

Conservation Commission

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

June 15, 2017

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on June 15, 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 Bylaw.

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, Melvin P. Holmes, Paul Szwed, Elise Leduc and Susan Weston (7:15).

Excused Members: Robert Palumbo.

Also Present: Sam Haines, Carol Mitchell, Zac Basinski, Charles Lambolot, Michael Houston, Marcia Rothwell, Joe Corn, Alison Kirby Jones, Dana Anderson, Michael Boilard, Joseph Agrillo Jr., Tom Lee, Kathleen Mulkern, Susan Maloney, Mary McNamee, Bruce McNamee, Tracy Sullivan, John Colby, Dan Reddy, Marc

Spehlmann, Dana Smaller, Emilie Bernaski, Catherine Harper, Keith Jones, Jana Smalley and Gregory Cummings.

Request for Determination of Applicability:

1) Joseph Agrillo Jr.

File # CC17-20

Representative: Same

144 Wings Neck Road, Pocasset

Placement of additional stones within existing licensed groin within a Wetland Resource Area and a V Flood Zone.

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

Joseph Agrillo Jr. addressed the board and discussed the proposed project. He stated he came before the Commission last September to perform some repairs to the walkway on top of the stone groin. While performing that work, he noticed some fairly large open voids in the groin. He is seeking to perform maintenance on it which will include adding boulders to fill the voids. He briefly discussed two options for transporting the rocks to the groin; by barge or by mini excavator. He stated as part of the previous project, he has not yet replaced the railing on the walkway because he didn't want to damage it with the rocks; should the Commission approve this RDA.

Board Comment – Mr. Holmes asked why a crane won't be used to pick up the stones that have been washed out, which are already there. Mr. Agrillo stated that could be done, but unless there is a need to remove them from the beach, that may not be advantageous.

Mr. Ligor asked if the stones will be dry fit. Mr. Agrillo stated they will be dry fit. Mr. Ligor also questioned why the stones that were washed out aren't going to be reused. Mr. Agrillo stated some of them will be reused.

Mr. Holmes asked when the walkway on top of the groin was completed. Mr. Agrillo stated the Commission approved that project last September and it was poured close to last Thanksgiving.

Mr. Szwed questioned why this proposed work wasn't included in the RDA last September. Mr. Agrillo stated they didn't notice the voids until they began the work on the walkway.

Agent Comment – Mr. Haines reiterated the scope of work and asked if the footprint will be expanded. Mr. Agrillo stated it will not be expanded they simply want to fortify what's there.

Mr. Haines stated he performed a site visit on June 6, 2017. He referred to the photographs and noted a few significant voids in the groin. He stated overall, the groin is in fairly good condition and all of the rocks on the beach area are associated with the groin; it is not a rocky, boulder beach. The groin appears to be licensed under Chapter 91.

Mr. Haines asked if the plan is to ground the barge or will it be anchored. Mr. Agrillo stated he doesn't have that answer and asked if the Commission has a preferred method or a recommendation. Mr. Haines expressed concern that grounding the barge would have a negative impact on Eelgrass growing in the area. A lengthy discussion transpired with regard to the use of a barge vs. a mini excavator. The limit of work was also discussed.

Mr. Haines asked for the volume of rocks expected. Mr. Agrillo figures 30 boulders will be needed.

Board Comment – Ms. Leduc asked where the materials will be stored. Mr. Agrillo stated the materials will remain on the barge. She asked what if the barge isn't an option. Mr. Agrillo stated there's a lawn area with easy truck access.

Mr. Holmes asked how long it will take to complete the proposed work. Mr. Agrillo stated with the barge technique, it should take two tides.

Mr. Haines asked if the representative will have spill kits for all of the equipment. Mr. Agrillo stated he will.

Public Comment – None.

Ms. Leduc asked which option of transport the Commission should suggest. Chm. Gray stated if the Commission is not going to require a Notice of Intent, they may want to consider conditional negatives. Mr. Holmes doesn't feel there's an issue with using a mini excavator other than possibly losing a few boulders. Chm. Gray disagreed, he feels the walkway is an extremely narrow walkway with a bend and fears the mini excavator may fall off the walkway causing a bigger environmental impact than the barge would. Ms. Leduc asked if a site inspection could be performed after the project has been completed to ensure no damage was done to the Eelgrass. Mr. Haines stated that is not typically done with an RDA; however, he's willing to follow up with the representative. It was decided that Mr. Haines will perform an on-site inspection during

and post construction for Eelgrass damage. Mr. Ligor stated based on current photos, it appears that the limit of work is well beyond the location of Eelgrass. Mr. Haines asked if it's possible to avoid grounding the barge. Mr. Agrillo stated he feels comfortable with not having to ground the barge; however, it will need to anchor. A discussion ensued. Mr. Haines stated as a conditional negative, he will perform a construction phase inspection in order to assess the impacts of the barge. He also recommended conditioning that spill materials be kept on site.

