

# ***Conservation Commission***

## ***Meeting Minutes***

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

March 16, 2017

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

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on March 16, 2017. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. 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, Thomas Ligor, Paul Szwed, Susan Weston (7:10) and Elise Leduc.

**Excused Members:** Melvin P. Holmes and Robert Palumbo.

**Also Present:** Sam Haines, Carol Mitchell, Paul Gately, Dan Maurice, Jim Rossignol, Barbara Frappier, Zachary Basinski, John McCarthy, Doug Mann, Joanne, McCarthy, Nyles Zager, Maureen Harlow-Hawkes, Gordon Frances, Davyd Roskilly, Ed Stone and Dennis Mascetta.

**Request for Determination:**

**1) Dennis Mascetta**

File # CC17-005

Representative: Edward A. Stone, EAS Survey

11 Little Bay Lane, Buzzards Bay

Construct a new garage and elevated deck within an AE Flood Zone and 100 feet of a Wetland Resource Area.

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

Edward Stone addressed the board and discussed the proposed project.

Board Comment - None.

Agent Comment – Mr. Haines stated the proposed work will take place in an existing landscaped area. The proposed location for the garage will be entirely on a paved area. The footings for the proposed cantilevered deck will be near an existing patio. It's been designed to avoid any ground disturbance within the 50 foot setback. Mr. Haines believes the closest point is the existing structure. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved and Mr. Szwed seconded a Negative Two Determination.** With no discussion, the motion carried 4-0-0.

**2) Mashnee Association, Inc.**

File # CC17-006

Representative: John J. McCarthy

0 Mooring Road, Mashnee

Repair an existing stone filled pier within an AE & V Flood Zone and a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, copy of DEP license #6055 dated January 16, 1997 and DEP Wetlands Change Mapping.

John McCarthy addressed the members. He provided a brief history of the pier and described the proposed project in detail. Doug Mann, a superintendent at G. Lopes

Construction and whose family owns a home on Mashnee, has volunteered to oversee the project. He provided an overview of the proposed project.

*Mr. Szwed stated he has a home on Mashnee and although he isn't a member of the association, he recused himself from discussion and vote.*

Board Comment – Ms. Leduc inquired as to whether or not the walkway from the parking lot to the pier is an earth walkway. Mr. McCarthy stated it is a concrete path which was installed in 2002.

Ms. Leduc asked if any cementing of the stone will occur and how long it will take to cure. Mr. Mann stated by ACI codes, to reach design strength is 28 days, but it can be achieved quicker depending on humidity, air temperature etc. She questioned what will happen when the tide comes in. Mr. Mann stated there's a chemical that can be added to the mortar material which will aid in the curing process.

Mr. Ligor asked if the concrete pad at the end of the walkway will be demolished. Mr. Mann stated there is no concrete demo planned. Mr. Ligor asked how the railings will be removed. Mr. Mann stated they will be cut off, extensions will be made off site and mechanically anchored to the new pad. Mr. Ligor questioned whether there will be a new pad at the site. Mr. Mann stated the new pad will be installed on top of the existing pad. Mr. Ligor asked if the pad will be raised. Mr. Mann stated it will be. Mr. Ligor asked if the walkway will also be raised. Mr. Mann indicated there will be a transition into the walkway for foot traffic.

Mr. Ligor opened a brief discussion with regard to the process that will be used when applying the concrete. Additionally, he discussed the depth of the water under the float and how it will stay afloat.

Agent Comment – Mr. Haines questioned the location of the concrete wash water. Mr. Mann stated they plan to build a containment area close to the storage area where all the mixing and washing out will occur. He briefly discussed a couple of options for containing the concrete wash water and stated all wash water will be removed upon completion of the project.

Mr. Haines asked if there was a timing window in terms of the work on the groin with the tide cycle. Mr. Mann stated the work will be completed over several days depending on the weather and tide cycle. Mr. Haines asked if the construction window will be timed around low tide. Mr. Mann stated yes and the intent is for the project to be completed before the warmer temperatures return.

Additional Board Comment – None.

