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**Town of Bourne
Conservation Commission**

2022 MAY -6 PM 1:00

Meeting Minutes
Zoom Meeting Platform
April 7, 2022

TOWN CLERK BOURNE

I. Call to Order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00PM on Thursday April 7, 2022, held via Zoom Platform. 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. Chapter 131 § 40, Article 3.7 of the Town of Bourne Wetlands Protection Bylaw. If the Act or the Bylaw don't mutually apply to the review, it will be indicated at the time of review which instrument of law they will be reviewed under.

Note: The meeting was being held via the Zoom platform, and was being recorded, as noted per the "Recording in Progress" icon that was displayed. 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 due 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.

Chm. Gray also reviewed the 5-5-5 Rule which allows the applicant or representative to make a five (5) minute presentation to the Commission Members, Commission Members will then take five (5) minutes to seek additional information if necessary, and then the public will be allowed five (5) minutes for comment. If the matter is more complex, more time will be allotted.

Members present: Bob Gray, Greg Berman, Peter Holmes, Elise Leduc-Fleming, Thomas Ligor, Rob Palumbo, Paul Szwed

Others in attendance: Stephanie Fitch, "Nate", Mike Borselli, Paul Forsberg, "Chipp", Ken Joyce, Brian Wallace, "CPG2", Daniel Gonsalves, Paul O'Keefe, Allen Metcalfe, Helene Flannigan, Mike Ball, "pforgione", Carrie Yespy, Mark Manganello, Rosemarie Cronin, Russell Titmuss, Emily Curry

Excused members: None

Continuations (Notice of Intent):

1. Applicant: Town of Bourne
Address: 0 Shore Road, Pocasset

Representative: Zachary L. Basinski, PE, CFM
File Number: SE7-2197
Continued to April 21, 2022

2. Applicant: Josephine B. Smith
Address: 4 Richmond Road, Pocasset
Representative: Bracken Engineering, Inc.
File Number: SE7-2201
Continued to April 21, 2022

Request for Determination:

1. Applicant: Kenneth Joyce
Address: 29D, The Hollow, Hideaway Village
Representative: Roberto DeSilva
File Number: CC22-09

Proposed increase of 75 square feet for remodel of bathroom and bedroom. This project is within 100 feet of a Wetland Resource Area.

Mr. Kenneth Joyce addressed the board and briefly reviewed the plans as the representative was unable to attend the meeting. Mr. Joyce stated that the building is located about 25-30 feet from the Resource Area, and within the Buffer Zone. He stated he has already filed a permit with the Zoning Board of Appeals, which has been granted. He stated he intended to stay away from the ocean side of the property, and the construction will be limited to the front of the building. There will be a total of eight sonotubes placed in the buffer zone to the coastal bank for the extension of the structure.

Ms. Stephanie Fitch shared the plans on the screen. She confirmed the 25-35 foot setback from the top of the Coastal Bank, and that the property is not within a Flood Zone. There will be 75 square feet added to the structure, and will be constructed landward. She also stated that she is working with the Hideaway Village Association to request that the Association review the recommended process for applying for a building permit, as many residents are either in a Flood Zone, or in a Buffer Zone to another Coastal Resource.

Member comment: Mr. Ligor questioned which side of the structure will be connected to the remodel. Mr. Joyce confirmed that the landward side of the structure will be attached to the addition, on the side where there is an existing deck. Mr. Berman questioned whether a WPA Form 1 is required for Request for Determination, and if it has been submitted. Ms. Fitch confirmed that this form is required and has been received. Mr. Berman also questioned if there would be an issue with nitrogen calculation with the increase of impervious surface. Chm. Gray responded, stating that the main cause of nitrogen has always been septic systems. Hideaway Village is serviced by sewer, which would remove the main

source of nitrogen. He also noted that most of the yards in Hideaway Village do not have substantial lawn, which would remove fertilizer as a contributing factor to the possible increase in nitrogen as well. Chm. Gray stated he does not believe that there would be much of an increase in nitrogen with this addition, as a good portion of the proposed addition will be over the existing deck. Ms. Leduc-Fleming questioned whether there were any erosion controls proposed on the plan. Ms. Fitch stated there were not any erosion controls proposed on the building permit. Mr. Joyce confirmed there were no erosion controls proposed, which was one of the reasons that the work was being moved away from the bank. He stated he can discuss this further with the contractor. Ms. Fitch confirmed that she can discuss this further with the contractor. No additional member comment.