Chm. Gray entertained a motion. **Mr. Ligor moved, Mr. Holmes seconded a Negative Two Determination with the conditions that a barge be used, not the mini excavator as well as the two recommendations that were stated by the agent.** With no further discussion, the motion carried. 5-0-0.

2) Estate of Natalie C. Atwood

File # CC17-21

Representative: N. Douglas Schneider & Associates, Inc.

51 Pine Ridge Road, Buzzards Bay

Upgrade a cesspool to a Title 5 compliant septic system within 100 feet of a Wetland Resource Area.

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

Doug Schneider addressed the board and discussed the proposed project; to upgrade a cesspool to a Title 5 compliant septic system. He provided specifications for the proposed system and discussed the proposed location. He explained that due to the topography of the site, the system will have to be installed in three stages.

Board Comment – Mr. Holmes asked if any Cedar trees will need to be removed. Mr. Schneider stated yes, a few will be removed.

Mr. Ligor commented on the amount of ground disturbance that occurred as a result of the perc test. Mr. Schneider explained the challenges associated with performing the perc test.

Agent Comment – Mr. Haines stated 2-3 trees have already been removed as part of the initial test phase. He stated, as Mr. Ligor noted, there's a significant amount of disturbance in this location; therefore, he'd like to see erosion controls put in place as soon as possible. Mr. Haines stated this is a peculiar site because there's a primary Coastal Bank, a secondary Coastal Bank and possibly additional Coastal Bank behind

that. For the purpose of this, he thought it sufficient to only show the primary and secondary on the plan. He explained, there's an existing cesspool so a Title 5 compliant septic tank would be a major improvement over what's existing.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Mr. Ligor seconded a Negative Two Determination.** With no discussion, the motion carried. 5-0-1. Ms. Weston abstained.

3) Michael R. Boilard

File # CC17-22

Representative: Dana Anderson

14 Robin Lane, Pocasset

Construction of a house addition, front porch, rear stairs and small deck within an AE Flood Zone.

(Hearing under State Act Only)

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

Dana Anderson addressed the board and discussed the proposed project; to construct an addition on the west side of the property consisting of a bedroom, family room and bathroom. The bedroom will replace an existing bedroom in the house for a total of three, which is what's currently existing. A front porch is also being proposed.

Board Comment – None.

Agent Comment – Mr. Haines stated a site inspection was performed on June 6, 2017. Based on aerial interpretation, the work will occur outside of the 200 foot riverfront area; the Pocasset River. It's a flat, level, existing landscaped area and as long as the work is conducted per the building code, there are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved, Ms. Leduc seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-0.

4) James McLaughlin

File # CC17-23

Representative: Bracken Engineering, Inc.

605 County Road, Pocasset

Upgrade an existing septic system within 100 feet of a Vegetated Wetland.

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

Chm. Gray recused himself from discussion and vote. He asked Mr. Ligor to chair the hearing.

Zac Basinski addressed the board and discussed the proposed project; to upgrade an existing septic system. He explained that during his initial site inspection, he noticed the homeowner had performed some work inside the Isolated Wetland. He stated a large tree had fallen during a storm and the homeowner removed the tree. He brought this to the agent's attention and will be back before the Commission within the next thirty days with a separate filing to submit a restoration plan for the work that was performed without the Commission's consent.

Board Comment – Mr. Szwed asked if this filing is for the septic system only. Mr. Basinski stated the filing is only for the septic system.

Mr. Holmes questioned whether or not a tree in one of the site photographs will be removed. Mr. Basinski stated the tree Mr. Holmes was referring will not be removed.

Agent Comment – Mr. Haines stated he didn't identify any issues with the septic system itself, it's located at the edge of the wetland buffer. He said he was contacted by Bracken Engineering as soon as the filing was submitted and was told there had been some work performed within the Wetland Resource Area. Mr. Haines performed a site inspection and during his investigation he discovered an area approximately 25'x 30' of fill within the Isolated Pool. It appears to him that someone attempted to remove a tree, got stuck, brought in fill to smooth it out and laid grass seed in the area. In the pool, he observed green frogs, vertebrates and unidentified tad poles and feels more than likely this is a Vernal Pool. Mr. Haines suggested voting on this determination and then if they don't receive a Notice of Intent within 30 days, they can discuss moving forward with enforcement action. He recommended a Negative Three Determination on this RDA with a subsequent filing for the restoration of the Isolated Vegetated Wetland within 30 days.

