

# **Conservation Commission**

## **Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

March 15, 2018

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

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on March 15, 2018. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allow the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded anyone in the audience who was recording, or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Robert Gray, Rob Palumbo, Elise Leduc and Associate Member, Greg Berman.

**Excused Members:** Melvin P. Holmes, Susan Weston, Paul Szwed and Thomas Ligor.

**Also Present:** Sam Haines, Carol Mitchell, Paul Gately, Zac Basinski, Anne Ford, Donald Lynde, Julie Hart, Joe Agrillo, Steve Kirk, Tim Mullen, Ken Breivogel, Mr. Russell, Mrs. Russell, Mike Borselli, Alex Joyce and Peter Valari.

### **Request for Determination of Applicability:**

1) Clement Raynard Soon  
File # CC18-06  
Representative: Peter Valari  
200 Clipper Road, Mashnee Island

To replace existing cesspool with new Title V septic system within a V Flood Zone.

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

Peter Valari, the representative, discussed the proposed project.

Board Comment – Chm. Gray asked where the existing cesspool is located. Mr. Valari referred to the plan to pinpoint its location.

Agent Comment – Mr. Haines stated the proposed septic will be as far away from the Wetland Resource Area as possible. He explained after looking at the elevation, it just meets the 10:1 criteria, so it's not a Bank. It appears that the Resource Area delineation matches the state delineation; which he says is fairly accurate and it appears that the tree line transition was used to determine the edge of the Barrier Beach / Coastal Dune. Mr. Haines didn't identify any issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Palumbo moved approval under a Negative Two Determination, Ms. Leduc seconded.** With no discussion, the motion carried. 4-0-0.

2) Donald and Barbara Lynde  
File # CC18-07  
Representative: Self  
17 Wallace Point Road, Buzzards Bay

To replace existing stairway within an AE Flood Zone and a Wetland Resource Area.

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

Mr. Lynde addressed the board stating the original staircase was licensed in 1997 and is now dilapidated. The license expired; therefore, he had to begin the process as if this were a brand-new staircase. The proposed replacement staircase will be in the exact

same footprint. Mr. Lynde discussed the abutter notifications that were sent stating he did not receive a returned receipt from the abutter directly across the street. Mr. Haines asked if he had proof of the mailing explaining it's a Bylaw regulation for RDAs that direct abutters and immediately across the street be notified. Mr. Lynde will submit the required documentation to the agent the following morning.

Board Comment – Chm. Gray asked if the replacement staircase will be placed in the same location as the existing stairs. Mr. Lynde stated they'll be in the exact same location.

Agent Comment – Mr. Haines explained it is an existing structure with a Chapter 91 License that has expired. The applicant has repaired the structure as much as the agent would allow administratively; however, it needs to be completely replaced and receive a Negative Determination in order for a new Chapter 91 License to be issued. It's a straightforward rebuild, handwork project.

Board Comment – Ms. Leduc asked if the Commission will be conditioning the RDA that the applicant can't perform the replacement until the Chapter 91 License is received. Mr. Haines stated the Commission can condition the RDA that it requires a Chapter 91 License.

Ms. Leduc asked if any work is being proposed in the sink hole area behind the top of the stairs. Mr. Lynde stated that area will have to be filled in with cement blocks or something similar.

Ms. Leduc questioned whether the existing concrete retaining wall extends under the stairs. Mr. Haines stated it does, but it's been broken apart. In fact, the entire seawall has structural issues; there are voids behind the entire seawall that will need to be replaced at some point. Any repairs to the seawall will have to be under a separate filing.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Palumbo moved approval under a Negative Two Determination with a letter adding the two conditions; a Chapter 91 License is required and work to maintain the existing seawall requires a separate RDA. Ms. Leduc seconded.** With no discussion, the motion carried. 4-0-0.

3) Julie Hart

File # CC18-08

Representative: Self

162 Puritan Road, Buzzards Bay

To perform normal maintenance or improvement of land in agricultural use within an AE Flood Zone and a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, notice from the Farm Service Agency (FSA), letter from neighbor, Tax documents, 2009 NICS Farm Plan, a 2014 USDA Report of Commodities, Google Earth images and DEP Wetlands Change Mapping.