Public comment: None.

Motion made by Mr. Ligor and seconded by Mr. Holmes to approve with a Negative Two Determination. **Motion carried 6-0-0. Request for Determination if approved under a Negative Two Determination.**

Mr. Palumbo joined the meeting.

2. Applicant: Catherine and Brian Daniels
Address: 7 Gaffield Ave, Monument Beach
Representative: JC Engineering, Inc.
File Number: CC22-08

Proposed construction of a deck and a proposed addition that will be located in the footprint of an existing breezeway. Associated steps/stoop will be provided. This project is within an AE Flood Zone.

Chm. Gray recused himself from this hearing. Mr. Palumbo steps in to chair the meeting.

Mr. Brian Wallace addressed the board and reviewed the plan. There is proposed to be a 15'x22' deck constructed off of the left side of the existing house. The existing breezeway is proposed to be converted into an enclosed addition. He reviewed that there is an existing concrete footing where the breezeway is currently located that the builders are hoping to use for the proposed plan. This would be converted to a concrete wall if it cannot be utilized. There will be a new three foot step installed at the front of the proposed addition, as well as the installation of eight Sonotubes. He reviewed that the project is located within the AE Flood Zone, elevation 15 with no additional Resource Areas in the vicinity of the proposed construction site. He also noted there is an existing 24" oak tree that the homeowners are hoping to save. Mr. Wallace shared his screen. He confirmed the proposed plan would be located where the footprint of the existing breezeway is.

Ms. Fitch confirmed this proposed project is not located in an ACEC or Priority Habitat, and only located within the AE Flood Zone. She does not believe this would impact storage of floodwaters in anyway as there is already an existing foundation where the breezeway is currently.

Member comment: Mr. Ligor questioned if there are any erosion controls proposed. Mr. Wallace stated that there are no erosion controls currently proposed as there is no bordering vegetated Wetland or Coastal Resource Areas downslope of this project. Mr. Berman stated he reviewed the area to see if there was topography on the site for a bank, but there is not. No additional member comment.

Public comment: None.

Motion made by Mr. Ligor and seconded by Mrs. Leduc-Fleming to approve under a Negative Two Determination. **Motion carried 6-0-1. Request for Determination is approved under a Negative Two Determination.**

Chm. Gray rejoined the meeting.

3. Applicant: Paul Forseberg
Address: 435 Barlows Landing Road, Pocasset
Representative: Down Cape Engineering, Inc.
File Number: CC22-07

Proposed garage/barn and septic expansion. This project is within an AE Flood Zone.

Mr. Danny Gonsalves addressed the board and reviewed the plan. He reviewed the only Resource Area is the AE Flood Zone, elevation 15. There is no fill proposed in this plan. Mr. Gonsalves noted that the foundation will be Flood Zone compliant. He also noted that even though the additional room in the home is not planned to be utilized as a bedroom, the expansion of the septic is being proposed to be compliant with the Board of Health regulations, as the Board of Health sees that the room could possibly be used as a bedroom in the future. He opened the discussion to questions.

Ms. Fitch reported that this property is not within an ACEC or Priority Habitat, and is a relatively flat lot. She appreciated the fact that Mr. Gonsalves noted that the foundation will be FEMA compliant.

Ms. Fitch shared the plans on the screen for the board members to review.

Member comment: None.

Public comment: None.

