

# ***Conservation Commission***

## ***Meeting Minutes***

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

September 6, 2018

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

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on September 6, 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, Thomas Ligor, Elise Leduc, Susan Weston (7:20) and Associate Member, Greg Berman.

**Excused Members:** Paul Szwed and Melvin P. Holmes.

**Also Present:** Sam Haines, John Ross, Raul Lizardi, Bill Masiello, Angela Masiello, Curt Smith, Jay Desmarais, Linda Ehrlich, Wm. Jeffrey Wales, Rosemary Wales, Sandra Bishop, Wayne Bishop, Ken Andrade, Steven Rice, Sally Girts, Richard Fisher, Mary Fisher, Susan Crowley, Scott Crowley, Kenny Andrea, Emma Vautour, Thomas Bunker and Jack Landers-Cauley.

**Request for Determination of Applicability:**

1) Applicant: William J. Masiello Architect, Inc.  
File Number: CC18-31  
Representative: Cape Cod & Islands Engineering, Inc.

Project Address: 98 Elgin Road, Pocasset

To construct and maintain a single-family dwelling to include: rinse station, a/c units, patio, walkway, driveway, detached garage, Title 5 sewage disposal system, all associated clearing, grading, utilities, and landscaping 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.

Raul Lizardi addressed the members and stated the property is a vacant lot off of Elgin Road. He explained that when the property was surveyed, a Coastal Bank was identified. He stated the Coastal Bank was created when the road was cut in and when the adjoining property was created and although there is a Coastal Bank by definition; it does not meet all of the other requirements.

Board Comment – None.

Agent Comment – Mr. Haines stated the site is over 300 feet away from any Resource Area and is separated from those resource areas by multiple homes and roadways. In 2018, the assessor's field card deems this site as unbuildable. It appears that this was classified as such because of a zoning issue; however, because the landowner did their due diligence, the decision was reversed and the lot is now deemed as buildable on the 2019 assessor's field card.

Chm. Gray asked the representative for clarification of the Flood Zone. The representative offered additional information, stating the proposed dwelling, garage and septic are located within a Zone X and the proposed septic tank will be 94 feet from the Coastal Bank and approximately 98 feet from the Flood Zone. The septic's leaching pit is 110 ten feet from the Coastal Bank.

Board Comment – Mr. Berman asked the agent if while performing the site visit did it appear that the creation of the road could have created the Bank. Mr. Haines stated the road cut definitely changed the topography; but it's impossible to tell whether the Bank existed prior to the road development. A brief discussion transpired regarding the slope of the Bank.

Ms. Leduc stated she's hesitant to set a precedent by allowing a new building on an undeveloped lot where a jurisdictional Coastal Bank may be present. A discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion, Mr. Haines briefly discussed the options for issuing a negative determination. **Mr. Ligor moved, Mr. Palumbo seconded a Negative Three Determination.** With no discussion the motion carried. 4-0-0.

2) Applicant: Tahanto Associates

File Number: CC18-32

Representative: W. Jeffreys Wales

Off Tahanto Road, Pocasset

To repair existing rock revetment with existing materials within V Flood Zone and 100 feet of a Wetland Resource Area.

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

Mr. Wales addressed the members and described the proposed project.

Board Comment – Mr. Berman asked if there will be any change in the revetment's footprint. Mr. Wales said there won't be a change to the footprint.

Mr. Ligor asked if any of the vegetation will be removed. Mr. Wales stated it will not. Mr. Haines clarified that the vegetation Mr. Ligor referred to is Bittersweet, an invasive species.

Ms. Leduc questioned whether the proposed project will adhere to the plan dated 2006. Mr. Wales said it will.

Mr. Ligor asked if the stones will be dry fit. Mr. Wales stated they will be; no mortar will be used.

Ms. Leduc asked what type of equipment will be used. Mr. Wales stated a mini excavator with a rubber track will be used. A brief discussion transpired regarding the access point for the equipment to be brought in. Mr. Haines feels there may be a better access route down Navajo Road vs. using the slope as shown on the plan.

Agent Comment – Mr. Haines stated it is obvious that some of the rocks have come loose with erosion behind the revetment. The previous Order, SE7-1470 that permitted the construction of the revetment, was not continued so this RDA will allow the Association to repair the revetment within the existing footprint and then close out the previous filing with a COC. Mr. Haines stated he spoke with the applicant who is willing to perform any maintenance that was required in the previous Order. The Commission could make that a condition of the determination if they feel it's appropriate. Mr. Haines reiterated his opinion regarding the access point.

