~DHCDEO~~HLC, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by ~~DHCDEO~~HLC to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by ~~DHCDEO~~HLC as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan

approved by ~~DHCDEO~~HLC; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if ~~DHCDEO~~HLC determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“~~DHCDEO~~HLC” means the ~~Department Executive Office Executive Office~~ of Housing and ~~Community Development~~Livable Communities.

“~~EOHED~~EOED” means the Executive Office of ~~Housing and~~ Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Mixed-use development” means development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Mixed-use development zoning district” means a zoning district where multiple residential units are allowed as of right if, but only if, combined with non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) ~~DHCD~~EOHLC considers requests for funding from the Housing Choice Initiative, (iii) ~~EOHED~~EOED, ~~DHCD~~EOHLC and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

3. **General Principles of Compliance**

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

4. **Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. ~~DHCDEOHL~~ will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

a. Site plan review

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.¹ These guidelines similarly recognize that site plan review may be required for multi-family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

b. Affordability requirements

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, ~~DHCDEOHL~~C will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, ~~DHCDEOHL~~C may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

- (i) The affordability requirements applicable in the multi-family zoning district are reviewed and approved by ~~DHCDEOHL~~C as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by ~~DHCDEOHL~~C; or
- (ii) The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to ~~DHCDEOHL~~C, and using a methodology and format acceptable to ~~DHCDEOHL~~C. The analysis must demonstrate

¹ See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

that a reasonable variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

In no case will ~~DHCDEOHL~~C approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, except in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to the issuance of these guidelines, including any such existing district that is expanded or amended to comply with these guidelines.

c. *Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

5. **Determining "Reasonable Size"**

In making determinations of "reasonable size," ~~DHCDEOHL~~C will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project.

~~DHCDEOHL~~C will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community

determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, ~~DHCE~~DEO~~HLC~~ will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<u>Category</u>	<u>Percentage of total housing units</u>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 (40×15) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing

units in that MBTA community.

Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying $1,000 \times .1 = 100$ units; (ii) second, by multiplying $50 \times 15 = 750$ units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of 1,000 = 250 units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

c. Reasonable Size – Consideration Given to Unit Capacity in Mixed-Use Development Districts

In making determinations of whether an MBTA Community has a multi-family zoning district of “reasonable size” under this section, EOHLC shall also take into consideration the existence and impact of mixed-use development zoning districts, subject to the requirements below.

EOHLC shall take these mixed-use development districts into consideration as reducing the unit capacity needed for a multi-family zoning district to be “reasonable” (as listed in Appendix I) where:

- (i) the mixed-use development zoning district is in an eligible location where existing village-style or downtown development is essential to preserve pedestrian access to amenities;
- (ii) there are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families with children;
- (iii) mixed-used development in the district is allowed “as of right” as that phrase has been interpreted by EOHLC (for example, in section 4(c) with respect to affordability requirements);
- (iv) the requirement for non-residential uses is limited to the ground floor of buildings, and in no case represents a requirement that more than thirty-three percent of the floor area of a building, lot, or project must be for non-residential uses;
- (v) the requirement for non-residential uses does not preclude a minimum of three residential dwelling units per lot;
- (vi) the requirement for non-residential uses allows a broad mix of non-residential uses as-of-right in keeping with the nature of the area; and
- (vii) there are no minimum parking requirements associated with the non-residential uses allowed as of right.

An MBTA community asking to reduce the unit capacity requirement for its multi-family zoning district(s) based on the unit capacity for one or more mixed-use development districts shall submit to EOHLC, on a form to be provided by EOHLC, a request for a determination that the mixed-use development district is in an eligible location meeting the requirements of subparagraph (i). This request must be submitted at least 90 days prior to the vote of the MBTA community’s legislative body.

An MBTA community also may submit a broader inquiry as to Section 3A compliance in accordance with section 9(b). EOHLC shall respond prior to the vote of the MBTA community's legislative body if the request is timely submitted.

In any community with both a multi-family zoning district and a mixed-use development district that meets these considerations, the unit capacity requirement for the multi-family zoning district listed in Appendix I shall be reduced by the lesser of

- (i) the unit capacity of residential dwelling units in the mixed-use development district or subdistrict (as calculated by EOHLC using a methodology similar to that in section 5(d) which takes into account the impact of non-residential uses), or
- (ii) twenty five percent of the unit capacity requirement listed in Appendix I. This consideration shall not affect the minimum land area acreage or contiguity requirements for a multi-family zoning district otherwise required by these Guidelines.

~~ed.~~ *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the ~~DHCDE~~EOHLC compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

~~ed.~~ *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within

the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

6. Minimum Gross Density

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. District-wide gross density

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A’s gross density requirement, the ~~DHCDEOHL~~C compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-

districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. ~~DHCDEOHL~~C will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

7. **Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” ~~DHCDEOHL~~C will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

8. **Location of Districts**

a. *General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with Section 3A, ~~DHCDEOHL~~C will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. ~~DHCDEOHL~~C will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<u>Total developable station area within the MBTA community (acres)</u>	<u>Portion of the multi-family zoning district that must be within a transit station area</u>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, *and* at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

b. MBTA communities with limited or no transit station area

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

c. General guidance on district location applicable to all MBTA communities

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

9. Determinations of Compliance

Section 3A provides that any MBTA community that fails to comply with Section 3A's requirements will be ineligible for funding from any of the listed funding sources. ~~DHCD~~EOHLC will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. ~~Determinations of compliance also may inform funding decisions by EOED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions. The following discretionary grant programs will take compliance with Section 3A into consideration when making grant award recommendations:~~

- i. Community Planning Grants, EOHLC,
- ii. Massachusetts Downtown Initiative, EOED,
- iii. Urban Agenda, EOED,
- iv. Rural and Small Town Development Fund, EOED,
- v. Brownfields Redevelopment Fund, MassDevelopment,
- vi. Site Readiness Program, MassDevelopment,
- vii. Underutilized Properties Program, MassDevelopment,
- viii. Collaborative Workspace Program, MassDevelopment,
- ix. Real Estate Services Technical Assistance, MassDevelopment,
- x. Commonwealth Places Programs, MassDevelopment,
- xi. Land Use Planning Grants, EOEEA,
- xii. Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA, and
- xiii. Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Determinations of compliance also may inform other funding decisions by EOED, EOHLC, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.

~~DHCD~~EOHLC interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, ~~DHCD~~EOHLC will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when ~~DHCD~~EOHLC determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

a. Process to achieve interim compliance

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by ~~DHCDEOHL~~C. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *~~DHCDEOHL~~C approval of an action plan.* ~~DHCDEOHL~~C will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in Table 3. If ~~DHCDEOHL~~C determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, ~~DHCDEOHL~~C will issue a determination of interim compliance. ~~DHCDEOHL~~C may require modifications to a proposed action plan prior to approval.
- iii. *Implementation of the action plan.* After ~~DHCDEOHL~~C approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. ~~DHCDEOHL~~C may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. ~~DHCDEOHL~~C and ~~EOHED-EOED~~ will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
- iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a ~~DHCDEOHL~~C determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and

provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with ~~DHCDEOHL~~C staff throughout the process of implementing an action plan, ~~and may – DHCDEOHL~~C ~~will endeavor to respond to inquiries~~ inquire about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by ~~DHCDEOHL~~C. ~~If a request is and should shall be submitted at least 90 days prior to the vote of the legislative body, EOHLC shall respond prior to the vote.~~

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from ~~DHCDEOHL~~C. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by ~~DHCDEOHL~~C and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.
- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, ~~DHCDEOHL~~C will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, ~~DHCDEOHL~~C will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at ~~DHCDEOHL~~C.