Julie Hart addressed the Commission and explained she is still trying to receive authorization to clear the bog land that was partially cleared until she received a cease and desist notice from the Commission. She presented documentation she received from FSA and also included a letter from a neighbor who travels the access road on a daily basis. She stated the previous owner is not being cooperative to establish a timeline of when work was last performed on land; however, Google Earth images appear to show work being performed through 2012 into 2013. The neighbor's letter substantiates this. Ms. Hart stated she is simply trying to restore the land, so it doesn't fall into further disrepair and would like to reuse the land agriculturally even if it isn't for cranberries.

Board Comment – None.

Agent Comment – Mr. Haines explained this is an issue that's been ongoing since a cease and desist order was placed on the bog back in November 2016; which is the date the Commission should use to determine whether the agricultural exemption applies to this bog. The Commission needs to determine whether there is any evidence of agricultural activity between November 2011 and November 2016. Mr. Haines stated if approved, this will be a Negative Six Determination to apply exemptions. If issued, the applicant can proceed with agricultural activities as normal without any additional conditions.

To date the Commission has received a 2009 NICS Farm Plan and a 2014 USDA Report of Commodities. Mr. Haines stated he has reviewed every aerial he can find. He referred to the March 12, 2012 aerial from Google Earth which appears to show two small sand areas on the west end of the bog; that would be considered agricultural activity. He stated a lot of sand was removed from the upland during that period and was sold off-site; not used agriculturally. Another observation the agent made relating to the bog conditions between 2012 and 2014, is the ditches appear to be well maintained. More and more vegetation appear to be growing after that period. He stated Chm. Gray previously questioned whether the Permit Extension Act would grant this project an extension of the five-year time period. Since the language for approvals under the Permit Extension Act is broad, the Commission will have to interpret whether the Permit Extension Act applies for existing agricultural exemptions. If so, a case

could be made that the Commission should review back to August 15, 2008. Based on submitted documentation, Mr. Haines is fairly confident the Commission can assume the bog was active in 2009 because the farm plan refers to Matt Featon from Sure Cran Services as actively managing the bog in 2009.

Board Comment – Chm. Gray asked what the period for the Permit Extension Act is. Mr. Haines stated the start of the Permit Extension Act was August 15, 2008. Chm. Gray stated the activities that were taking place were within the Permit Extension Act window and were agricultural activities. A discussion regarding the timeline ensued.

Chm. Gray feels a Negative Five would be the Determination if approved, not a Negative Six. Mr. Haines agreed.

Ms. Leduc asked for clarification regarding the Permit Extension Act. Chm. Gray and Mr. Haines offered a brief explanation. A discussion ensued.

Chm. Gray opened a brief discussion regarding the Farm Plan. Ms. Hart stated her focus at this time is to maintain the land, so it can be used agriculturally, clean the ditches, confirm the existing irrigation system is viable and plant blueberry bushes.

Mr. Haines asked Ms. Hart if she has received any documentation from DEP regarding the water withdrawal permit. He stated originally, the bogs were withdrawing water from Queen Sewall. Ms. Hart stated she wasn't sure but would find out.

Mr. Palumbo asked what Ms. Hart's plan for the land will be if this project is denied. Ms. Hart stated the land will fall into wetlands/woodlands.

Public Comment – None.

Mr. Haines reiterated that a Negative Determination will allow agricultural activities to continue. The applicant is not required to follow the NICS Farm Plan, Ms. Hart can develop a new farm plan if she chooses to.

Chm. Gray entertained a motion. **Mr. Palumbo moved approval under a Negative Five Determination, Ms. Leduc seconded.** After a brief discussion, the motion carried. 4-0-0.

- 4) Anne K. Ford  
File # CC18-05  
Representative: Same  
221 Shore Rd., Monument Beach

To perform seasonal mowing, landscaping and patio replacement within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, Patio Construction Methodology, revised Site Survey and DEP Wetlands Change Mapping.

**(Continued from 2/15/18, 3/1/18)**

Joe Agrillo, site contractor, was present to discuss the patio portion of the project.