Mr. Berman opened a brief discussion regarding the previous Order and planting mitigation that may be required in order for a COC to be issued.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved, Mr. Palumbo seconded a Negative Two Determination with all of the original conditions.** With no discussion the motion carried. 4-0-0.

### **Notice of Intent**

1) Applicant: Steven and Joan Cabral  
File Number: SE7-2030  
Representative: BSS Design, Inc.  
80 Rocky Point Road, Gray Gables

To raze and reconstruct a single-family house, garage, and new septic system within an AE Flood Zone and within a 100 feet of a Wetland Resource Area.

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

Tom Bunker addressed the members. He provided a description of the existing property and described the proposed project. Mr. Bunker discussed the need for a zoning variance, the nitrogen loading, the proposed mitigation planting plan and proposed vegetation management on the Bank.

Emma Vautour of BlueFlax Design addressed the members and discussed the mitigation plan and the proposed invasive species/poison ivy management portion of the project.

Board Comment – Ms. Weston expressed her dissatisfaction with the placement of the bulkhead and its proximity to the Coastal Bank.

Mr. Berman asked if there will be any remnants of the existing wall left or will it be removed entirely. Ms. Vautour stated it will be removed entirely.

Agent Comment – Mr. Haines said he advised the representative that the Commission may not approve the bulkhead location and suggested they offer substantial mitigation. Mr. Haines stated as mitigation they are proposing substantial vegetative work, the septic system will be upgraded and the existing shed located within the Coastal Bank will be removed. He will leave it up to the Commission to make a decision on the proposed poison ivy management. Mr. Haines noted he is pleased that the existing wall will be removed. He feels the proposed project pushes the limits but he's happy with the mitigation effort.

Ms. Leduc stated poison ivy has significant wildlife value. She asked for clarification as to how much poison ivy is proposed to be removed. Ms. Vautour stated the proposal calls for 85% - 90% of the poison ivy to be removed; however, they understand its value and are willing to adjust that figure to 50% if the Commission requires it. Ms. Vautour said this will allow them to revegetate the bare understory.

Ms. Leduc questioned why they even have a need to plant any vegetation in that area. Ms. Vautour stated the poison ivy is loose ground cover and is loosely covering the area with foliage. The removal of some of the poison ivy will allow them to manage some of the invasive species and replanting vegetation will help stabilize the soil.

Ms. Leduc asked if the poison ivy will be pulled or is she proposing to chemically treat it. Ms. Vautour stated they will perform a selective herbicide treatment. Ms. Leduc suggested lopping off the top of the plant and leaving the root system in place. This will allow for the planting of potted plants and for the poison ivy to regenerate. She feels that applying herbicides is an excessive approach especially since it's located in an area that won't be used for human access. Mr. Ligor agreed.

Chm. Gray asked for the size of the entire lot. Mr. Bunker stated the lot size is 94,000 square feet or 2.15 acres.

Chm. Gray asked how many square feet is proposed to be managed for poison ivy. Ms. Vautour stated the restoration area 8,940 square feet so approximately 20% of that. A discussion ensued.

Mr. Haines suggested conditioning the Order that no herbicides may be applied to the poison ivy.

Ms. Weston opened a brief discussion regarding the possibility of moving the house back.

Ms. Haines asked what the expansion of the house is compared to the proposed planting mitigation. Mr. Bunker stated the expansion is 2,300 square feet whereas the mitigation area is 8,940 plus an additional 1,190 of new planting. Mr. Haines asked in terms of the footprint, what is the increase. Mr. Bunker stated it's approximately 2,200 square feet.

Mr. Palumbo stated he doesn't understand the rationale behind Ms. Weston's request to move the house back. Ms. Weston stated the Commission has tried setting a precedent by not allowing a new structure to be closer to the Bank than what's existing. After a brief discussion, Ms. Weston stated she is willing to accept the mitigation as a compromise.

Public Comment – Abutter, Sally Gertz, questioned whether any vegetation on the north side of the property would be untouched. Mr. Bunker stated that is correct. Ms. Gertz added there is a lot of poison ivy growing in that location.

Ms. Gertz questioned how much lawn will be removed. Ms. Vautour stated only the lawn near the existing wall will be removed.

Ms. Gertz opened a brief discussion regarding the proposed location of the septic system.