10. Ongoing Obligations; Rescission of a Determination of Compliance

After receiving a determination of compliance, an MBTA community must notify ~~DHCDEOHL~~C in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. ~~DHCDEOHL~~C may rescind a

determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if ~~DHCE~~DEOHLC determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify ~~DHCE~~DEOHLC of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district (or any mixed-use zoning development district taken into account in determining the required multi-family unit capacity in the multi-family zoning district);
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

11. Changes to MBTA Service

Section 3A applies to the ~~175-177~~ MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to

MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

List of Appendices:

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model

**PUBLIC MEETING NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, CHAPTER 131, SECTION 40 AND
THE TOWN OF BOURNE WETLANDS PROTECTION BYLAW ARTICLE 3.7**

BOURNE BD OF SELECTION
ROAD 2023 AUG 24 PM 1:15

Please be advised that the BOURNE Conservation Commission will review the Request for a Determination of Applicability (RDA) application of:

(Applicants/owners) Josephine Bevilacqua and Mark Spetelunas for work proposed at

Location: #11 Taylor Road and #0 Academy Drive Bourne, MA
(Assessors Map 23.1 -Parcel 48 & 45-1).

The purpose of this notification is to allow the public the opportunity to review and comment on the proposed work.

PROPOSED WORK:

The applicants propose to: remove the existing invasive knotweed, regrade the disturbed areas and then loam & seed. The applicant is also proposing to install a fence along the property line between #21 Taylor Road and the above referenced parcels.

The *Abutters List* was prepared by the Assessor's Department of Bourne and the list indicates that you are one of the abutters to the locus (see the enclosed list.) *We look forward to your participation in the review process.*

The PUBLIC MEETING on this matter is scheduled for:

Date: September 7, 2023

Time: 6:30 pm

Place: Bourne Veteran's Community Center, 23p Main Street, Buzzards Bay, MA

The PLAN & the RDA application concerning this matter are on file with the Bourne Conservation Commission. They may be reviewed during normal business hours Monday-Friday from 8:30 AM to 4:30 PM. You may call the department at (508)-759-0600 X1344 to arrange an appointment or to ask questions. The plans can be viewed by emailing SFitch@townofbourne.com or AAmado@townfobourne.com.

Additional questions can be directed to: Merrill Engineers and Land Surveyors, Timothy Santos at 1-508-563-2183.



Cape Light Compact

Your Trusted Local Energy Resource!

Attached for your information and dissemination to your Board of Selectmen/Town Council is the Cape Light Compact's (Compact) quarterly Energy Efficiency Report. The Report breaks out the detail specific to your town. To view your monthly reports from 2006 forward, please visit our website at www.capelightcompact.org/reports.

During Q1 2023

Residents and businesses participated
in our Energy Efficiency program

232 times.

664,697

incentive dollars were distributed to
residents and businesses.

254,502

kWh of energy saved.

115

short tons of CO₂ emissions prevented.

*If you have any questions about the attached report, please contact
Maggie Downey at (508) 375-6636*



30

Home Energy
Assessments



18

Business Energy
Assessments



Cape Light Compact

Your Trusted Local Energy Resource!

Attached for your information and dissemination to your Board of Selectmen/Town Council is the Cape Light Compact's (Compact) quarterly Energy Efficiency Report. The Report breaks out the detail specific to your town. To view your monthly reports from 2006 forward, please visit our website at www.capelightcompact.org/reports.

During Q2 2023

Residents and businesses participated
in our Energy Efficiency program

446 times.

715,312

incentive dollars were distributed to
residents and businesses.

526,289

kWh of energy saved.

237

short tons of CO₂ emissions prevented.

*If you have any questions about the attached report, please contact
Maggie Downey at (508) 375-6636*



56

Home Energy
Assessments



19

Business Energy
Assessments

PROUD SPONSOR OF



Andrew Gottlieb
Executive Director

BOARD OF DIRECTORS

Eliza McClennen
President

Steven Koppel
Vice President

Bob Ciolek
Treasurer

Jack Looney
Clerk

Tom Cohn

John Cumbler

Margo Fenn

Joshua Goldberg

DeeDee Holt

Pat Hughes

Molly Karlson

Elysse Magnotto-Cleary

Blue Magruder

Wendy Northcross

Rick O'Connor

Kris Ramsay

Robert Summersgill

Charles Sumner

Taryn Wilson

Dear Member,

I am always struck, when we put our annual progress report together each year, by the multiple levels at which we must operate to fulfill our mission as the leading advocates for Cape Cod's environment. There are the 4 levels of government (local, county, state, and federal); the scientific level; and then of course the economic level where solutions so often lie. Last, but certainly not least, there's communication and education, which is increasingly critical to gaining and sustaining long-term environmental improvement.

Because APCC works at all these levels, and works well, **this report on 2022 demonstrates real progress*** on many fronts. From staunching immediate threats, to restoring natural resources, to advancing protective plans for better water quality and increased protection of open spaces, APCC had a full and fruitful year, and your support made it possible.

At the half-way point, I can certify that 2023 is a pivotal year if we are to sustain recent gains. **If you haven't already done so, please keep up your support by making a gift to the summer appeal.** You'll find a handy envelope in the center fold of this report as you review what we have achieved together for Cape Cod.

As ever, **we can't do it without you!**

Thank you and enjoy the report,



Andrew Gottlieb
Executive Director

***AS THIS LETTER GOES TO PRINT,** we have excellent news to share: The Massachusetts Department of Environmental Protection (DEP) has signaled its intent to deny Holtec International's permit application to discharge radioactive wastewater into Cape Cod Bay.

This denial happened because we convinced the DEP that the Commonwealth's Ocean Sanctuaries Act could be used to deny the permit. We were only able to produce the compelling legal analysis that swayed the state because we have supporters like you who sustain and stand with us.

The threat is not over; there will be a comment period and then, almost certainly, an appeal from Holtec. We are cautiously optimistic that the Commonwealth can prevail, **but we must remain vigilant and prepared to go to court to preserve this hard-earned victory.**

If you can contribute, please do; we need you more than ever.

LOMBARDO ASSOCIATES, INC.

188 Church Street

Newton, Massachusetts 02458

www.LombardoAssociates.com

Tel: 617-964-2924

Fax: 617-332-5477

Pio@LombardoAssociates.com

August 22, 2023

Marlene McCollem, Bourne Town Administrator
Bourne Town Hall
24 Perry Avenue - Room 101
Buzzards Bay, MA 02532-3441

Dear Ms. McCollem: Re: Responsible Management Entity (RME)
Wastewater Management Plan - Management Services

Noting Bourne's interest in exploring establishing a RME and use of a Management Firm for Septic Systems and as Lombardo Associates, Inc. (LAI) has over 40 years of nationally recognized experience providing municipal management services for septic systems, we will greatly appreciate the Town's consideration of our management and engineering services tailored to address the Town of Bourne's needs.

LAI has been a nationally recognized leader on the optimal integration of septic system management within municipal comprehensive wastewater management plans, since 1980, including being recipient of prestigious national engineering excellence awards.

A description of our RME/Septic System Management experience is pasted below. A brief bio of our qualifications and experience is attached. As you will note, LAI has been the Engineer of Record for >\$250 million of wastewater projects throughout the U.S., prepared numerous Comprehensive Wastewater Management Plans, including numerous communities challenged by septic nitrogen impacts. Our clients have included Mashpee and Wellfleet and the Long Island Towns of East Hampton, Southampton, and Shelter Island. We have developed and championed the Nitrex wastewater treatment system since 2001, when it was permitted by MassDEP. Attached is our conflict of interest statement that we have provided municipal clients.

I will greatly appreciate the opportunity to meet with you and other Town officials at a convenient time to discuss the Town's needs and our potential services. Please do not hesitate to contact me by telephone (617) 964-2924 or E-mail Pio@LombardoAssociates.com to discuss this matter. We look forward to the hearing from you.