Agent Comment – Mr. Haines stated you can clearly see that there are gaps in the groin and is showing evidence of erosion, the hand railings are starting to rust and although the walkway is in fairly good condition, he'd rather the construction crew be out there once rather than multiple times.

Public Comment – None.

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

*Mr. Szwed returned to the meeting.*

3) Bruce Webster  
File # CC17-007  
Representative: Warwick & Associates, Inc.  
22 Rams Head Road, Scraggy Neck

Construct an addition and detached garage within an AE Flood Zone.

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

**(Hearing under state act only)**

Barbara Frappier addressed the board and discussed the proposed project.

Board Comment- Chm. Gray questioned whether or not the two stone groins that are shown on the plan received a Chapter 91 license. Ms. Frappier stated she could not find and documentation showing they were licensed; she will discuss the matter with the property owner.

Mr. Ligor briefly discussed the two small proposed decks that will be a part of the addition.

Mr. Ligor asked where the existing shed will be moved to. Ms. Frappier stated it will most likely be taken to the landfill.

Agent Comment – Mr. Haines stated he did not identify any issues with the project.

Additional Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Leduc moved and Mr. Ligor seconded a Negative Two Determination.** With no discussion, the motion carried 5-0-0.

**Notice of Intent:**

**1) Estate of Carol White**

File Number: SE7-1972

Representative: Zenith Consulting Engineers, Inc.

354 Circuit Ave, Pocasset

Septic replacement within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, email from abutter, Nancy Carr, and DEP Wetlands Change Mapping.

*Chm. Gray recused himself from discussion and vote for the next several proceedings and asked Mr. Ligor to chair the meeting.*

Nyles Zager addressed the board and discussed the proposed project. He stated the septic system is in failure and briefly discussed the size of the lot, the proposed location of the new system and the design of the system that is being proposed.

Board Comment – None.

Agent Comment – Mr. Haines stated the house was constructed in 1900, prior to the Wetlands Protection Act. His interpretation of the regulations is, it is not required to meet the 50 foot setback, adding that there's really no alternative location on the site; the proposed location is set back as far as it possibly can be on the lot. In reviewing the project Mr. Haines stated retaining walls to deflect wave action will be required for this project. Mr. Haines noted that the health agent feels the technology of the proposed system is excellent. Mr. Haines expressed concerns that the system requires 13 Variances from the BOH. The language in the Act states that approval from the BOH is required in order for the setbacks to be allowed. Mr. Haines stated he has not received a letter from the Massachusetts Natural Heritage & Endangered Species Program approving the project which is required as portions of the property are located within Priority Habitat. Therefore, under 10.37 of the Act, Mr. Haines recommends continuing the matter until the next hearing.

Mr. Zager stated he sent a letter to the Massachusetts Natural Heritage & Endangered Species Program explaining that this should be exempt because there's no tree clearing and is located within an existing landscaped area. It's an upgrade of a failed septic system; therefore, he feels confident that Natural Heritage will issue an exemption.

Board Comment – Mr. Szwed questioned if the leaching field is raised above grade. Mr. Zager stated because of the water table, that is a requirement.

Ms. Leduc opened a brief discussion with regard to the use of siltation barriers.

Ms. Leduc questioned how a salt water flood would impact the functionality of the leaching field. Mr. Zager stated a perc test was unable to be conducted because the area was too wet. He discussed the Title V regulations for placement of the system. A brief discussion ensued.

Ms. Weston opened a brief discussion with regard to the location and installation of the proposed retaining wall.

Public Comment - Maureen Harlow-Hawkes, a friend of an abutter, questioned if the proposed system is sized for a two-bedroom home and whether or not the home is considered to be seasonal or year-round. Mr. Zager stated it is sized for a two-bedroom and it is a year-round home. She questioned why a tight tank system isn't being installed and discussed a letter from 1987 from the BOH agent concerning the last septic upgrade that was performed. Additionally, she feels the proposed retaining wall; which is a block wall, is not engineered to withstand the velocity impact in that area. She expressed concern over the proposed location of the Bio FAST blower which she states will disturb the neighbor with the sound and odor it will emit and suggested an alternate location.

Barbara Frappier believes, based on her experience; a tight tank could work in this situation and would be a less expensive alternative.