Chm. Gray entertained a motion to close the public hearing. **Ms. Leduc moved, Mr. Ligor 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, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 18, 19, 21, 22, 24, 26, 27, 28, 29 Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 2, 5, 6, 7, 9 and the following Additional Special Conditions; ASC (1) herbicide application must be performed by a licensed applicator. Herbicide must be applied directly to the cut stem of the invasive plant. No foliar spraying of herbicide is permitted under this Order, ASC (2) no herbicide application to treat poison ivy is allowed. The Order does permit for the removal of poison ivy for the purpose of management.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Leduc moved, Mr. Ligor seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-1-0. Ms. Weston opposed.

2) Applicant: Gerhard Bottcher

File Number: SE7-2031

Representative: J.E. Landers Cauley PE Civil Environmental Engineering

11 Bayhead Shores Road, Buzzards Bay

To approve deck and retaining wall already constructed and remove septic tank and leaching field and replace with a new Title V system within an AE Flood Zone and within a Wetland Resource Area.

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

**(Continued from 8/16/2018)**

Jack Landers-Cauley addressed board. He discussed the reasons the matter was continued. One of which was because a DEP file number had not been issued; however, he stated one had been issued that day. He went on to explain other revisions made to the plan as well as the debris the property owner agreed to remove from his property.

Board Comment – Mr. Ligor asked if the existing wall will remain. Mr. Landers-Cauley stated it will.

Ms. Leduc opened a brief discussion regarding the debris that the property owner is willing to remove.

Agent Comment – Mr. Haines said since the deck was never approved by the building inspector, he is recommending that the Commission condition the Order stating a building permit for the deck is required prior to the Order becoming valid. Additionally, because there is so much debris on the property, he is recommending the Commission add a condition that states all debris must be removed from the adjacent Conservation land. The third condition; as mitigation for previous unpermitted activities, any material or debris located in the areas as shown on the plan of record dated September 4, 2008, must be removed from the site and properly disposed of to prevent the risk of materials becoming waterborne during a flood event.

Board Comment – Mr. Berman asked if the adjacent property is town owned Conservation land. Mr. Haines stated it is Conservation land; however, he is unsure as to whether it is state or town owned land. Mr. Landers-Cauley said it is clearly not the applicant's and he is willing to clean it up.

Mr. Berman questioned whether the clean up on the adjacent property is considered trespassing. Chm. Gray stated if the land were privately owned, a letter from that

property owner authorizing the cleanup would have to be submitted. Mr. Haines said he will research the matter and if the land isn't Town of Bourne owned, he will notify the property owner.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Palumbo moved, Mr. Ligor seconded to close the public hearing.** With no discussion the motion carried. 3-0-1. Ms. Leduc abstained.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 18, 19, 21, 22, 27, 28, 29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 2, 4, 5, 6, 7, 9, and the three Additional Special Conditions previously noted.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Mr. Palumbo seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 2-0-2. Ms. Weston and Ms. Leduc abstained. Chm. Gray stated because of the two abstentions, there wasn't a quorum. Ms. Leduc explained because she wasn't at the original hearing, she didn't feel she had sufficient information about the project to make an informed decision. Mr. Landers-Cauley provided additional information about the project.

After a brief discussion, Chm. Gray announced the board would have to re-vote the matter. Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Mr. Palumbo seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

A brief discussion transpired regarding associate members and their role in casting votes.

- 3) Applicant: John Ross  
File # SE7-2028  
Representative: Same  
Off Mashnee Dike, Mashnee

For an aquaculture grant permit within a V Flood Zone and within a Wetland Resource Area.



(Continued from 8/16/18)

Mr. Haines explained the matter was continued because a response from The Natural Heritage and Endangered Species Program hadn't been received nor had a DEP file number been issued. He stated a DEP file number has now been received and a letter from The Natural Heritage and Endangered Species Program has been received with the following conditions in order to avoid a take of a rare species; 1) as outlined, site access is gained via boat and does not include overland access. If access changes in the future and an overland route is proposed then the applicant must contact the Division for a written response prior to implementing the change, 2) all nets used at the site shall be affixed securely, maintained and replaced as needed and must be disposed of appropriately. To the greatest extent practicable, degraded materials shall be replaced to ensure it does not become debris, 3) upon filing for renewal, extension or amendment of the Order of Conditions, the applicant shall contact the Division for a written response regarding impacts to Resource Area habitat of state-listed wildlife.

Chm. Gray entertained a motion to close the public hearing. **Mr. Ligor moved, Mr. Palumbo seconded to close the public hearing.** With no discussion the motion carried. 3-0-1. Ms. Leduc abstained.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 9, 22, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw Article 3.7 numbers; 14, 16, 17, 18, 20, 21 and the three previously noted requirements from The Natural Heritage and Endangered Species Program.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Mr. Palumbo seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 3-0-1. Ms. Leduc abstained

**4) Applicant:** Richard Selby  
File Number: SE7-2027  
Representative: Richard Selby  
134 Wings Neck Road, Pocasset

Invasive Species Management within a V Flood Zone and within a Wetland Resource Area.