Yours truly,



Pio S. Lombardo, P.E.
President

Since 1980 Lombardo Associates, Inc. (LAI) has had extensive and unique **Responsible Management Entity (RME)** experience, as evidenced by the following projects for our various public and private clients:

- ✓ Engineered Two (2) On-Site Wastewater Management Districts (i.e., RME) in Woodstock NY in 1980 – 1984 in which 203 individual and small cluster systems received EPA grants. Project was the 1st Municipal On site wastewater management districts (i.e., RME) in US. Septic systems are owned and maintained by the Town – with property owners paying annual user charge. Local share capital costs were amortized over 20 years and integrated as part of user charge. This is EPA's RME Management Level 5.
- ✓ Developed Anne Arundel County MD On-Site Wastewater Management District (i.e., RME) Plan for 30,000 septic systems in 1985.
- ✓ Prepared On-Site Management Plan (RME) for 50,000 septic systems in Leon & Wakulla Counties FL. Plan included detailed financing analysis, including 20-year proformas for the proposed RME. Worked with a quasi-governmental organization that was interested in being the Plan (i.e., RME) manager.
- ✓ Prepared On-Site Management Plan (RME) for 10,000 septic systems in Washoe County, NV (Reno NV)
- ✓ Developed Business Plan, including marketing studies, legal and financial aspects for a large nationally known on-site system equipment provider to create a private sector RME that would guarantee septic system future repairs as needed, i.e., user charge would include this "insurance" component. Held preliminary meetings with a large insurance company that would provide financing.
- ✓ As vice chair and chair of the national Water Environment Federation Small Communities Committee from 1999 – 2004 held workshops, which I chaired, at the national conventions on RMEs and decentralized wastewater management. Numerous speakers were from private sector companies and private developments providing RME services throughout the US.
- ✓ From 2000 – 2004 as part of our work for the Congressional funded Water Resources Capacity Development projects (i.e., Cluster Systems Planning Manual), Pio Lombardo was an invited participant in numerous meetings / seminars on addressing the issues with implementation of RMEs. Pio Lombardo was invited member of a national Committee that worked closely with electric co-operatives that were interested in expanding to include wastewater services. We addressed the legal, management and financial issues in particular – we were agnostic about technology.

RMEs are essentially utilities and need the infrastructure of a utility – either contracted out or performed internally.

LAI has extensive **Public Private Partnership (P3)** experience that includes advising public entities and overseeing P3 Implementation that resulted in 50% capital cost reductions. In the private sector, Pio Lombardo's experience includes leading an international, Fortune 100 private corporation's proposals on P3 projects throughout North America.

Lombardo Associates, Inc. Overview



Lombardo Associates, Inc. (LAI) and Pio Lombardo, P.E. have 50+ years of experience with innovative wastewater management, in particular for unsewered communities, water quality / Lake studies and water resources/watershed planning. LAI has been the Engineer-of-Record for innovative water resource and wastewater projects with capital costs greater than \$250 million that are operating throughout the

United States. LAI is considered a national expert on decentralized wastewater management, alternative sewer systems and passive nitrogen and phosphorus removal techniques.

Lombardo Associates, Inc. was the recipient of the prestigious American Consulting Engineer's Council Engineering Excellence Award and an *Engineering News Record* Construction Man of the Year candidate for its innovative engineering projects. LAI has been the Engineer of Record of the \$120 million Mayo MD project that included 30 miles of lower cost alternative sewers, and a 900,000 gallons per day innovative wastewater treatment system in Chesapeake Bay using constructed wetlands for nutrient removal. We prepared Map and Plans for the Town of Woodstock NY and Village of Oriskany Falls NY along with providing design and construction engineering for the \$40 million+ innovative wastewater systems that have operational for decades.

LAI has also engineered 30+ cluster wastewater systems ranging in size from 2 to 200+ households, and over 300 individual conventional and advanced treatment on-site wastewater systems achieving nitrogen and phosphorus removal comparable to the most sophisticated centralized wastewater treatment plant. LAI has engineered innovative wastewater systems in the States of NY, MA, CT, RI, NJ, MD, VA, NC, FL, AZ, UT and CA. and has ongoing innovative nitrogen and phosphorus removal projects in NY, CT, MA, FL, UT and CA. LAI has also been the Chief Engineer for a number of public-private partnerships including a 25 MGD municipal water and 16 MGD wastewater treatment facilities. We have written the Engineers Letter Report for >\$500 million of bonds for projects throughout the U.S.

From 2013 through 2018, LAI was the Town of East Hampton's engineer addressing wastewater, septage and water quality issues and prepared the Town's Comprehensive Wastewater-Water Quality Management Plan – available from the Town's website at <http://www.ehamptonny.gov/> and the 2017 Montauk Wastewater Management Strategic Plan. LAI has provided wastewater engineering services for the 28 home Camp Hero Sewer District since 2014. LAI was also the Village of East Hampton's engineer for preparation and implementation of the Hook Pond Water Quality Improvement Project Plan – available at the Village's website <http://www.easthamptonvillage.org/>.

LAI has and continues to provide innovative nitrogen removal and wastewater management services to private clients in Suffolk County, NY including Rechler Equity for their Canoe Place Inn project in which LAI developed the innovative permeable reactive barrier for nitrogen removal and LAI's SCDHS approved Nitrex system for wastewater treatment and nitrogen removal at the Hampton Boathouses. LAI developed an approach that results in zero net nitrogen contribution of the project. LAI has a number of confidential private clients in East Hampton and Southampton and has engineered 50+ individual I/A systems in the two Towns.

LAI has designed and received permits for five (5) 15,000 gpd hotel wastewater system for an area adjacent to Bryce National Park Utah that has been permitted by the State of Utah to achieve TN < 2.5 mg/L. LAI has provided innovative wastewater – nitrogen management services for the Towns of Oak Bluffs and Tisbury on Martha's Vineyard; Mashpee and Wellfleet on Cape Cod – as well having written the Cape Cod 208 study in 1978; and numerous other MA Towns including Holliston, Lincoln and Acton, along with a small community in Ipswich.

LAI completed an evaluation of Onsite Sewage Treatment and Dispersal System (OSTDS) technology and management options for 50,000 OSTDS in the Wakulla Springs, FL watershed on behalf of Leon County, Wakulla County and City of Tallahassee. LAI was selected via a competitive procurement and recently completed an inventory and analysis of Onsite Wastewater Treatment Systems (OWTS) and their Impact on Nitrogen Loadings in coastal Connecticut watersheds. The CT study included a review of OWTS Management Approaches, Treatment Technologies for Nitrogen Removal and Preliminary Assessment of Potential Impacts of Climate Change.

Lombardo Associates, Inc. engineered a 25,000 gpd wastewater treatment system for a high-end Malibu CA shopping center that achieves effluent quality of Total Nitrogen < 3 mg/L and complied with CA Title 22 unrestricted non-potable water reuse standards. LAI also engineered a water reuse - no liquid discharge system that was permitted by the State of California for a commercial development in Malibu CA.

LAI prepared recently engineered a nitrogen and phosphorus removal system using biochar and Nitrex media for a 1,000,000 gpd facility in Florida to polish treated wastewater prior to storage in irrigation ponds which were experiencing excessive algae growth.

Additional information and full statement of qualifications available on LAI's web site www.LombardoAssociates.com. Lombardo Associates, Inc. has authored or been a contributor to the following US EPA manuals since 1979:

- ✓ USEPA On-Site Wastewater Management Design Manual, 2002
- ✓ USEPA Manual Constructed Wetlands Treatment of Municipal Wastewaters (EPA\625\R-99\010), 2000
- ✓ USEPA, *"It's Your Choice, A Guidebook for Local Officials on Small Community Wastewater Management Options"*, (EPA-625/9-87-006)
- ✓ USEPA Septage Treatment and Disposal Manual (EPA-625/6-84-009)
- ✓ Planning Wastewater Management Facilities for Small Communities (EPA-600/8-80-030)
- ✓ Model Wastewater Management Facility Plan, 1980

LAI also has authored the following manuals for the U.S. EPA National Decentralized Water Resources Capacity Development Project (www.ndwrcdp.org):

- ✓ Cluster Wastewater Systems Planning Handbook. Project No. WU-HT-01-45. Prepared for the National Decentralized Water Resources Capacity Development Project, Washington University, St. Louis, MO, by Lombardo Associates, Inc., Newton, MA, 2004
- ✓ Phosphorus Geochemistry in Septic Tanks, Soil Absorption Systems and Groundwater, Prepared for the National Decentralized Water Resources Capacity Development Project, Washington University, St. Louis, MO, by Lombardo Associates, Inc., Newton, MA, April 2006

and co-authored the WEF publication:

- ✓ Alternative Sewer Systems Manual of Practice FD-12, 2008, Water Environment Federation

Mr. Pio Lombardo, President of LAI, was the author of the 1st version of the US EPA water quality model HSPF which is widely used for Total Maximum Daily Load determinations to achieve water quality standards since 1970s. Pio was chair and vice-chair of the national Water Environment Federation Small Community Committee from 2000 – 2005.