He described the existing patio and an existing 2-foot-high retaining wall; both are in disrepair. The property owner is being proactive by requesting to replace the wall before it falls over. He stated permeable pavers will replace the existing patio, in the exact same footprint. Mr. Agrillo discussed the erosion control measures that will be used, and he also discussed the scope of work.

Board Comment – None.

Agent Comment – Mr. Haines stated at the February 15<sup>th</sup> meeting, the Commission asked for detailed information on the construction methodology for the removal and replacement of the concrete slab as well as for the area of seasonal mowing in relation to the Coastal Bank.

Ms. Ford stated she'd like to maintain a naturalized vegetated buffer to a height greater than 3 feet along the Coastal Bank. She'd like to hand prune invasive Bittersweet and seasonally mow a 10-foot-wide path. She stated at no point will the seasonal mowing occur within 50 feet of the Coastal Bank.

Mr. Haines stated in terms of the concrete pavers and patio placement; although it is proposed to be in same footprint, they're replacing impermeable material with permeable material. The agent sees no problem with this and stated in some cases, this has been considered mitigation. It is in the same footprint as the original structure, which is on the Coastal Bank. Mr. Haines referred to the revised survey stating there are two areas of Coastal Bank on the property. Because of its unusual layout, the applicant has reduced the proposed area of seasonal mowing. She is proposing a 10-foot-wide path to provide access to the point. The proposed width is to reduce ticks and poison ivy. The rest of the Bank and the buffer will be allowed to revegetate; however, the applicant is requesting to maintain the shrubs at a height greater than 3 feet and hand prune invasive Bittersweet. Mr. Haines noted that after looking at the survey, this project should've been filed under a Notice of Intent, not an RDA as he first thought. He stated the scale on the plan is not exact. The path shown is 15-foot width; however, the narrative clearly states the path will be a maximum of 10 feet in width. In speaking

with the applicant, the proposed location of the walkway is simply to allow access, so if the Commission would like it moved, the applicant is amenable to that. This is a non-eroding bank; therefore, the Commission's decision should be based on whether the seasonal mowing would impact the Bank's flood control or storm damage functions. Should the Commission approve a Negative Determination, Mr. Haines recommended the following conditions; 1) the area of seasonal mowing as shown on the plan of record shall consist of a 10-foot wide pathway only, the remaining area of alteration observed by the Bourne Conservation agent must be allowed to regrow naturally to a height of at least 3 feet, 2) mowing of the pathway shall be conducted no more than 3 to 4 times per year, control of invasive Bittersweet plants shall be allowed by hand pruning only, 3) this determination does not allow for the proposed mowing area to be converted to turf grass, and commercial fertilizers, herbicides or pesticides shall not be utilized within the Coastal Bank or its 100 foot buffer, 4) erosion controls in the form of stake straw wattles must be placed on the seaward side of the concrete pad prior to any work being conducted in that area, 5) no equipment is allowed on the Coastal Bank.

Board Comment – Mr. Berman asked if he's allowed to vote on this since he wasn't present at the March 1<sup>st</sup> hearing. Mr. Haines stated he can because there's a waiver that allows Commission members to vote even if it isn't the same quorum.

Ms. Leduc asked if anyone has attempted to place the toe of the second Bank on the plan. Mr. Haines stated no. Ms. Leduc expressed confusion over where the second Bank starts. Mr. Haines described the location of the secondary Coastal Bank explaining that work will be performed on the Coastal Bank.

Ms. Leduc feels removing the concrete patio and replacing it with pervious pavers is a great next step not only for the barn but for infiltration of rain water. She questioned whether the existing retaining wall will remain. Mr. Agrillo explained they are proposing to remove and rebuild the existing retaining wall. A discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Palumbo moved approval under a Negative Two Determination with the conditions recommended by the agent. Ms. Leduc seconded.** With no discussion, the motion carried. 4-0-0.

**Notice of Intent:**

- 1) Jason Cheng  
File # SE7-  
Representative: Bracken Engineering, Inc.  
825 Scenic Highway

To install a new Title V septic system and associated site work, abandonment of the existing failed system within 100 feet of a Wetland Resource Area and within 200 feet of a River Front Area.