Board Comment – None.

Public Comment – None.

Mr. Ligor entertained a motion. **Mr. Holmes moved, Ms. Weston seconded a Negative Three Determination.** With no discussion, the motion carried. 5-0-0.

Chm. Gray returned to chair the meeting.

Request for Certificate of Compliance:

1) Joseph Agrillo

File Number: SE7-1952

Representative: Same

8 Agawam Point Road, Gray Gables

Invasive species removal, pruning, landscaping and driveway expansion.

Agent Comment – Mr. Haines performed a site visit on June 15, 2017. It was essentially landscaping within the 100 foot Buffer Zone to remove a large amount of invasive species. The site appeared to be in substantial compliance. Mr. Haines recommended issuance of the certificate.

Chm. Gray entertained a motion to issue the certificate. **Mr. Ligor moved, Ms. Leduc seconded to issue the Certificate of Compliance.** With no discussion, the motion carried. 6-0-0.

2) David Butler

File Number: SE7-1855

Representative: Atlantic Design Engineers, Inc.

21 Phillips Road, Sagamore Beach

Construct a 75' linear foot sloped revetment within a Wetland Resource Area.

Agent Comment – A site visit was performed on June 14, 2017. The deviations that Mr. Haines observed were; the original filing had a set of stone stairs built into the bank, instead, they extended the existing wooden stairs; which he thinks is an improvement over what was proposed. Also, the narrative suggested that Beach Grass and shrubs would be planted; however, it looks like only Beach Grass was planted. The slope above the revetment appears to be stable; therefore, he doesn't feel further work is necessary at this time. Mr. Haines recommended issuance of the certificate.

Chm. Gray entertained a motion to issue the certificate. **Mr. Holmes moved, Ms. Weston seconded to issue the Certificate of Compliance.** With no discussion, the motion carried. 6-0-0.

- 3) Edward F. & Marydavia McNamara
File Number: SE7-0605
Representative: Atlantic Design Engineers, Inc.
35 Pine Ridge Road, Buzzards Bay

Construction of a seasonal float and ramp system

Agent Comment – A site visit was performed on June 14, 2017. He stated this Order is null and void at this point. There has been another permanent, fixed pier under superseding order SE7-1140 and further modified under SE7-1414, both of which have received a Certificate of Compliance. Mr. Haines recommended issuance of the Certificate of Compliance.

Chm. Gray entertained a motion. **Mr. Holmes moved, Ms. Weston seconded to issue the Certificate of Compliance.** With no discussion, the motion carried. 6-0-0.

- 4) Edward F. & Marydavia McNamara
File Number: SE7-0800
Representative: Atlantic Design Engineers, Inc.
35 Pine Ridge Road, Buzzards Bay

Coastal Bank restoration.

Agent Comment – A site inspection was performed on June 14, 2017. Mr. Haines identified several issues. He distributed photos to the Commission for their review. The Planting Plan called for a buffer of Rugosa rose across the front of the property to provide a vegetated buffer between the lawn and the beach. Currently, there is no woody vegetation on the area south of the walkway. There's a wooden timber retaining wall approximately two feet in height which was never permitted. It's located at the landward edge of the beach, on the south side of the dock. Based on observations from the neighbor's property, the structure appears to be altering wave action and sediment transport. He recommends this structure be removed and vegetated. There's also a sun umbrella that has been cemented into the Coastal Beach that should be removed. The shed on the property was the result of an Enforcement Order, an after-the-fact permit was issued for the shed and the walkway. Both the shed and the walkway were

identified in previous plans accepted by the Commission. At this time, due to the number of issues, Mr. Haines does not recommend issuing the Certificate of Compliance. He has notified Atlantic Design Engineers as well as the property owners of his opinion on the matter.