Pio Lombardo, P.E. President
Lombardo Associates, Inc.
188 Church Street, Newton, MA 02458
Phone: 617-964-2924 Fax: 617-332-5477
53 Hill St., Southampton, NY 11968
Email: Pio@LombardoAssociates.com
www.LombardoAssociates.com

March 2023



5. CONFLICT OF INTEREST STATEMENT

Lombardo Associates, Inc. and its Project Team members provide the following statements regarding existing or potential conflicts of interest.

Lombardo Associates, Inc. (LAI) has developed the Nitrex™ wastewater treatment nitrogen removal system that has been approved for use in Suffolk County in addition to two other technologies. LAI has also developed the Nitrex™ groundwater treatment nitrogen removal system. It is noted that Suffolk County's independent review and the US EPA's evaluation of decentralized wastewater systems http://water.epa.gov/polwaste/nps/chesbay502_onsite.cfm identified the Nitrex™ wastewater treatment system as reducing nitrogen to the lowest levels as compared to other technologies.

While there may be an appearance of a conflict of interest should there be a need for wastewater and groundwater nitrogen removal systems in East Hampton and the project recommend the use of the wastewater or groundwater treatment system with nutrient removal capabilities that the Nitrex™ can achieve, it is noted that LAI hereby certifies that it will not receive royalties from any use of the Nitrex™ technology on projects in East Hampton. LAI believes the development of the Nitrex™ technology demonstrates LAI industry leadership to fill a technology void. Our financial benefit is solely through the provision of engineering services, as other engineering firms.

Additionally and most importantly, the CWMP will be developing a Comprehensive Wastewater Management Plan and identifying wastewater treatment performance requirements and alternate technology choices to achieve the treatment requirements, which could, and are expected will, be refined in any subsequent efforts to address wastewater management needs.

However to proactively address any appearance of a conflict of interest, LAI recommends that the Town, at its discretion, retain an independent engineer to provide an independent opinion on any LAI recommendation for use of the Nitrex™ technology. It is noted that the Nitrex™ wastewater component is usually a small component of the overall cost of a decentralized system.

Besides the Nitrex™ technology issue described above,

1. Neither Lombardo Associates, Inc. nor any of its employees has any material financial relationship that may create a conflict of interest in acting as a Contractor for the Town of East Hampton.
2. Neither LAI and its proposed subcontractors and their employees have any family relationship with any Town employee that may create a conflict of interest or the appearance of a conflict of interest acting as a Contractor for the Town of East Hampton.
3. There are no other matters that LAI and its team believe may create a conflict of interest or the appearance of a conflict of interest action as a Contractor for the Town of East Hampton.

Certified:


Pio Lombardo, President, Lombardo Associates, Inc.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 18, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
Draft 6th Five Year Review, 2017 – 2022
Joint Base Cape Cod (JBCC) Superfund Site
Otis Air National Guard Base, MA - RCL,
Comments

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Force Civil Engineer Center (AFCEC) response to comments letter (RCL) dated August 16, 2023, in response to MassDEP comments dated July 14, 2023, for the document **“Draft 6th Five Year Review, 2017 – 2022 Joint Base Cape Cod (JBCC) Superfund Site Otis Air National Guard Base, MA”** dated June 2023 (the Report). The Report evaluates the performance of environmental remediation implemented by the Air Force Civil Engineer Center (AFCEC) for the Installation Restoration Program at JBCC to determine if the remedies are and will continue to be protective of human health and the environment. MassDEP offers the following comments on the RCL.

MassDEP Comment #2, Page 4-5, Section 4.1.2.3, AV Groundwater, Status of Implementation:

The text states, **“During this FYR period, in response to AFCEC’s private well verification annual mailings, four property owners (APEMS IDs 39663, 39665, 39797, 47065) notified AFCEC that they planned to restart their non-operational irrigation wells. AFCEC sampled these irrigation wells and prepared well determinations (Appendix C) that concluded the wells are suitable for irrigation/outdoor purposes (AFCEC 2022a, 2021a).”**. MassDEP recommends changing the reference Appendix C to Appendix B since that is the designation in the Report Table of Contents and on the Appendix cover page. Additionally, MassDEP was informed by the AFCEC in 2022 that a recently issued Air Force policy prohibits the sharing of any information regarding private well locations and sampling/analytical data for residential wells with MassDEP since the information would include Personally Identifiable Information. MassDEP no longer receives any residential well information from the AFCEC. This severely impacts MassDEP’s ability to assess actual or potential impacts of JBCC groundwater contamination to potential receptors. Therefore, MassDEP cannot confirm the findings of any of the AFCEC’s well determinations performed after 2021.

AFCEC Response to MassDEP Comment #2:

The AFCEC response states, **“The reference to Appendix C has been changed to Appendix B. While MassDEP is correct that Air Force policy prohibits the sharing of any information regarding private well**

locations and sampling/analytical data for residential wells with MassDEP, Air Force legal counsel recently clarified that Air Force policy also allows personally identifiable information to be shared with consent of the property owner. AFCEC will contact property owners to obtain consent for AFCEC to share the private well data with MassDEP.”.

MassDEP requests that the AFCEC contact those property owners whose private wells the AFCEC has sampled since May 2022. MassDEP also requests that – regardless of whether the property owner gives consent with respect to their private well data – the AFCEC provide the name of the street associated with the private wells sampled since May 2022. MassDEP continues to reserve its right to challenge the Air Force policy and to seek public records from the AFCEC that would allow MassDEP to evaluate actual or potential impacts to human health.

MassDEP also wishes to highlight Section 344 of the National Defense Authorization Act of 2023, Pub. L. No. 117-263, which states, “[DoD] may not disclose PII in connection with the results of testing for [PFAS]...without the consent of the property owner” (Emphasis added). MassDEP seeks clarification from the AFCEC on whether and how the AFCEC advises the property owner of his or her option to provide their consent to disclosure, and whether and how the AFCEC provides a form or other means for the property owner to do so. To the extent the AFCEC has already received consent from property owners, MassDEP requests those forms or other confirmations of consent that would allow MassDEP to contact those owners to help accomplish the intent of the NDAA.

Please incorporate this letter into the Administrative Record for the Five-Year Review 2017-2022. If you have any questions regarding this matter, please contact me at (617) 694-2644 or Elliott Jacobs at (857) 207-0815.

Sincerely,



Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/ej

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 11, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Annual Land Use Control Letter Report
for 2022, Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document **“Draft Annual Land Use Control Letter Report for 2022”** dated June 22, 2023 (the Report). The Report evaluates the status of the Land Use Controls (LUCs) for the Installation Restoration Program (IRP) groundwater and source area sites requiring an annual LUC monitoring report in accordance with their respective Records of Decision, Explanation of Significant Differences, or other decision documents. MassDEP offers the following comments on the Report.

1. Page 1:

The text states relative to Fuel Spill-1 (FS-1), **“The LUC requirement for legacy contaminants of concern (COCs) has been removed as the site is closed. However, LUCs are being maintained for per-and polyfluoroalkyl substances (PFAS).”** Administrative controls to restrict the installation of any new residential and public drinking water wells in areas where groundwater contamination above regulatory standards have been identified are common requirements for LUCs. Please describe what administrative controls are in place to restrict the installation of any new residential or public drinking water wells in areas of the former FS-1 groundwater plume where Per- and Polyfluoroalkyl Substances (PFAS) compounds above the Massachusetts Maximum Contaminant Level (MMCL) have been identified in groundwater.

2. Page 6, 2022 LUC Program Activities, LF-1 Extraction Well (27EW0005):

The text indicates, **“A technical evaluation is being completed based on for the VA’s Water Management Act draft withdrawal permit that was issued on 23 February 2023.”** MassDEP notes that a final Water Management Act withdrawal permit was issued to the Veteran Affairs on February 23, 2023. Please revise the text.