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

Chm. Gray stated normally he would not sit on a Bracken Engineering project because he performs work for them; however, he invoked the rule of necessity to maintain the quorum. He asked if anyone in the audience objected, no one objected.

Zac Basinski addressed the board and discussed the proposed project; to replace the failed septic system at the Herring Run Motel. He discussed the location of the property, described the location of the Resource Areas, the layout of the property and the location of the existing system. Next, Mr. Basinski provided detailed information about the proposed system.

Board Comment – None.

Agent Comment – Mr. Haines stated this is a very large septic project. He described the grade of the site and discussed erosion control measures that will be used. He stated a DEP file number has not yet been issued; therefore, the matter will have to be continued. He did not identify any issues with the project.

Board Comment – None.

Public Comment – None.

The matter was continued to April 5, 2018.

2) Steve Cook

File # SE7-2003

Representative: Civil Environmental Engineering

165 Jefferson Road, Gray Gables

To raze the existing house; construct a new single-family residence; driveway; swimming pool and perform filling and grading and all usual appurtenances within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, Plot Plan, letter from Attorney Joyce and DEP Wetlands Change Mapping.

Ken Breivogel addressed the Commission and discussed the proposed project; to tear down the existing four-bedroom home, rebuild it with the same number of bedrooms and install a swimming pool. Also on the property is an existing one-bedroom cottage. Mr. Breivogel stated the existing septic system will remain untouched. He discussed the Resource Areas and the limit of work.

Board Comment – None.

Agent Comment – Mr. Haines stated the entire property is within a Velocity Zone; therefore, all work must comply with the Building Code for flood compliant construction. The entire site is covered in turf grass. The narrative states that the disturbed areas shall be replanted with American beachgrass or other native plants and a Landscaping Plan will be supplied to the Commission prior to construction. The Commission will have to determine whether they are comfortable closing the hearing without the Landscape Plan being provided. The proposed project is within 50 feet of the Resource Area, but no portion of the proposed home is closer than what's existing. According to the Building Code and FEMA guidance, a swimming pool can be built at grade as long as it is not an obstruction to flood waters which could potentially damage surrounding homes. The Building Code and FEMA advises consulting with an engineer to make this determination. The driveway is currently gravel, if the Commission wishes for it to remain permeable they can condition the Order as such. The plans do not identify the placement of a dry well or other infiltration area for the roof runoff. The filing package did not contain the Nitrogen loading calculations. Although this is not required, the Commission typically uses these calculations as guidance because if there's an increase in Nitrogen, mitigation may be requested.

Mr. Haines stated he spoke with the Planning Department and this is an extension or alteration of a pre-existing, non-conforming lot which requires that an application be filed with the Zoning Board of Appeals. It will also require a review from the Health Department.

Mr. Breivogel stated the architect will determine the placement of the dry well. Also, they have filed a request for a waiver with the Health Department and are scheduled to be heard soon.

Board Comment – None.

Public Comment – Attorney Joyce, representing the property owners immediately adjacent to 165 Jefferson Road, addressed the Commission. He submitted a letter for the record which cites CMR 10.05 4 (e) regulations, which requires the applicant to obtain all permits; including Zoning permits, or at least apply for all Zoning permits prior to filing with the Conservation Commission. He feels the application filed with the Commission was filed prematurely. He does not think the Commission is allowed to open this hearing until the applicant has at least filed for the Zoning permit because the ZBA may require changes be done to the plan.

Attorney Joyce then discussed a permit the applicant received from the ZBA in order to renovate the one-bedroom cottage located on the property.

Mr. Breivogel agreed that they have not applied for a permit from the Zoning Board of Appeals for this project.

Mr. Russell, the property owner, addressed the Commission. He stated he was never told that this project would have to go before the ZBA. He stated he is willing to go before any board if required to. Mrs. Russell stated they are proposing to move the home away from the adjacent property and are rebuilding it to make it flood compliant.

Chm. Gray read the regulations cited by Attorney Joyce and agreed that the application filed with the Commission was filed prematurely. After a brief discussion, Mr. Breivogel asked for a continuance to 4/5/2018.