Gordon Frances, a long-time neighbor, questioned when the home changed from being a seasonal home to year-round. Mr. Zager stated he did not know; however, that is not a Conservation issue. Mr. Frances stated he objects to the proposed system as many of the abutters have tight tank systems. Mr. Zager agreed that a tight tank system is less expensive to install; however based on the Title V checklist, a tight tank is the last option when no other is available. For this project, other options are available and the BOH is in agreement.

Agent Comment – Mr. Haines feels some excellent points have been made. He discussed similar concerns with the BOH agent and based on a statement in the Wetlands Protection Act; if it meets Title V, then it's presumed to meet the interests of the Act and feels some of the abutter's concerns are better raised with the Board of Health.

Ms. Weston asked if the Commission should require a plan for the design of the retaining wall. Mr. Ligor asked the representative if this is something he could present at the continued hearing. Mr. Zager stated he would look into it.

Public Comment – Mr. Frances and Ms. Harlow-Hawkes opened a brief discussion with regard to the house being a year-round home and the retaining wall's footings.

Mr. Haines stated he received a public comment via email from an abutter who was unable to attend the meeting. In the email, Nancy Carr of 354 Circuit Avenue, expressed concern with regard to the setback to her property. She's done some improvements in that area and is concerned of adverse impacts as a result of any machinery used, excavation, drainage and run off. She is also concerned about the timing of the project. Mr. Zager stated a Variance for the setback is required because the proposed project is only approximately 5 feet from the property line. He stated the install only takes a few days and erosion controls will be out in place.

Board Comment – Ms. Leduc opened a brief discussion with regard to the property line setback.

With no further discussion, Mr. Ligor entertained a motion to continue the matter to April 6<sup>th</sup>. **Ms. Weston moved and Mr. Szwed seconded to continue the matter to April 6, 2017.** The motion carried. 4-0-0.

**2) Steven L. Candela**

File Number: SE7-1964

Representative: Bracken Engineering, Inc.

41 Harbor Drive, Pocasset

Permitting a modified pier/float system on an existing stone groin within a V Flood Zone and Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record revised 3/1/17 Option 2, Alternative Site Plans and DEP Wetlands Change Mapping.

**(Continued from March 2, 2017 Hearing)**

Zack Basinski of Bracken Engineering addressed the board and recapped the proposed project that was previously discussed at the February 16, 2017 and March 2, 2017 hearings. Mr. Basinski noted that Mr. Ligor and Ms. Leduc performed a site visit. He reiterated his position that the property owner is facing a hardship and feels this project should be exempt from the Pier Regulations which prohibit the expansion of a pier/float when it is located within a Velocity Zone.

Board Comment – None.

Agent Comment – Mr. Haines stated the representative would like the Commission to consider two issues with regard to this project. The first; The applicant believes that the dock as currently constructed, represents a hardship as defined under the regulations because the float is not accessible during low tide and the bottom of the property owner's boat sits on the substrate. Mr. Haines included from the regulations, the definition of hardship for the Commission to consider. The second issue raised by the representative; the extension of the ramp from the currently approved length of 16' as shown on Option 2 to 24' as shown on Option 1, would allow the dock to comply with the Performance Standard 1.16 (E)(3) which states that the minimum water depth to the end of the pier must be 3' at a time of Mean Low Water. Mr. Haines stated this was approved under an RDA after the fact. It was a dock that was installed without permission and was approved under an RDA; therefore, there were no Conditions issued to the dock at that time. It was approved so that a Chapter 91 license could be issued, so it didn't meet the Conditions that would normally be placed on a dock or pier. The dock is located within a Velocity Zone, the regulations as written, contain Performance Standard 1.16 (G) which states that no new pier or expansion of an existing pier shall be permitted within a V Zone. In Mr. Haines', the extension would be beneficial to both the applicant and the environment; however, he does not see any mechanism in the Town of Bourne's regulations that would allow for the modification. He stated the regulations would have to be changed to allow this project to move forward.

Board Comment – Ms. Leduc discussed her opinion and agrees with the agent's assessment. A discussion ensued.

A brief discussion transpired regarding the process to change the town's Dock and Pier Regulations.