3. Page 6, 2022 LUC Program Activities, Private and Municipal Wells:

The text states, **“Results of AFCEC well testing are shared with homeowners, the regulatory agencies and appropriate BOHs”**. On page 7, the text states, **“Note that private well test results are only provided to the property owners and EPA.”** MassDEP was informed by the AFCEC in 2022 that a recently issued Air Force policy prohibits the sharing of any information regarding residential well locations and sampling/analytical data for residential wells with MassDEP since the information would include Personally Identifiable Information. MassDEP has not received any residential well information from the AFCEC since September 2022. This severely impacts MassDEP’s ability to assess actual or potential impacts of IRP groundwater contamination on human health and the environment and provide timely information to the affected citizens of the Commonwealth. MassDEP continues to reserve its right to challenge the Air Force policy and to seek public records from the AFCEC that would allow MassDEP to evaluate actual or potential impacts to human health.

MassDEP also wishes to highlight Section 344 of the National Defense Authorization Act of 2023, Pub. L. No. 117-263, which states, *“[DoD] may not disclose PII in connection with the results of testing for [PFAS]...without the consent of the property owner”* (Emphasis added). MassDEP seeks clarification from the AFCEC on whether and how the AFCEC advises the property owner of his or her option to provide their consent to disclosure, and whether and how the AFCEC provides a form or other means for the property owner to do so. To the extent the AFCEC has already received consent from property owners, MassDEP requests those forms or other confirmations of consent that would allow MassDEP to contact those owners to help accomplish the intent of the NDAA.

Please incorporate this letter into the Administrative Record for the Installation Restoration Program Land Use Control Program at JBCC. If you have any questions regarding this letter, please contact me at (617) 694-2644 or Elliott Jacobs at (857) 207-0815.

Sincerely,



Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/ej

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 8, 2023

Air Force Civil Engineer Center/JBCC
Attn: Ms. Rose H. Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Remedial Investigation/Feasibility
Study Report Department of Defense
Property Munitions Response Site at the
Old Grenade Courts Munitions Response
Area, Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document **“Draft Remedial Investigation/Feasibility Study Report Department of Defense Property Munitions Response Site at the Old Grenade Courts Munitions Response Area”** (the Draft RI/FS) dated June 2023. The Draft RI/FS defines the nature and extent of contamination, characterizes the fate and transport of munitions and explosives of concern, evaluates human health and ecological risks, and evaluates alternatives for mitigation of remaining risks associated with historic military munitions use at the Department of Defense Property Munitions Response Site Old Grenade Courts Munitions Response Area (MRA). MassDEP has the following comments on the Draft RI/FS.

1. Page 10-4, Section 10, Identification and Screening of Technology Types and Process Options, Munitions and Explosives of Concern Clearance Technologies, MEC Removal for UU/UE (not retained), Cost:

The text states *“MEC removal for UU/UE cannot be achieved and would not be effective without the addition of LUCs, it is not easily implementable, and it would be costly. As such, removal for UU/UE has not been retained for alternative development.”* MEC removal for UU/UE is achievable at the Department of Defense Property Munitions Response Site Old Grenade Courts MRA based on the MRA conceptual site model, the MEC findings at the two live grenade courts at the MRA and the investigation results at the Non-Department of Defense Property Munitions Response Site Old Grenade Courts MRA. MassDEP recommends that the AFCEC revise the Draft RI/FS to retain MEC Removal for UU/UE as a technology option, for the development and screening of alternatives and for the detailed analysis of alternatives.

2. Pages 11-2 and 11-3, Section 11, Development and Screening of Alternatives, Alternative 2: Land Use Controls with Annual Munitions and Explosives of Concern Sweeps and Unexploded Ordnance Construction Support:

The text states *"Annual inspection of signage and geophysical surface sweeps for MEC"* are included in this alternative and that *"MEC sweeps will be conducted annually for three years, and the frequency will be reassessed thereafter."* The Draft RI/FS does not specify the timing and coverage of the proposed three annual MEC sweeps or when the reassessment will take place. Please clarify what the AFCEC is proposing. MassDEP requests that this alternative be revised to include, at minimum, annual MEC sweeps for the first five years of the remedy and that the MEC sweeps, and frequency be assessed during the remedy Five-Year Reviews.

Please incorporate this letter into the Administrative Record for the Department of Defense Property Munitions Response Site Old Grenade Courts MRA. If you have any questions regarding this letter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Pinaud", enclosed within a circular outline.

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 22, 2023

Impact Area Groundwater Study Program
ATTN: Mr. Shawn Cody, Program Manager
1807 West Outer Road
Camp Edwards, MA 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0015031
Joint Base Cape Cod (JBCC)
**Draft J-2 Range Northern Environmental
Monitoring Report for November 2021
through October 2022 - RCL, Comments**

Dear Mr. Cody:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Impact Area Groundwater Study Program (IAGWSP) response to comments letter (RCL) dated August 18, 2023, in response to MassDEP comments dated June 7, 2023, for the document **“Draft J-2 Range Northern Environmental Monitoring Report for November 2021 through October 2022”** (the Report) dated May 2023. The Report provides an assessment of the J-2 Range Northern groundwater extraction, treatment, and re-infiltration system operations and groundwater monitoring performed by the IAGWSP from November 2021 through October 2022.

MassDEP has no comments on the RCL.

Please incorporate this letter into the IAGWSP Administrative Record for the J-2 Range groundwater. If you have any questions regarding this matter, please contact me at (617) 694-2644 or Elliott Jacobs at (857) 207-20815.

Sincerely,

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/ej

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 24, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Remedial Investigation Report
for Per- and Polyfluoroalkyl Substances
at Tanker Truck Rollover Sites – RCL2,
Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Force Civil Engineer Center (AFCEC) response to comments letter (RCL2) dated January 20, 2023, in response to MassDEP comments dated June 22, 2022, for the document **“Draft Remedial Investigation Report for Per- and Polyfluoroalkyl Substances at Tanker Truck Rollover Sites”** dated March 2022 (the TTRS RI). The RCL2 included a **“Revised Draft Remedial Investigation Report for Per- and Polyfluoroalkyl Substances at Tanker Truck Rollover Sites”** dated January 2023 (the Revised Draft TTRS RI). The Revised Draft TTRS RI presents the findings of the Remedial Investigation for per- and polyfluoroalkyl substances (PFAS) at the Tanker Truck Rollover Sites (TTRS) at JBCC. MassDEP provided comments dated March 17, 2023, to the AFCEC on RCL2 and on the Revised Draft TTRS RI, however, the AFCEC has not yet responded to those comments. MassDEP offers the following additional comments on the RCL2 and the Revised Draft TTRS RI.

Comments:

Revised Draft TTRS RI, Appendix F-2, Development of a Soil-to-Groundwater Screening Level for PFAS By Measurement of Vadose Zone Porewater PFAS Concentrations at Tanker Truck Rollover Site #1:

MassDEP has reviewed Appendix F-2 of the Revised Draft TTRS RI with a focus on the lysimeter pilot study and estimated dilution attenuation factor (DAF). Appendix F-2 attempts to develop a site-specific evaluation of the leachability of PFAS from soil to vadose zone porewater through the installation of three suction lysimeters. Lysimeter data was used to derive a DAF for PFAS contamination. Porewater data were used with groundwater vertical profiling data to estimate how much PFAS in soil would be required to produce an exceedance of the PFAS6 (i.e., the sum of the concentrations of PFOS, PFOA, PFHxS, PFNA, PFHpA and PFDA) Massachusetts Maximum Contaminant Level (MMCL) of 20 nanograms per liter (ng/L) (0.02 micrograms per liter (ug/L)) in groundwater. This value was proposed by the AFCEC to be used in the Remedial Investigation (RI) and subsequent Feasibility Study to guide remediation.