Motion made by Mr. Holmes and seconded by Mr. Palumbo to approve under a Negative Two Determination. **Motion carried 7-0-0. Request for Determination is approved under a Negative Two Determination.**

4. Applicant: Linda Foley
Address: 202 North Road, Pocasset
Representative: Falmouth Engineering, Inc.
File Number: CC22-06

Proposed garage addition, removal of shed. This project is within an AE Flood Zone, and within 100 feet of a Wetland Resource Area.

Mr. Mike Borselli addressed the board and shared his screen. He reviewed the property layout, as well as the Wetland Resource Areas:

- Land under the ocean
- Coastal beach
- Coastal dune
- Coastal bank
- Flood Zones: VE-20, AE-17

He noted the addition is proposed with a breezeway connection, and a garage. The shed currently on the property is proposed to be removed. Mr. Borselli also noted that the proposed addition meets the minimum setbacks from the existing septic system. He opened the discussion to questions.

Ms. Fitch appreciated the Coastal Bank being noted on the plan. She noted there is no ACEC or Priority Habitat located on this site. The proposed garage will be in a previously altered or landscaped area and outside of the Flood Zones.

Chm. Gray noted a groin that is located on the plan, and questioned whether there is record if the groin has a current Chapter 91 License. Mr. Borselli stated that no research was done regarding this groin, but it can be done if requested. Chm. Gray stated that it is something that may need to be discussed with the property owner, but should not hold the application up at this time.

Member comment: None.

Public comment: None.

Motion made by Mr. Palumbo and seconded by Mrs. Leduc-Fleming to approve under a Negative Two Determination. **Motion carried 7-0-0. Request for Determination is approved under a Negative Two Determination.**

5. Applicant: Peter Way
Address: 0 Bell Buoy Road, Cataumet
Representative: Falmouth Engineering, Inc.

File Number: CC22-05

License existing seasonal pier, ramp, floats, and stone groin in Hen Cove. This project is in a V Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Mike Borselli addressed the board and shared his screen. He reviewed an aerial photo, as well as landmarks to reference the location of the dock. Photos of the seasonal dock, ramp and float are reviewed as well. Mr. Borselli reviewed the proposed plan, and noted that it is formatted for Chapter 91. He noted that this seasonal pier, ramp and float never obtained a Chapter 91 License. The family informed Mr. Borselli that the system has been used by the family for "decades, at least 50 years." This would mean that the dock predates the Bourne Bylaws and Performance Standards for docks, as well as DEP Coastal Resource Regulations. The plan is before the Commission to obtain acknowledgment that the dock exists, which would allow the process of obtaining a Chapter 91 License to move forward. The dock, as well as the ramp and float, are made up of easily removable sections. The level of Mean Low Water is 2.0-2.2 feet in the area. The ramp, floats, and sections of dock are stored off site at Cataumet Boats. Additional details, including the size of each of the pieces of the dock, are reviewed. The dock does not cross any vegetated Wetlands, and there is no eelgrass observed in the area. Mr. Borselli opened the discussion to questions.

Ms. Fitch stated that she reached out to a representative at DEP Water Ways Program, and noted that since the pier does predate the applicable regulations, the Commission has options for how to handle this type of application.

- The Commission can write a letter acknowledging the structure
- The Commission can issue a Negative Determination through an RDA
- The Commission can require an NOI and issue an Order of Conditions potentially trying to bring the structure into compliance to the maximum extent possible

A site visit was made, unfortunately prior to the dock and pier being put back into the water. She turned the discussion back to the Commission to review the options and possibly make a decision on how they would like to proceed.