Mr. Ligor discussed a suggestion he made at the site visit; to move the float to deeper water without extending the ramp. The property owner would then have to moor his boat in deeper water and row to and from.



Ms. Leduc suggested turning the float. A discussion ensued.

Mr. Basinski asked if a discussion with regard to revising the regulations is something that could be added to the agenda to discuss at the next meeting. Mr. Haines stated that would be up to the Commission. A discussion ensued.

Public Comment – None.

Mr. Ligor entertained a motion to close the hearing. **Ms. Weston moved and Ms. Leduc seconded to close the hearing.** With no discussion, the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: Per the Plan of Record as revised on 3/1/17, Option 2, stamped by Alan Grady and Zachary Basinski. All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1, 2, 11, 13, 16, 17, 19, 20, 22, 24, 30-41 and Special Conditions pursuant to the Town of Bourne Natural Resources By-law numbers 12, 14 and Special Conditions 30-34, 36-38 and 41 shall continue in perpetuity.

Mr. Ligor entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved and Mr. Szwed seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

**Request to Amend Order of Conditions:**

- 1) Debra Robbins  
DEP File Number: SE7-1897  
Representative – Bracken Engineering, Inc.  
14 River Road

To Amend the Order of Conditions SE7-1897 to revise A/C and generator locations; modify the deck to a screened porch, relocate porch steps, install a landscape wall, pervious patio and walkways within land subject to coastal storm flowage, Riverfront Area and within 100 feet of a Wetland Resource Area.

**(Continued from March 2, 2017)**

Materials Reviewed: Revised Site Plan of Record and DEP Wetlands Change Mapping.

Zack Basinski addressed the board and provided a brief summary of what transpired at the hearing on March 2<sup>nd</sup>. He advised the Commission of the restoration plan he's devised to address encroachment issues.

Board Comment – Mr. Szwed briefly discussed the proposed concrete markers which will replace the previously proposed retaining wall.

Ms. Leduc questioned whether or not the concrete markers will touch one another or if they'll be spaced apart. Mr. Basinski stated they will be spaced apart. Ms. Leduc suggested applying a seed mixture to the area surrounding the new proposed plantings as a means of filling the exposed dirt until the shrubs have grown to maturity.

Agent Comment – Mr. Haines stated at the previous hearing, the Commission discussed creating an additional Buffer Zone with native shrubs as a mitigation solution to the existing structural features. The applicant is proposing an almost 4:1 mitigation which the agent feels is appropriate. He stated any Order issued by the Commission will have a revised date of March 10, 2017 as the Plan of Record and the Order would be conditioned that a Planting Plan be submitted to the agent prior to the planting. Mr. Basinski will submit that once they've decided on the variety.

Mr. Ligor entertained a motion to close the hearing. **Ms. Weston moved and Ms. Leduc seconded to close the hearing.** With no discussion, the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: Per the Plan of Record dated March 10, 2017, stamped by Alan Grady, additional materials reviewed include; the June 19, 2004 Enforcement Order as well as the Restoration Planting dated July 18, 2014. All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1-6, 9-11, 13, 16-24, 27, Special Conditions pursuant to the Town of Bourne Natural Resources By-law numbers; 4, 6-9 and additional Special Conditions; 1) this Amended Order allows for the relocation of stairs off the screened porch, placement of a generator and compressor, grading and construction of a pervious paver patio and walkway and placement of stone boundaries to delineate the restored vegetative buffer as shown on the March 10, 2017 Plan of Record.

Mr. Ligor entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved and 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.

*Mr. Gray returned to chair the meeting.*

**Request to Amend and/or Extend Order of Conditions:**

**1) Dan Maurice**

DEP File Number: SE7-1889

Representative: Same

Off Toby's Island

**Aquaculture Grants**

Materials Reviewed: Site Photographs, Site Plan of Record, approval letter from the Board of Selectmen, Presentation made to the BOS, a letter from the Massachusetts Natural Heritage & Endangered Species Program, a letter from the director of DNR.