The evaluation included installation of 3 lysimeters in the vadose zone at or within 5 feet (ft.) (horizontally) of the prior soil sampling locations to measure PFAS concentrations in porewater and evaluate the

potential for residual PFAS concentrations in soils to migrate to groundwater. The lysimeters were installed to a depth of 8 ft. below ground surface (bgs). The depth to groundwater at the site is reported to be approximately 12 ft. bgs. Porewater was sampled during four sampling events using the installed vacuum lysimeters and analyzed for PFAS. The AFCEC used the lysimeter data collected from rollover site #1 to derive a porewater DAF for perfluoro octane sulfonic acid (PFOS) of 8.1.

In addition to the lysimeter data, potential site-specific soil-to-groundwater screening levels were derived by calculating generic DAFs using equations from the USEPA Soil Screening Guidance (1996). The soil-to-water partition equation from the Soil Screening Guidance was then used to estimate the total PFAS concentrations in soil corresponding to equilibrium PFAS concentrations in the soil leachate (i.e., porewater). This effort is presented in Attachment 1 of the Revised Draft TTRS RI and reports a range of DAFs for PFOS from 1.8 to 32.9. It is noteworthy that this model predicts the same DAF for both PFOS and perfluoro octanoic acid (PFOA), which are known to leach quite differently in the environment.

Ultimately, the AFCEC recommended using the USEPA national default screening DAF of 20 for reasons that are not fully explained in the appendix other than to say that USEPA **“indicate a DAF of 20 is a reasonable estimate for most contaminants”**. Using the proposed default DAF value of 20, an allowable PFOS concentration in porewater cannot exceed 0.4 ug/L (i.e., 20×0.02 ug/L) to be protective of groundwater pursuant to 310 CMR 40.0000, the Massachusetts Contingency Plan (MCP).

Appendix F-2, Section 2, Lysimeter Installation: Section 2 asserts that three lysimeters were installed at the TTRS #1 source area. However, only one of the three lysimeters (PF01LYSO1) was placed in the source area with an average PFOS soil concentrations of 240 ug/kg in the 0–3 ft. horizon. One lysimeter (PF01LYSO2) is located approximately 70 ft. upgradient of the Aqueous Film Forming Foam (AFFF) source area where surface soils contained an average PFOS concentration of approximately 3 ug/kg (PF01DP010). The third lysimeter (PF01LYSO3) is located about 50 ft. southwest of PF01LYSO1 in an area that had PFAS soil concentrations less than 1 ug/kg. In the leaching evaluation and analysis, the PFAS6 concentrations in porewater samples were averaged for the three lysimeter locations. Lysimeter locations 2 and 3 have relatively low levels of soil PFOS compared to Lysimeter 1. Lysimeters are typically placed in areas of the vadose zone with the highest contaminant concentrations to assess partitioning and mobility from the source area. Therefore, porewater data from Lysimeter locations 2 and 3 are not appropriate to be averaged with data from Lysimeter 1. Ideally, multiple lysimeters should be distributed throughout source area and be sampled multiple times to *“develop rigorous spatially integrated estimates of contaminant mass discharge with relatively little uncertainty”* (Anderson, 2021).

Figure F-2 indicates the estimated AFFF release area is roughly 34,000 square feet (0.8 acres). MassDEP has low confidence that the range of contaminants and conditions in the vadose zone of the release area have been adequately characterized with only one lysimeter data point from within the estimated AFFF release area. Lysimeter data collected at PFAS release locations may provide a better understanding of the fate and transport of PFAS from soil-to-groundwater than available modeling approaches. However, if lysimeter data is to be used for deriving a site-specific DAF multiple lysimeters should be installed throughout the source area at depths that reflect the full vadose and capillary fringe zone and be sampled multiple times to adequately characterize contaminant mass discharge to groundwater.

A lysimeter study should include an argument as to why the number of lysimeters installed is likely to provide sufficient information to be reasonably confident that the nature and extent of the soils and vadose zone across the source area have been adequately characterized. Lysimeter data must be paired with reasonably concurrent downgradient and proximate groundwater profiling data. Concurrent

groundwater data should be collected from the water table in several increments to ensure conditions at the water table-vadose interface have been captured.

Appendix F-2, Section 5, Data Analysis: *Lysimeter Data Used to Derive a Site-Specific Soil Leaching Value*- Appendix F does not discuss the groundwater flow direction and provides insufficient information about the hydrogeology in the vicinity of the lysimeter pilot study. Groundwater flow direction information should be in the appendix, or it should be referenced to support decisions in the appendix. Section 5 asserts: **“Groundwater vertical profile boring PF01DP4012 was installed in August 2015 and is located approximately 80 ft. hydraulically downgradient (i.e., northwest) of Lysimeter 1...”**. However, several figures in the Revised Draft TTRS RI (e.g., Figure 1-2) indicate groundwater flow direction to be west or slightly west-southwest. Figure 2-2, Land Use and Water Resources shows the particle tracking from Rollover Site #1 moving in a westerly direction from the source area. This suggests that PFO1DP4012 is not hydrologically downgradient of lysimeters but rather cross-gradient of Lysimeter #1. This adds considerable uncertainty to the use of the groundwater profiling data from this well for the DAF derivation. In addition, locating the vertical profiling well 80 ft. downgradient from the source area (or Lysimeter location #1) would be expected to increase the DAF significantly compared to groundwater data located immediately downgradient of the source area.

Groundwater depth at Rollover Site #1 is reported to be 12 ft. bgs. However, groundwater was sampled at a depth starting at 20-25 ft. Neglecting PFAS groundwater concentrations at the top of the water table could significantly underestimate PFAS profile concentrations. For soil-to-groundwater leaching scenarios, contaminant concentrations are generally expected to be highest at the water table. The concentration of PFAS at a greater depth (i.e., at 20-25 ft.) is expected to be lower compared to the concentration at the groundwater surface resulting in a higher DAF and a lower estimation of risk.

Lysimeters are meant to measure the mass discharge of contaminants from soil by *“physically sampling soil porewater above the capillary fringe”* (Anderson, 2021). To ensure that contaminants are adequately characterized above the capillary fringe porewater from the soil surface to the capillary fringe should be sampled, not merely a portion thereof.

A portion of the PFOS porewater data reported in Table 3, TTRS #1-Lysimeter Test results-Porewater and used for the DAF derivation are reported as J-values. Table 15-1 of the 2018 RI Workplan for TTRS (AFCEC, 2018) reports the Limit of Quantification (LOQ) objective for PFOS in groundwater to be 0.01 ug/L. However, two of the four PFOS groundwater samples reported in Table 3 of Appendix F report J values (estimated concentrations) over 2 ug/L. This is the only lysimeter located within the release area and the data is of questionable quality.

Use of the Default USEPA DAF- There is an assertion in Section 5 that because the USEPA use a default DAF of 20 in their Soil Screening Guidance, the default DAF of 20 is appropriate for this site. MassDEP does not agree with this assertion. The default DAF of 20 is a generic value that does not consider regional and site-specific conditions and likely does not capture the complexity of the fate and transport of PFAS. Also, the default USEPA DAF assumes that the source area is 0.5 acres. Rollover Site #2 is roughly 0.8 acres.

The assumptions made in the site-specific soil-to-groundwater estimation appear to be either incorrect or not properly supported. Specifically, Attachment 1 of the March 2022 TTRS Draft RI reports the Infiltration Rate (I) as 0.00205 ft./day. This equates to 8.98 inches per year. The notes on this table indicate this value is **“Based on 30 in./yr. The infiltration rate was calculated using a rule of thumb in**

which the annual rainfall in inches is multiplied by a percentage equal to the annual rainfall value (Grunsky's Rule)". It is not clear what Grunsky's Rule is referring to nor what this '*rule of thumb*' is.

According to the AFCEC, the infiltration rate was adjusted to account for evapotranspiration. While this seems reasonable, neither Appendix F nor Attachment 1 clearly explain this adjustment. It is not clear what ratio or portion of the 30 inches of precipitation per year is estimated to be lost due to evapotranspiration and what the basis for that estimate is. This sort of assumption requires a narrative to explain what has been done and why and a reference to support the approach.