Chm. Gray entertained a motion not to grant the Certificate of Compliance. **Mr. Ligor moved, Ms. Weston seconded not to grant the Certificate of Compliance.** With no discussion, the motion carried. 6-0-0

Other Business:

- Violation: Unpermitted clearing of vegetation on Coastal Bank at 45 Baxendale Road, Cataumet. –

Tom Lee addressed the board and explained that the property is owned by three siblings. One of the owners was staying at the property and performed the clearing over Memorial Day Weekend. He briefly discussed the species of plants that were cleared noting the roots had not been removed. Additionally, he provided the approximate square footage of the cleared area. He stated the property owners are eager to correct the situation.

Board Comment – Chm. Gray asked if their plan is to replant in the bare spots only and not disturb the spots where vegetation has regrown. Mr. Lee stated yes.

Agent Comment – Mr. Haines stated they have an open Order of Conditions and are hoping to close that Order in the relatively near future; however, he suggested that it remain open until the area has been revegetated.

Chm. Gray asked if a viewshed was identified in the open Order. Mr. Haines indicated no. He stated there has been cutting performed at a certain height based on the three foot language in the regulations and they have been pruning trees on the property to maintain a viewshed, but this was not part of any identified viewshed.

Board Comment - Ms. Leduc opened a brief discussion with regard to the mitigation plan.

Chm. Gray stated Mr. Haines will work with Mr. Lee to rectify the violation under the existing Order.

- Beach access on Coastal Bank off of Crab Rock Way, Sagamore.-

Agent Comment – Mr. Haines distributed photos to the Commission and provided an update on the current beach closure at the coastal access stairs off Crab Rock Way

leading down to the Town beach which is under the care, custody and control of the Conservation Commission. On Monday, June 5, 2017, a resident showed the DPW director and the Conservation agent photos showing one of the staircase footings was undermined completely during the May rain events. On Tuesday morning, Mr. Haines, the DPW director, the building inspector and the Engineering Department determined that the staircase should be closed pending an assessment by a registered engineer. On Friday, June 9, 2017, the Town received an evaluation from JC Engineering which stated that a number of the footings have been undermined and pedestrian access should be closed until the structure is repaired or replaced. The Town is in the process of obtaining a full engineering assessment which will provide engineering details for the repair of the structure. Mr. Haines could not provide a timeline in terms of when pedestrian access will be reopened, it will be determined by the engineering assessment. Mr. Haines stated a resident contacted him and expressed concern that people will utilize the Coastal Bank for beach access. They requested that signage be put in place warning people to stay off the Bank. He noted that signage had been vandalized fairly quickly when it was installed in this area in the past.

Board Comment – Mr. Holmes asked if any sort of timeline has been established. Mr. Haines stated the Town is working on obtaining an engineering assessment; however, the access will not be reopened until an engineer provides detailed information on repairing the structure. The DPW, town administrator and selectmen will then determine the next step.

Ms. Leduc asked how pedestrians are informed at the top of the stairs that the access is closed. Mr. Haines stated the DPW has placed signage at the top and bottom of the access and the top has been barricaded off. Additionally, an article appeared in the newspaper.

Ms. Leduc asked if this is Conservation Commission property and if the Commission is liable if someone jumps the barricade and becomes injured. Mr. Haines stated the Town is trying to control liability as much as possible by closing off the site.

Public Comment - Marcia Rothwell, representing the association and neighbors, addressed the board. She expressed several reasons why they would like to see the access repaired temporarily and asked for the opportunity to work with the engineer to perform the repairs needed to provide a temporary fix. She stated the association has provided funding and manpower in the past and they'd like to do the same again now. Mr. Haines stated that request would have to be approved by the town administrator and selectmen.

Chm. Gray stated this land is under the care and custody of the Town of Bourne's Conservation Commission. Nothing may take place until a plan that's been prepared by a professional is presented to the Commission for their review under the Wetlands

Protection Act. Chm. Gray reminded those in attendance that the closure was the result of an engineering report and the Commission does not have the authority to supersede that engineering report. Ms. Rothwell reiterated the association's position to work with an engineer to temporarily repair the structure before the summer season ends. Chm. Gray stated TA Guerino will be controlling how this project evolves going forward. He stated JC Engineering prepared a report based on a site assessment which states the structure has failed, could catastrophically collapse and recommend the closure stay in place. He suggested the association meet with the town administrator.

Dan Reddy, treasurer for the association, expressed his concern over vandalism occurring while the access is closed; and asked for the Commission's purview with regard to this concern. Additionally, he discussed funds that the association provided which was used to purchase material to build the stairs and to clean up vandalism that had occurred previously.