Dan Maurice and Jim Rossignol addressed the board and discussed the small scale aquafarm they currently have on the southwest portion of Toby's Island. They are seeking to amend the original Order to include two additional Aquaculture Grant locations. He referred to a Google map which outlines the two additional proposed locations which have been approved by the selectmen. Mr. Maurice discussed with Mr. Haines whether to file a new Notice of Intent or to amend the existing Order. Mr. Haines recommended that he contact the Massachusetts Natural Heritage & Endangered Species Program for their opinion. Mr. Maurice is seeking to amend the Order and stated Natural Heritage has conditioned that no netting be used at the proposed Ram Island Cove location.

Board Comment – A discussion transpired with regard to the types of cages that will be used. Ms. Leduc stated one area is extremely popular for kayakers and shell fisherman. She expressed concern that floating cages will interfere with these activities. Mr. Maurice explained that the area they are proposing to farm is an extremely muddy area and isn't heavily used. They are hoping to turn an otherwise unproductive area into a productive area. A discussion transpired with regard to the number of cages that will be used, the dimensions of the cages and the shellfish growing season.

Agent Comment – Mr. Haines stated there are three proposed areas; the first is identified as the location Toby Island on the Plan of Record, this is an expansion of their existing grant, the second area is identified as Ram Island Cove, also referred to as Mud Cove, the area is different than every other location previously reviewed by the Commission due to its very thick silt substrate rather than a sandy, rocky substrate. It is also surrounded by saltmarsh and is more influenced by the tide cycle. He stated the area will have to be accessed by a shallow drive boat and he noted this is a popular area for recreation in the

summer months. The third area is a mooring for a work barge and is probably most appropriately conditioned by the harbormaster under section 10A. The DNR director expressed safety concerns primarily because of the mud bottom but also for recreation and suitability of the area. The letter received from the Massachusetts Natural Heritage & Endangered Species Program prohibits the use of netting during aquaculture operations. This recommendation may be referenced in the Order; 1) the project is subject to all conditions, restrictions and regulations as determined by applicable local, state and federal authorities. Mr. Haines also recommends the following additional Special Conditions; 2) access to the Ram Island Cove area as identified on the Plan of Record shall be accessed by shallow draft boat only, no grounding boats are permitted under this Order, 3) no work will be conducted on or materials stored upon the saltmarsh vegetation as a result of this aquaculture activity, 4) the placement of ground tackle for securing any culling, upwelling or equipment station as described in the description of the proposal must be permitted by the harbor master under the Chapter 91, Section 10A and Bourne Waterway Regulations.

Board Comment – Ms. Weston commented that the remarks made in the letter from Tim Mullen if DNR with regard to the proposed location aren't favorable. A discussion ensued.

Ms. Leduc raised a question with regard to security at the sites. Mr. Maurice stated at this point, he's not considering implementing any security measures; if they really wanted to, there's nothing to prevent someone from going out to the deep water locations and taking something.

Mr. Haines stated in terms of the interest of the Act, there is a condition in the Order that states should a proposed float or any other parts of the proposed structure break loose, it is the responsibility of the applicant to recover or repair any damage to the property or other properties that may occur due to the loose structure. Mr. Haines stated that could be amended to include damage to the Resource Area instead of just other properties. Mr. Maurice stated they are required to carry insurance for such an occurrence.

Ms. Weston opened further discussion with regard to Mr. Mullen's letter.

Mr. Ligor supports the proposed project and feels the shellfish will benefit the environment. Ms. Leduc briefly discussed the impact that oysters have on water quality.

Chm. Gray briefly discussed some of Mr. Mullen's comments in the letter. Ms. Leduc asked if anyone has performed a shellfish survey in the area. Chm. Gray stated the Division of Marine Fisheries will have to determine the condition of the shellfish in the area before the applicant can receive a permit. If the Division of Marine Fisheries determined that the area was productive for shellfish, the grant wouldn't be permitted in

that area. It is Chm. Gray's understanding that the only areas where the Division of Marine Fisheries has allowed the state to issue a permit are those areas that they've tested and are devoid of Eel Grass or a large population of native shellfish.

Ms. Weston questioned Mr. Mullen's comments regarding the heavy recreational use of the area. Chm. Gray stated like every case the Commission hears that involves the use of the shoreline, it's a balancing act between all of the varied interests. He isn't convinced that the recreational use of this area is large enough to make this an unsuitable location for the project. A discussion ensued.