Chm. Gray announced the applicant requested the matter be continued to September 20, 2018. He stated all members should have received a report from the applicant's expert via email from Virginia Tech.

Ms. Leduc asked if the only reason the matter had been previously continued was because the applicant was asked to supply additional information. Mr. Haines stated the last continuance was given to allow the applicant to submit additional information from an expert regarding the invasive species management as well as to provide Coastal Bank transects. The continuance was requested tonight because the Coastal Bank transects haven't been supplied and the applicant was unable to attend.

Ms. Leduc asked if a decision had been made regarding the mowing. Mr. Haines stated the Commission was waiting for an expert to weigh in.

### **Other Business:**

► Violation - 26 Benedict Road: unpermitted drainage in salt marsh –

Materials Reviewed – Site Photographs and Anonymous Complaint Letter.

Steve Rice was present to discuss the violation. Mr. Haines explained on July 27, 2018, he received an anonymous complaint that the landowner of 26 Benedict Road was discharging water onto both town owned property and into a Wetland Resource Area (saltmarsh). Mr. Haines performed a site visit on the 27<sup>th</sup> and confirmed with the homeowner, Mr. Rice, that he had roof drainage by way of a pipe running off of his garage into the adjacent Town beach way and the adjacent saltmarsh. The Commission did approve the garage under an RDA but the drainage was not included as part of that filing.

Mr. Rice stated he understands the nature of the complaint. He explained when he received approval to build the structure, his property was located on a descending slope with a shed that was pre-existing. His design was to build a garage/shed structure that would be attached to the existing shed. The shed already had a rinse station attached to it that percolated into the ground on the property. He knew that due to the descent of the driveway, there was going to be a water issue because water would run down the driveway toward the seawall. When the foundation was installed, a drain was installed across the front between the foundation and the asphalt drive. That water was directed along the side of the structure and into the drain of the rinse station. He said he had tested the rinse station by taking 80-gallon trash barrels filled with 60 gallons of water in each and dumped them into the drain. The water took approximately 20 minutes to percolate into the ground. However, once winter came and the ground froze, the drain was no longer effective causing rain water to pool and jeopardize flooding his home. He stated

this happened five times over the course of the winter and each time he used a sump pump to pump the water into the beach way. After speaking with his landscaper about the situation, he installed French drainage and a drywell. Additionally, he redirected the some of the drains off the garage, shed and driveway into a pipe that extends down the property but not all the way to the beach way. Stone has been placed at the end of that pipe to allow that water to percolate. He said on the other side of the garage/shed there are two downspouts that redirect rainwater into a pipe that runs down the property and through a hole that was cut in the seawall. Originally, the landscaper was going to end the pipe on the homeowner's lawn but decided to extend it through the wall. Mr. Rice referred to site photographs and discussed the amount of water he observed being dispensed through the pipe after a heavy rain earlier that day. He asked for relief of the pipe and would like to amend his original application to include it.

Board Comment – None.

Agent Comment – Mr. Haines stated it is clear that the property owner is pushing his drainage into the saltmarsh. He explained that if this had been filed as a Notice of Intent, the project would have been conditioned that the drainage would have to be controlled on site.

Board Comment – Ms. Leduc opened a brief discussion regarding the property line.

Mr. Palumbo opened a brief discussion regarding the possibility of relocating the pipe back onto the lawn.

Chm. Gray said if Mr. Rice was proposing to build his house today in this regulatory climate, the Commission would've been asking for downspouts and drywells at the four corners of the house. He thinks the easiest and most appropriate solution is to install a drywell to capture the effluent that's coming from the pipe. Mr. Rice argued that he sees neighboring properties with similar pipes. A discussion ensued.

After reading the anonymous complaint letter that was submitted, Chm. Gray asked Mr. Rice if he is connected to someone in the town or received permission to install the pipes as insinuated in the letter. Mr. Rice answered no to both. He stated he is fine with installing a drywell as recommended he just thought being rain water, he'd be able to get relief for what he had constructed. Chm. Gray stated he appreciates the request; however, current regulations require the Commission to control storm water runoff.

After a brief discussion, it was decided that Mr. Rice and his landscaper will work administratively with the agent to submit a plan for remediation. He stated the work should be completed within 60 days.

► Violation – 62 Rip Van Winkle Way: Unpermitted clearing of Coastal Bank and beach

Materials Reviewed – Site Photographs, Historic Aerial Photographs, Order of Conditions SE7-1205, Plan from 2010 for CC10-20.