Joe Corn referred to the first RDA of the evening and asked if the association may obtain a license to perform maintenance on the access just as maintenance is being allowed to be performed on the groin. Chm. Gray explained the parameters of a Chapter 91 license adding, that license is generally for structures that are below the Mean High Water, seaward. Since the stair access is above Mean High Water, the Chapter 91 license is not applicable. Chm. Gray asked what has caused the deterioration of the sonotube, erosion coming from the top of the Bank, erosion from storms or a combination? Mr. Haines stated it's a combination; however, storm water has definitely contributed. A discussion ensued.

Mr. Ligor asked if there's a police presence in the area. Mr. Haines stated the DPW is inspecting the barriers daily but is unsure about police presence.

Keith Jones addressed the board. He lives approximately 150' from the steps and commented on the high amount of foot traffic the access receives and reiterated some of the concerns that Ms. Rothwell mentioned earlier. He stated from his perspective, the major problem causing the majority of the erosion is storm water coming from the drain that's located at the top of the access area. He said the water needs to be redirected because it's causing washout.

Jana Smalley addressed the board. She lives in the neighborhood and has already seen pedestrians bypassing the sign and using the access regardless that it's closed. She feels the number one concern the Town should have is liability.

Cathy Harper asked the board if they as a Commission will approach the town administrator or the selectmen to discuss the matter based on the feedback they heard from the association members. Chm. Gray stated that is not the Commission's role;

however, Mr. Haines, as the agent, can convey their concerns to Mr. Guerino. He explained the role of the Commission as the regulator because in this case, the land involves wetlands. He also explained the hearing process once a plan has been engineered, adding that the Commission doesn't have the authority to produce a plan or to demand an expeditious outcome.

Keith Jones asked if it would be acceptable for the association to hire an engineer, suggest a fix and bring that before the Commission in the form of an application. Chm. Gray suggested they pose that question to Mr. Guerino and discuss the matter with him before hiring an engineer in case the Town has already hired someone.

A brief discussion concerning procurement transpired.

Mr. Haines explained that because of the complexity of the situation, many people and departments are involved in the decision making. Conservation will be involved in terms of how the work proceeds and how it's permitted, the DPW is in charge of all town infrastructure so they're working with the licensed engineer. Ms. Rothwell thought it may be beneficial for the agent, town administrator, engineer and Mr. Gray to attend an association meeting. Mr. Haines suggested that Ms. Rothwell discuss her idea of holding a public forum with Mr. Guerino.

Mr. Ligor opened a brief discussion with regard to the history of the stairway; i.e., when it was built, how it was funded, etc.

Michael Houston addressed the board and questioned whether or not bids would have to be accepted, which would be a lengthy process. Mr. Haines stated that depends on the cost of the project; however, the Town has to follow processes under Massachusetts law. Mr. Haines stated the higher the cost, the more layers of procurement, which could take significant time.

Ms. Weston suggested the homeowners contact Mr. Guerino immediately to expedite the process.

Mr. Holmes opened a brief discussion with regard to possibly using the original engineering plans to expedite the repair work.

Chm. Gray asked the agent if he knows how far along in the process is the town. Mr. Haines stated he does not know. He said he's aware that conversations have taken place between the town engineer, DPW and JC Engineering but he does not know what phase of analysis has been performed or whether funds have been procured for the analysis yet. A discussion ensued.

A brief discussion transpired with regard to containing liability. Ms. Leduc noted that it would be impossible for the matter to be resolved before the 4th of July since the Commission won't be meeting again before then. She expressed concern that the Bank will suffer as a result of foot traffic on the Bank and hopes the area will be patrolled, particularly over the holiday. Mr. Haines explained there would be a possibility for the Commission to meet prior to the next scheduled meeting because all that's needed is 48 hours' notice as long as there's a quorum.

Gregory Cummings expressed his frustration over the situation and provided a brief history of the homeowner's past attempts to remedy the situation.

Mr. Haines summarized an email he received from abutter, Nicole Lord, who reiterated the points raised by Mr. Cummings.

With no further input, Chm. Gray thanked all for attending.

The Commission briefly discussed the process for obtaining an emergency certification and possible solutions for redirecting the storm water runoff.

Mr. Ligor opened a brief discussion with regard to Coast Guard Beach and the cost associated with rebuilding the stairs there every year.

Mr. Szwed asked as custodians, what is the Commission's responsibility. Chm. Gray stated the agent has reported the situation to the TA. The Commission doesn't have a maintenance budget or a maintenance staff, so as long as the town has posted signs and cordoned off the area, it's done its due diligence. A discussion ensued.