Uncertainties Relating to Deriving Site-Specific DAF- One uncertainty particular to PFAS is the potential for PFAS precursor compounds to complicate the fate and transport assessment in areas around and downgradient of the release site. For example, aerobic biotransformation of some Electrochemical Fluorination-derived precursors can result in the formation of perfluoro sulfonic acids, including PFOS (ITRC, 2020). Another uncertainty with the lysimeter study and its application for remedial work is the fact that lysimeter data was only collected from one of the two release areas. While rollover site #1 is very close to rollover site #2, it's not clear that soils and dilution/attenuation are similar at the two locations.

Groundwater vertical profiling data (Table 5) was collected six years before any lysimeter data was collected. Because the DAF derivation is linking soil vadose data to groundwater data it would seem appropriate to collect groundwater and lysimeter data at the same time or as close as possible and to have groundwater profiling data from an area very close to the lysimeters.

It is not clear why all the lysimeter data was not collected on the same date. Data from Lysimeter 2 and 3 were collected in January, March, April, and June of 2022. Data from Lysimeter 1 was collected roughly 6 to 7 months earlier. Ideally, lysimeter data should be collected concurrently.

Although the six target chemicals (i.e., PFAS6) behave differently in the subsurface, generally, migration of PFAS6 may take years before a *peak* concentration is detected in groundwater 80ft. downgradient from the source area. The groundwater analysis therefore may not be representative of PFAS6 concentrations in the subsurface at the time of collection of the porewater samples.

One of the goals of the suction lysimeter is to capture porewater conditions above the capillary fringe. However, the three suction lysimeters installed only went to approximately 8 ft. deep. Because groundwater is generally 12 ft. bgs in the area, that suggests porewater conditions above the capillary fringe may not have been adequately characterized. Therefore, the lysimeters may not fully capture the PFAS concentrations in the vadose zone.

Therefore, MassDEP does not agree with the use of the proposed default DAF of 20 for this site. The lysimeter study has several issues and provides limited useful information relating to the fate and transport of PFAS in the vadose zone at the site. If lysimeter data is to be used for deriving a site-specific DAF, additional appropriately paired lysimeter and groundwater data must be collected. Additionally, lysimeter deployment should include multiple locations representative of soil conditions within the source area and at depths that reflect the full vadose and capillary fringe zones. Potential seasonal impacts should be assessed via multiple sampling events. Site-specific hydrogeological parameters could be used to derive a site-specific DAF using the Synthetic Precipitation Leaching Procedure (SPLP) to estimate leaching from soil to porewater paired with a porewater to groundwater dilution model. However, because the fate and transport of PFAS chemicals are uncertain, conservative parameters should be used

to derive this value. The implications of the USEPA proposed MCLs, and final and proposed Reference Dose (RfD) values for PFOS and other PFAS should be noted and addressed.

In lieu of collecting additional lysimeter data, site-specific hydrogeological parameters could be used to derive a site-specific DAF using the SPLP to estimate leaching from soil to porewater paired with a porewater to groundwater dilution model. However, because the fate and transport of PFAS chemicals are not well known, MassDEP recommends using conservative parameters to derive this value.

References:

Anderson, R.H. 2021. The Case for Direct Measures of Soil-to-Groundwater Contaminant Mass Discharge at AFFF-Impacted Sites. *Environmental Science & Technology*. V.55, p. 6580-6583.

CH2M for AFCEC/JBCC, Installation Restoration Program, Otis Air National Guard Base, MA. May 2018. Final Remedial Investigation Work Plan for Per- and Polyfluoroalkyl Substances at Tanker Truck Rollover Sites, Joint Base Cape Cod, MA. 696027-EC-TTRS QAPP-002.

Interstate Technology Regulatory Council (ITRC). 2020. Environmental fate and transport for per- and polyfluoroalkyl substances. ITRC, PFAS Team. https://pfas-1.itrcweb.org/5-environmental-fate-and-transport-processes/#5_4

U.S. Environmental Protection Agency (USEPA). 1996. Soil Screening Guidance: User's Guide. Publication 9355.4-23. July.

Please incorporate this letter into the Administrative Record for the Tanker Truck Rollover Sites groundwater operable unit. If you have any questions regarding this matter, please contact me at (617) 694-2644.

Sincerely,



Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 22, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts, 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Technical Evaluation/Well
Determinations for Former IRP Extraction
Well 27EW0005 and Planned VA Irrigation
Well VAIW-03 Associated with the VA
Cemetery Expansion Project - RCL,**
Comments

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Force Civil Engineer Center (AFCEC) response to comments letter (RCL) dated August 18, 2023, in response to MassDEP comments dated February 17, 2022, for the documents **“Draft Technical Evaluation/Well Determinations for Former IRP Extraction Well 27EW0005 and Planned VA Irrigation Well VAIW-03 Associated with the VA Cemetery Expansion Project”** dated August 2021 (the Well Determinations).

MassDEP has no comments on the RCL.

Please incorporate this letter into the Administrative Record for the Landfill-1 groundwater operable unit. If you have any questions regarding this matter, please contact me at (617) 694-2644 or Elliott Jacobs at (857) 207-20815.

Sincerely,

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/ej

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 28, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Final Proposed Plan for Old K Range
Munitions Response Area, MOR2, MOR3**
Comments

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Force Civil Engineer Center (AFCEC) Memorandum of Resolution (MOR2) dated April 6, 2023, issued for MassDEP comments dated November 9, 2022, December 23, 2022, and March 7, 2023, for the document **“Draft Proposed Plan for Old K Range Munitions Response Area”** (the Draft Proposed Plan) dated October 2022. The MOR2 included a revised draft of the Proposed Plan (the Revised Draft Proposed Plan) dated April 2023. MassDEP has additionally reviewed the AFCEC MOR3 dated June 26, 2023, issued for the U.S. Environmental Protection Agency (EPA) comments dated May 10, 2023, for the Draft Proposed Plan. The MOR3 included a red-lined strikeout version of the Proposed Plan (the Draft Final Proposed Plan) dated June 2023. The Draft Final Proposed Plan was prepared by the AFCEC to identify the preferred remedy to eliminate or mitigate exposure to munitions and explosives of concern (MEC), munitions constituents (MC) and risks to human health and ecological receptors at the Military Munitions Response Program (MMRP) Old K Range Munitions Response Area (MRA).

The 145-acre Old K Range MRA is a former small arms and rocket range contained within the northern portion of Camp Edwards/Upper Cape Water Supply Reserve (UCWSR/Reserve), originally leased from the Commonwealth of Massachusetts to the Army in 1940 and utilized primarily during the Second World War. The U.S. Coast Guard (USCG) is the current tenant at the Old K Range MRA and has been leasing the property from the Commonwealth of Massachusetts for use as a Communications Station (Transmitter Site). Numerous inert and live ordnance items have been recovered from the Old K Range MRA. MassDEP has the following comments on the MOR2, MOR3, and the Draft Final Proposed Plan.

Comments on the MOR2:

1. General Comment 1: The MassDEP March 7, 2023, comment letter identified that the Army MEC Hazard Assessment (MEC HA), which addresses human health and safety concerns associated with

potential exposure to MEC, conducted by the AFCEC as part of its Remedial Investigation, identified a MEC Hazard score of 830 for the part of the Old K Range MRA known as the Rocket Range Area of Interest (AOI a/k/a munitions response site (MRS)) for current and future use due to the high density of munitions items there. A score of 725-835 corresponds to a hazard level of 2, the second highest potential explosives hazard condition (on a scale of 1 indicating highest potential hazard to 8 indicating lowest potential hazard). The MEC HA correspondently found a Hazard Level of 4, the lowest explosive hazard condition at a site where explosives could have been used, would be achieved if a “subsurface removal action and land use controls” remedial alternative was implemented for the Rocket Range AOI.

The MassDEP March 7, 2023, comment letter explained that the AFCEC’s Alternative 3 was not acceptable to MassDEP because under that alternative there would be no subsurface removal of MEC and therefore an unacceptable explosive safety hazard and the potential for MC leaching would remain at the Old K Range MRA. MassDEP continues to express its objection to the AFCEC Alternative 3 since Alternative 3 will leave an unreasonably elevated safety risk on land owned by the Commonwealth. However, MassDEP acknowledges the mitigating factors related to the presence and interference from the active USCG antennas at the MRA make it more difficult for the AFCEC to perform a complete MEC removal while the US Coast Guard Antenna Array is in operation at the MRA. Please see Draft Final Proposed Plan Comment No. 3 below for further discussion.