A lengthy discussion transpired with regard to the launch site for kayakers and whether the placement of the cages will hinder their ability to launch their kayak.

Mr. Szwed asked how long the permit is valid. Mr. Maurice stated it is renewable once every three years. Mr. Haines stated the applicant is requesting an extension. Their current permit expires April 22, 2017, they're requesting an extension to 2020. Mr. Maurice stated they will also need to file for an extension with the army Corps. of Engineers.

Chm. Gray commented on the number of agencies involved in approving this project.

After a brief discussion, he entertained a motion on accepting the Amended Order.

**Mr. Ligor moved and Mr. Szwed seconded to accept the Amended Order.** The motion carried. 5-0-0.

Chm. Gray opened a brief discussion with regard to whether or not the applicant should be required to extend the Order of Conditions.

Chm. Gray entertained a motion to extend the Order of Conditions from April 22, 2017 to April 2020. **Mr. Ligor moved and Ms. Leduc seconded to extend the Order of Conditions from April 22, 2017 to April 2020.** With no discussion, the motion carried. 5-0-0.

- 2) Debra Robbins  
DEP File Number: SE7-1897  
Bracken Engineering, Inc.  
14 River Road

Raze and rebuild a single family home within an AE Flood Zone, Riverfront Area and 100 feet of a Wetland Resource Area.

*Chm. Gray recused himself from discussion and vote for several proceedings and asked Mr. Ligor to chair the meeting.*

Zack Basinski addressed the board. He stated the reason for the extension is to monitor the growth of the plantings.

Agent Comment – Mr. Haines stated he believes the language in the original Order requires the plants be monitored for a period of two years; however, they are asking for a three year extension.

Board Comment – Ms. Leduc stated she looks forward to reviewing the Planting Plan.

Public Comment – None.

Mr. Ligor entertained a motion. **Ms. Weston moved and Ms. Leduc seconded to Extend the Order of Conditions.** With no discussion, the motion carried 4-0-0.

*Chm. Gray returned to chair the meeting.*

#### **Other Business:**

- Discussions- None.

- Revisions to the Bourne Conservation Commission's Special Conditions- Mr. Haines was asked to look at Condition #4 in terms of how it relates to the By-law. He reviewed it and thought the wording in both are similar. He is comfortable with it as revised and reviewed at the last hearing.

- Revisions to the Bourne Conservation Commission's Flood Zone Policy – after a lengthy discussion, the Commission decided to defer the matter to the April 6<sup>th</sup> meeting.

Chm. Gray entertained a motion to accept the revised Special Conditions as discussed in the last several sessions. **Mr. Ligor moved and Ms. Weston seconded to accept the revised Special Conditions.** The motion carried. 5-0-0.

- Vote excused Absent Members, if necessary – **Mr. Ligor moved and Ms. Leduc seconded to excuse the absent members.** The motion carried 5-0-0.

- Acceptance of Previous Meeting Minutes –

Chm. Gray entertained a motion to accept the minutes of the February 2, 2017 meeting. Ms. Leduc noted several revisions. **Mr. Szwed moved and Mr. Ligor seconded to approve the minutes of the February 2, 2017 meeting as revised.** The motion carried. 5-0-0.

Approval of the February 16, 2017 Minutes – Ms. Leduc discussed necessary revisions. After a brief discussion, the approval of the February 16<sup>th</sup> minutes was deferred.

- Report of the Conservation Agent – None.

- Correspondence – None.

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

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – Chm. Gray briefly discussed this set of regulations and how they pertain to septic systems. He stated in cases like the one heard earlier in the evening, all the Commission should be concerned with is how the proposed project will impact the environment and/or Resource Area. All other concerns raised by the abutter relating to sound, odor, setback, etc., should be addressed by the Board of Health. A discussion ensued.

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

## **II. Adjournment**

**Mr. Ligor moved and Ms. Leduc seconded to adjourn.** With no discussion, the motion carried. 5-0-0. The meeting adjourned at 9:45 PM.

Minutes submitted by: Carol Mitchell