Member comment: Mr. Szwed questioned if there was photographic evidence of duration of the dock's existence, or if it is just based on statements of the family. Ms. Fitch confirmed that the dock's existence is currently just based on statements. Google Earth views were attempted to be obtained. Chm. Gray confirmed there is a clear view of the dock on Google Earth in 2003, but the resolution of the photos on Google Earth prior to 2003 are not clear. Chm. Gray stated that information regarding the age of the dock could be obtained from the DNR. Ms. Fitch stated that the dock does have licenses from previous years, but it was not confirmed exactly how far back the licenses went. Mr. Berman pointed out that on the Cape Cod Commissions Chronology Viewer shows the dock did exist in 1984. Mr. Palumbo commented that he is familiar with the dock, and noted it has been there "as long as I can remember." Chm. Gray also

recommended that Swift, who puts the dock in and takes them out, may have records that prove the age of the dock. Mr. Ligor questioned whether the dock would actually be considered a walkway, and if a boat can be tied up to this structure. Mr. Borselli shared the photo of the structure. Chm. Gray noted that the photos that are being shown were taken either at the very beginning, or very end of the season, and noted a location on the structure where a rope would be placed in the middle of the season. Mr. Ligor questioned the overall length and width of the structure. Mr. Borselli stated the overall length from Mean High Water is 150 feet long, and 2'4" wide. Chm. Gray stated the width is about three or four feet. Mrs. Leduc-Fleming provided clarification of the definition of a walkway, and the difference between that, and a pier with a ramp to a float, which would fall under the dock regulations. Mr. Berman commented that he would like to see the structure adjusted to meet the regulations as much as possible. He also reviewed additional aspects of the property that were discovered during the site visit that could be improved upon. Mr. Borselli reviewed the specifications of the structure, and noted that it would be difficult to make adjustments to the structure without having to construct something more substantial. These changes may make it more difficult to maintain the seasonality of the structure. Mr. Berman commented that this plan would not be something they could approve "as-is." Mrs. Leduc-Fleming commented that she would prefer to have some physical evidence that the dock has been in place for as long as the family stated it has been. She also stated that she would like to see the structure improved, but it may be difficult to do with this specific structure due to its geometry. Mrs. Leduc-Fleming questioned if the bathy noted on the plan is recent or taken from an older plan. Mr. Borselli noted that it is from November, just prior to the dock being removed. Mr. Borselli stated he is happy to do more research regarding the confirmation of the age of the dock. No additional member comment.

Public comment: None.

Continued to April 21, 2022 with consent of the representative and the board.

Notice of Intent:

3. Applicant: Edmund Poli
Address: 25 Pasture Road, Cataumet
Representative: Falmouth Engineering, Inc.
File Number: SE7-2198

Proposed installation of a new pool, pool fence and patio. This project is in a V Flood Zone, and within 100 feet of a Wetland Resource Area.

Mr. Borselli addressed the board, introduced Mr. Poli, and shared his screen. He noted that there was an Order of Conditions granted to the property within the last five or so years to permit the re-construction of the dwelling that is currently on the property. There is also a riprap wall on the property that was licensed at the

time of the Order of Conditions. He reviewed the Wetland Resource Areas on the site:

- V Flood Zone
- Water frontage on Megansett Harbor
- Salt marsh areas
- Coastal beach

The original Order of Conditions included an extensive mitigation planting plan to fill the entire Buffer Zone from the top of the Coastal Bank to the 50 foot boundary from the top of the Coastal Bank. A Certificate of Compliance was issued for the original Order of Conditions. He noted the property has since been sold. The previous owner did receive an amended Order of Conditions for a pool in roughly the same location as the proposed pool in this plan. Mr. Borselli compared both the plan that was approved under the amended Order of Conditions, and the current plan, and noted that the pool is shifted slightly, but is the same distance from the 50 foot Buffer Zone as previously approved. He also acknowledged that there was no drywell proposed, but can be added to the plan if requested, he also discussed the pool security fencing. He opened the discussion to questions.

Ms. Fitch reviewed the previously approved Notice of Intent, as well as the Certificate of Compliance. She also noted that the previous Order of Conditions included that everything would need to be constructed at grade, and suggested adding that to this Order of Conditions, if approved. She appreciated the mention of the drywell, and the description of the fencing.