- Gypsy Moth caterpillar control at 4 Ponds Conservation Area-

Mr. Haines stated a resident contacted him to see if she and other volunteers could put out 40-50 traps that they would donate in an attempt to control the Gypsy Moth caterpillar population. Mr. Haines stated there are pros and cons with the request. He expressed a concern that the traps may capture other lepidopteran species. He doesn't know if the bait strictly attracts gypsy moths. Ms. Leduc provided information that she learned about the traps, noting the traps will not have an impact on this year's caterpillar population. A brief discussion transpired with regard to the excessive amount of caterpillars at the pond. Mr. Haines stated he spoke with the Cape Cod Commission who informed him that this year's wet spring helped to germinate a fungus that is lethal to Gypsy Moths and will control numbers for next year. Mr. Haines likes the project because he is a proponent of public involvement on Conservation land and wants people to get involved with projects on Conservation land primarily because the Commission doesn't have a budget. After a brief discussion, the Commission agreed the traps may be

an effective tool to help reduce the number of caterpillars next year. Mr. Haines will work out the logistics with the volunteer coordinator.

- Hen Cove: Town maintenance and control of invasive species –

Mr. Haines stated he was contacted by the director of the DPW to discuss invasive Phragmites control at Hen Cove Beach. The DPW maintains the beaches by mowing and raking; however, with reductions in staff, the mowing has occurred less frequently resulting in the Phragmites becoming overgrown. There was an Order of Conditions issued in 1990 that allowed the maintenance of this project. There was also a Negative Determination for mechanical control of Phragmites in 2010. Since there's an existing Negative Determination, he questioned whether the Commission is comfortable with performing the same work, beach raking and mowing of the Phragmites, under that existing Negative Determination or whether they'd like to see more filings on this.

Chm. Gray entertained a motion to keep the Negative in place. **Mr. Ligor moved, Mr. Holmes seconded to keep the Negative in place.** With no discussion, the motion carried. 5-0-1. Ms. Leduc abstained. A brief discussion transpired regarding the location of the mowing and the benefit of mowing the Phragmites.

- Revisions to Bourne Landscaping and Yard Work Policy 10-1 – Deferred.

- Vote excused absent members, if necessary – **Mr. Ligor moved, Mr. Holmes seconded to excuse the absent members.** With no discussion, the motion carried. 6-0-0.

- Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to accept the minutes of the April 6, 2017 meeting. **Mr. Ligor moved, Mr. Holmes seconded to accept the minutes of the April 6, 2017 meeting.** With no discussion, the motion carried. 6-0-0.

- Report of the Conservation Agent – Mr. Haines stated this issue was not reasonably anticipated within 48 hours, which is why it wasn't placed on the agenda. He was notified on June 14, 2017, of a violation at 7 Little Bay Lane, Buzzards Bay. He distributed photos and minutes from a previous meeting from May 2016 to the members for their review. Mr. Haines was notified that there is a paving stone pathway on the salt marsh. Upon viewing the paving stones from the water, he also observed a recently added landing, deck and stairs at that location. While writing a violation letter to the property owner, he observed other information on the server regarding the coastal stairs and some clearing at the rear of the property. He found a previous violation that the Commission discussed back in May 2016. Mr. Haines stated his interpretation of those minutes is that the Commission required an after-the-fact filing for the tree clearing and for the stairs; however, he was unable to find any filing for either violation. He questioned how the

Commission would like him to proceed because the property is for sale. He stated they can move forward with another violation letter, which he prepared demanding that they remove the paving stones from the salt marsh and demanding a similar after-the-fact filing as was previously demanded; or, they can issue an Enforcement Order which would go to the DEP and to the applicant. Chm. Gray suggested he send the violation letter, but indicate that he'd like feedback within 7 days. If he doesn't receive feedback within the 7 days, he can get the Enforcement Order into position before the property changes hands. Chm. Gray also suggested the agent telephone the realtor to inform them of the violation. Mr. Holmes would like a letter sent to the realtor as well. Mr. Haines stated he will send a violation letter to the property owner with a time frame of 7 days for the removal of the stones, an after-the-fact filing for the clearing and the stairs and he will cc the realtor along with a cover letter explaining the matter. A brief discussion ensued.

- Correspondence – None.

- Public Comment – 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 – None.

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

II. Adjournment

Ms. Leduc moved, Mr. Ligor seconded to adjourn. With no discussion, the motion carried. 6-0-0. The meeting adjourned at 9:13 PM.

Minutes submitted by: Carol Mitchell