The property owners, Wayne and Sandra Bishop, were present to address the violation. Mr. Haines stated when he observed the violation, it first appeared as though beach grass was being mowed and slowly converted to lawn; however, after reviewing historic aerials, he realized there has been significant conversion of the naturalized vegetation to lawn. It also appears that there are areas that have been regraded to install a retaining wall. The property owners stated the retaining wall was installed prior to them taking ownership of the property.

Mrs. Bishop provided a brief history of the property and explained the reason why her husband recently mowed the area in question is because their granddaughter was recently diagnosed with Lyme's Disease; so Mr. Bishop mowed as a precaution. Mrs. Bishop explained they have a horrific problem with Bittersweet; which is invading the native species. She stated she did not realize she needed permission to remove it. Mr. Bishop elaborated further.

Agent Comment – Mr. Haines stated the Commission has a historic Order of Conditions, SE7-1205 from 1998, which conditions a 25-foot naturalized buffer from the Resource Area in perpetuity. In addition, a plan from 2010 from filing CC10-20, shows the area of naturalized vegetation on the plan. In his opinion, the clearing on the Bank and beach is a clear violation.

Mr. Bishop discussed dumping that occurred prior to him taking ownership. Mrs. Bishop provided additional history on the property.

Chm. Gray referred to historic aerial photos to explain the violation to the members and the Commission. After a brief discussion, Mr. Haines suggested as a means to avoid enforcement, that the property owners be required to replant a naturally vegetated area. Chm. Gray suggested the agent assist the property owners and demarcate the area that should not be mowed to allow the vegetation to regrow.

Public Comment – Ken Andrade expressed his concern over nitrates and runoff from the irrigation system that was installed. He stated he has attempted to voice his concerns in the past unsuccessfully. He provided a history of the property and stated it was his understanding that in the 1950s, when the home that was existing on the property was destroyed, the lot was to remain unbuildable. He provided historical photos of the area including one from 2008 which depicts the natural vegetation as shown on the 2010 plan. Mr. Andrade provided a brief history of the area and expressed concern that wildlife is

being impacted because of the mowing and the seaweed that is being stockpiled to suffocate the beach grass.

Chm. Gray and Mr. Andrade reviewed historical aerial photographs from 2010 through 2018. Mr. Andrade reiterated his concern that lawn on the Bishop's property is extending further seaward.

Chm. Gray informed the Bishops that Mr. Haines will use the 2010 plan as guidance in order to restore the naturally vegetated area. The Bishops were in agreement.

A brief discussion transpired regarding the stockpiling of the seaweed.

Mr. Andrade voiced concern that the Bishop's irrigation system runs on the seaward side of the fence that was previously installed to demarcate the line where the vegetated area was to be left untouched. Mr. Bishop stated that section of irrigation will be capped.

Mr. Andrade asked if fertilization or pesticides of the area will be approved. Mr. Haines stated fertilization within the naturalized vegetated area will not be approved; adding that the landward side of the fence may be fertilized and mowed.

Mr. Andrade attempted to open a brief discussion regarding replacing granite stones that were used in the right of way but have since been moved. Mr. Haines stated he will address that issue with Mr. Andrade separately.

► Discussion of correspondence regarding #11 Carlton Road, Monument Beach –

Materials Reviewed – Letter to select board.

Mr. Haines stated on August 30<sup>th</sup> he received a copy of a letter addressed to the select board which asserts the Commission is in error for a previous enforcement action stating a Wetland exists on the property. The letter asks that the enforcement be rescinded and the property owner be allowed to surface clear the property. The letter also asserts that the Commission determined that the lot was unbuildable.

Mr. Haines visited the site and there appears to be a bylaw jurisdictional wetland on the property which is a result of stormwater drainage. Mr. Haines is working with the engineer and assessor to determine why the lot is unbuildable. Mr. Haines responded to the select board that a filing would be required with the Commission; however, he thinks the best course of action is to write a brief letter to the landowner stating based upon the site observation and previous enforcement action, they will have to file with the Commission prior to any clearing to confirm the limits of the wetland and to determine whether it will have adverse impacts on the Resource Area.

Chm. Gray provided history on the property. A discussion ensued.

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

▶ Acceptance of Previous Meeting Minutes – None.

▶ 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. Ligor moved, Mr. Palumbo seconded to adjourn.** With no discussion, the motion carried. 4-0-0. The meeting adjourned at 9:35 PM.

Minutes submitted by: Carol Mitchell