Mr. Haines stated the matter will be continued to April 5<sup>th</sup> with the understanding that if the permit is not applied for by that date the matter will be further continued.

After a brief discussion, **Ms. Leduc moved, Mr. Berman seconded to continue the matter to April 5, 2018.** The motion carried. 4-0-0.

- 3) The Nature Conservancy and the Town of Bourne Natural Resource Department  
File # SE7-2001  
Representative: Same  
Little Buttermilk Bay, Buzzards Bay

To restore and establish a permanent population of eastern oysters on sub-tidal sea floor.

Materials Reviewed – Site Photographs, Project Narrative, DMF letter, letter from The Natural Heritage & Endangered Species Program and DEP Wetlands Change Mapping.

**(Continued from 3/1/18)**

Ms. Leduc stated normally she would recuse herself from discussion and vote because her employer performs work for the Town; however, she invoked the rule of necessity to maintain the quorum. She asked if anyone in the audience objected, no one objected.

Steve Kirk addressed the Commission and provided a brief project description, which will reestablish shellfish populations in Little Buttermilk Bay. He explained the project is being funded through mitigation as a result of the Bouchard oil spill.

Board Comment – Ms. Leduc asked where the hatchery that will be used to grow the oysters is located. Mr. Kirk stated the hatchery, A.R.C. Hatchery, is located in Dennis. He discussed the process that will be used to produce the shellfish.

Ms. Leduc asked if studies of the proposed area's sediment has been conducted. Mr. Kirk stated they have conducted a lot of field/site reconnaissance to ensure the proposed area is suitable.

Ms. Leduc questioned whether they scouted Eelgrass habitat as part of their field reconnaissance. Mr. Kirk stated they did and no Eelgrass was found.

Mr. Berman questioned how high of the floor the oyster reef will extend. Mr. Kirk stated they are aiming for the center of the pile to be at one foot in height.

Mr. Haines asked where the shell material that will be used with the project is obtained from and if there are any contamination concerns with this project. Mr. Kirk stated they will use aged surf clam shells that are brought into a steam shucking house in New Bedford. The shells are aged for one year prior to reuse. He stated he has no contamination concerns.

Mr. Palumbo opened a discussion regarding the hopes of the project.

Agent Comment – Mr. Haines stated any project that's shellfish related he typically refers to Tim Mullen, the town's shellfish constable. Mr. Mullen has been a part of this project since its inception and a proponent of the design. The narrative indicates no Eelgrass was found during the boat reconnaissance. A DMF survey was performed in 2017 that also found no Eelgrass. A letter was received from DMF requiring a Shellfish Propagation Permit be obtained. The site is located within Rare Species Habitat. A no take letter was received from The Natural Heritage & Endangered Species Program. Mr. Haines does not identify any issues with the project. He stated if the Commission issues an Order, the

Draft Order would only contain two conditions; that the 401 Water Quality permit is required, and that the Shellfish Propagation Permit must be obtained.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Palumbo moved, Ms. Leduc seconded to close the public hearing.** With no discussion, the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions and the two Conditions stated previously.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Palumbo moved, Ms. Leduc seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

**4) Tahanto Associates, Inc.**

File # SE7-1999

Representative: Design Consultants, Inc.

0 Tahanto Road, Pocasset

To demolish an existing 30' wooden pedestrian bridge and replace it with a 35' aluminum pedestrian bridge within a V Flood Zone and within a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record, copy of Chapter 91 License, updated Construction Methodology, stamped Structural Civil Engineering Plans and DEP Wetlands Change Mapping.

**(Continued from 3/1/18)**

**At the request of the applicant, this filing will be continued to 4/5/18.**

**3) Alice Handy**

File # SE7-2002

Representative: Falmouth Engineering, Inc.

284 Circuit Ave, Pocasset

To demolish existing the dwelling and to construct a new dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from 2/1/18, 3/1/18)

Materials Reviewed – Letter from The Natural Heritage & Endangered Species Program and Landscape Plan.