2. General Comment 2: MassDEP objects to the AFCEC response concerning the Leases at JBCC. By MassDEP’s reading, it appears that the AFCEC is stating that the Leases at JBCC have no bearing on the AFCEC’s approach to addressing military munitions. MassDEP does not believe that the Commonwealth would share that view. MassDEP suggests a meeting between representatives from the Commonwealth and the military tenants operating at JBCC to foster a better understanding about the rights and responsibilities under the Leases at JBCC. MassDEP continues to expect that the Commonwealth’s tenants and their subtenants and licensees will remain committed to complying with the terms of the Leases at JBCC and negotiating extensions as appropriate.
3. Page-Specific Comments 1 & 2: MassDEP offers this further explanation of Chapter 47 as requested. The USCG Communications Station (Transmitter Site) is within the Upper Cape Water Supply Reserve because Section 1 of Chapter 47 defines the “reserve” as co-extensive with the “[northern] 15,000 acres of the Massachusetts Military Reservation” and the Transmitter site is within the northern 15,000 acres. This is confirmed by Section 15 of Chapter 47, saying: *“Nothing in this act shall be construed to affect or modify any rights, duties, obligations or ongoing activities of the air force and coast guard within the [UCWSR] at the following locations: . . . the [USCG] Transmitter site.”* Further, the Transmitter Site is not among the areas excluded from the Section 1 definition of “reserve”, the areas excluded being: *“approximately 29 acres and associated corridors...to be used in connection with the...jail and house of correction.”* MassDEP reiterates its request that the AFCEC expressly refer to the UCWSR in its Proposed Plan, just as the AFCEC did in the 2019 RI Report for the Site.

Comments on the Draft Final Proposed Plan:

1. Page 7, Figure 1, Site Location:
Please change the stated date of the Lease to “1 July 1976”.

2. Page 10, Alternative 3 - LTM with Groundwater Monitoring, UXO Construction Support, and Full Annual MEC Sweeps:

As currently drafted, the Draft Final Proposed Plan states: **“If breached or leaking MEC are found during the implementation of this Alternative, it would be either removed and disposed of off-site or, if that could not be done safely, detonated in place by AF. The presence of any MEC breached or leaking, or the requirement to detonate MEC in place, would also require the further assessment of soil in the area for MC.”** The statement appears to apply solely to breached or leaking MEC. MassDEP requests that the AFCEC elaborate in the Proposed Plan on the specific actions the AFCEC will take if it encounters MEC, materials potentially presenting an explosive hazard (MPPEH), material documented as safe (MDAS), or material documented as an explosive hazard (MDEH) during the full annual MEC sweeps. In addition, if there is a circumstance or circumstances where the AFCEC would *not* remove or detonate MEC, MPPEH, MDAS or MDEH that may be identified during the sweep, MassDEP requests the AFCEC state that explicitly in the Proposed Plan.

3. Page 14, Preferred Remedy for the Old K Range Munitions Response Area:

The Draft Final Proposed Plan presents the AFCEC selected remedy to address MEC at the Old K Range MRA. As explained above, the highest densities of MEC identified at the Old K Range MRA are located within the Rocket Range AOI, which contains the target areas for the former rocket range and has a high potential for MEC impacts. Additional buried MEC may be located outside of the high-density area in the central portion of the Rocket Range AOI. In addition, MEC was observed to be present to the northwest of the Rocket Range AOI. The MEC Hazard Assessment conducted by the AFCEC had a resulting score for the Rocket Range AOI of 830 for current and future use, which corresponds to a hazard level of 2, the second highest potential explosives hazard condition.

The AFCEC selected remedy – Alternative 3 – includes Long Term Management (LTM) of the MRA, Land Use Controls (LUCs), groundwater monitoring, Unexploded Ordnance (UXO) construction support, and full annual MEC sweeps. As outlined in correspondence from the AFCEC dated April 6, 2023, and from the EPA dated May 10, 2023, Alternative 3 was selected on account of the current limited access to the MRA and of a series of difficulties/concerns in implementing a more comprehensive remedy, including extensive grounding grids around and below the antennas and the radiation hazard posed by the antennas to any MEC removal workers. MassDEP acknowledges that these concerns related to the presence and interference from the active USCG antennas at the MRA make it more difficult for the AFCEC to perform a complete MEC removal while the USCG antenna array is in operation at the MRA.

However, MassDEP maintains that comprehensive MEC removal of the Rocket Range MRS portion of the Old K Range MRA should be performed in the event that the USCG Communication Station is decommissioned or substantially modified in the future.

The MassDEP proposes that the AFCEC add a **“future full MEC removal of the Rocket Range munitions response site (MRS)”** to Alternative 3, to take effect if the present circumstances change at the MRA. The title of Alternative 3 would change to: *“Long Term Management (LTM) of the MRA, Land Use Controls (LUCs), groundwater monitoring, Unexploded Ordnance (UXO) construction support, full annual MEC sweeps, and future full MEC removal of the Rocket Range munitions response site (MRS).”*

Although the future use of the USCG Communications Station (Transmitter Site) is anticipated to remain consistent with current use, the AFCEC would conduct future full MEC removal of the Rocket Range MRS (approximately 67 acres) if the Transmitter Site is rebuilt, reoriented, or decommissioned, or if the Transmitter Site operations are otherwise substantially modified in the future. Alternative 3

should summarize the process for conducting further risk mitigation measures should Transmitter Site facilities or operations be substantially modified.

MassDEP expects that a full MEC removal would necessitate the removal of the USCG Communication Station antennas and associated underground utility network in the area being rebuilt, reoriented, decommissioned, or otherwise substantially modified. Full MEC removal would include the use of Digital geophysical mapping (DGM), or a more effective technology, and intrusive investigation of all anomalies above a selected threshold to resolution by a qualified UXO team. Full MEC removal of the Rocket Range MRS would reduce the risk from the explosive hazard associated with MEC and reduce the potential future source of MC associated with the weathering of remaining MEC items, which may cause an unacceptable risk to human health. Full MEC removal of the Rocket Range MRS would also accomplish a downgrade from a hazard level of 2, the second highest potential explosives hazard condition, to a hazard level of 4, the lowest explosive hazard condition at a site where explosives could have been used. Alternative 3 with future full MEC removal of the Rocket Range MRS achieves source removal, is effective, implementable, and is a significantly more protective remedy than relying on LUCs only to prevent exposure to MEC left in place.

If and to the extent the USCG Communication Station is rebuilt, reoriented, decommissioned or otherwise substantially modified in the future and the lease does not require that the Communication Station antennas and associated underground utility network be removed, a future full MEC removal of the Rocket Range MRS would be required to be conducted at as close to 100% as achievable given the presence/interference from the USCG antennas above and underground infrastructure.

4. Page 17, For Additional Information, Please Contact:

Please change the MassDEP contact to Debbie Marshall-Hewlitt, Community Engagement Coordinator, 20 Riverside Drive, Lakeville MA 02347 Phone: 774-384-3564.

To the extent the AFCEC does not address MassDEP's comments and requests, note that MassDEP reserves its right to express these and other topics during the upcoming public comment period on the Proposed Plan. Nothing in this letter shall be construed as either asserting or waiving the Commonwealth's rights under the Leases at JBCC concerning environmental decontamination or otherwise, or under M.G.L. c. 21E, the Massachusetts Contingency Plan, CERCLA, the National Contingency Plan, or any other applicable law or regulation.

Please incorporate this letter into the Administrative Record for the Old K Range Munitions Response Area for the Military Munitions Response Program at Joint Base Cape Cod. If you have any questions regarding this letter, please contact me at (617) 694-2644.

Sincerely,



Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team

MassDEP Boston/Southeast Region

MassDCAMM (Division of Capital Asset Management & Maintenance)

Attn: Martha McMahon, Esq., Deputy General Counsel

CAPT. Bowen Spievack, Commanding Officer, USCG Base Cape Cod

Steven Simpson, Program Manager, Environmental Health & Safety, USCG Base Cape Cod