Michael Borselli stated he made his final presentation at the last hearing. The matter was continued because a response was pending from The Natural Heritage & Endangered Species Program regarding Priority Habitat. A no take letter has since been received.

Ms. Leduc stated she was present at the original hearing but not at the March 1<sup>st</sup> hearing. She asked Mr. Borselli to summarize what transpired at the 3/1/18 hearing. Mr. Borselli provided a brief summary. Mr. Haines and Chm. Gray elaborated further. A discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Palumbo moved, Mr. Berman seconded to close the public hearing.** With no discussion, the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1-5, 7, 9, 10-12, 14-16, 18, 19, 21, 22, 24, 26-29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers, 2, 5-7, 9, as well as the following Additional Special Condition; 1) herbicide application must be performed by a licensed applicator, herbicide must be applied directly to cut stem of invasive plant. No foliar spraying of herbicide is permitted under this Order.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Palumbo moved, Ms. Leduc seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

- 4) Wings Neck Trust  
File # SE7-2000  
Representative: Falmouth Engineering, Inc.  
99 South Road, (Parcel 75), Pocasset

To repair an existing steel bulkhead and to shift an existing swim float seaward within a V Zone and within a Wetland Resource Area.

(Continued from 2/1/18, 3/1/18)

After a brief discussion regarding a lack of quorum it was decided to continue the matter to 4/19/2018. Mr. Borselli and the agent will work together to finetune the plan prior to the continuance.

Mr. Berman requested a two-minute recess. Ms. Leduc asked if a non-agenda item could be addressed until Mr. Berman returned to the meeting. Chm. Gray agreed.

**Other Business:**

Ms. Leduc discussed photos she'd sent to the agent of a makeshift bridge that someone made out of asphalt shingles, lumber and sand at Four Ponds. Ms. Leduc expressed concern that not only is it in the waterway, but it gives the illusion of safety. Mr. Haines stated he hasn't had a chance to look at the makeshift bridge but will find time to reach out to AmeriCorps to secure funding and to repair the existing bridges. A discussion ensued.

A brief discussion transpired regarding tree clearing that occurred at Four Ponds Conservation.

**Request for Certificate of Compliance:**

- 1) Timothy Traub  
File # SE7-1861  
Representative: Atlantic Design Engineers  
25 Phillips Road, Sagamore Beach

To construct 150 linear feet of a sloped stone revetment with splash pad, fill and salt tolerant plantings within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Haines performed a site review on March 12, 2018. He stated the stairs were damaged and removed during the recent storm. There was also some minor erosion at the top of the revetment. The Order is expired so any work will have to be requested under a separate filing. Mr. Haines recommended issuing the COC.

Chm. Grant entertained a motion. **Ms. Leduc moved, Mr. Palumbo seconded to grant the Certificate of Compliance.** With no discussion, the motion carried. 4-0-0.

**Other Business:**

- Emergency Declaration for Winter Storm “Riley” –

Mr. Haines discussed an Emergency Declaration that was issued by DEP on March 2, 2018 and an updated declaration was issued on March 5, 2018. Essentially, it allows a property owner to circumvent the Commission and perform repair work to restore damage to pre-March 2nd conditions. He stated a lot of restoration work has been performed on Phillips Road, Fisher Road and Indian Trail. He explained the he’s had to notify police and fire of the potential risk to emergency personnel and he observed some structures have been exposed. A discussion regarding storm damage to properties located in the Town of Sandwich transpired.

- Vote excused absent members, if necessary – **Ms. Leduc moved, Mr. Berman seconded to excuse the absent members.** With no discussion, the motion carried. 4-0-0.

- Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the February 15, 2018 meeting. **Ms. Leduc moved, Mr. Palumbo seconded to approve the minutes of the February 15, 2018 meeting.** With no discussion, the motion carried. 3-0-1. Mr. Berman abstained.

- Report of the Conservation Agent – None.

- Public Comment Period on Non-Agenda Items – None.

- Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Mr. Palumbo moved, Ms. Leduc seconded to adjourn.** With no discussion, the motion carried.4-0-0. The meeting adjourned at 8:45 PM.

Minutes submitted by: Carol Mitchell