Member comment: Mrs. Leduc-Fleming reviewed the previously approved planting plan. She discussed discrepancies between the approved planting list and the plantings that were actually planted on the site. She suggested best pruning practices for the plantings. She noted that the site appears to not be managed as required. Chm. Gray questioned if the approved Order of Conditions required reporting to the Commission during the two to three year period post planting. Ms. Fitch confirmed that Special Condition 26 was checked off on the Order of Conditions, stating "all vegetation must be native and non-invasive, the plants must be allowed to grow to maturity before pruning, and they must be monitored for a minimum of two growing seasons." Chm. Gray questioned if the file contains any reports from the landscape designer, BlueFlax Design, LLC. Ms. Fitch stated it does not. Chm. Gray suggested the applicant bring BlueFlax in for the plan. Mr. Borselli is amenable to this suggestion. There is further discussion regarding pruning. Mr. Poli addressed the board and stated that the pruning must have been inadvertently done by the landscaper, and he is happy to bring it back into compliance. Chm. Gray appreciated the cooperation from Mr. Poli. Mr. Berman questioned if the entire property is within the V Zone. Mr. Borselli confirmed this is accurate. Mr. Berman expressed concern regarding the proposed privacy fencing being disturbed by potential storm debris. He also would like to ensure there not be a low rock wall at the base of the fence that may serve as a vertical buffer. Mr. Borselli confirmed there is no rock wall proposed

at the base of the fencing. He noted the hope of being able to keep at least one part of the fence as privacy fence, as it faces Pasture Road. Chm. Gray and Mr. Berman state that would make sense. No additional member comment.

Public comment: None.

Motion made by Mr. Palumbo and seconded by Mr. Holmes to close the hearing.
Motion carried 7-0-0. Hearing is closed.

Draft Order of Conditions:

All General Conditions as well as Special Conditions pursuant to Chapter 131 § 40 include:

1, 2, 3, 4, 7, 10, 11, 12, 14, 15, 18, 19, 21, 27, 28, 29

Special Conditions pertaining to Article 3.7 of the Bourne Wetlands Protection Bylaw:

2, 3, 5, 6, 7

Additional Special Conditions:

- i. The proposed patio and pool as shown in the plan of record must be constructed at existing grade. This Order does not allow for any retaining walls or grade changes as a result of the pool and patio structure.*
- ii. Owner to work with BlueFlax Design to restore the natural 50 foot Buffer per previously approved planting plan, per professional recommendation of BlueFlax Design, and present a plan to the agent prior to construction of pool and patio.*

Motion made by Mr. Ligor and seconded by Mrs. Leduc-Fleming to move the Draft Order to final. **Motion carried 7-0-0. Order of Conditions is issued.**

4. Michael and Michelle Keyes

Address: 1 Gaffield Avenue, Monument Beach

Representative: Marsh Matters Environmental

File Number: SE7-2199

Proposed garage, driveway, and onsite septic upgrade. This project is within an AE Flood Zone.

Mr. Mike Ball addressed the board and reviewed the plan. He reviewed the size of the proposed garage. The garage will include a small half bathroom. There is a proposed septic system upgrade to a six-bedroom system to accommodate both the new proposed half bathroom, as well as a potential future addition to the home that would include an additional bedroom. This project is with an AE Flood Zone

only, with no proposed grade changes, other than those necessary for the new septic system installation. He stated the structure will be Flood Zone compliant, and there are no additional landscape changes proposed.

Ms. Fitch confirmed the site is within an AE Flood Zone only, and not within an ACEC or Priority Habitat. The areas that are proposed to be disturbed are currently lawn. She appreciated the erosion controls proposed on the plan. She questioned if there can be erosion controls put in place for the catch basin that is located where the new driveway is proposed. Mr. Ball is amenable to this request.

Member comment: None.

Public comment: None.

Motion made by Mrs. Leduc-Fleming and seconded by Mr. Holmes to close the hearing. **Motion carried 7-0-0. Hearing is closed.**

Draft Order of Conditions:

All General Conditions as well as Special Conditions pursuant to Chapter 131 § 40 include:

1, 2, 3, 4, 5, 7, 10, 12, 14, 18, 19, 27, 28, 29

Special Conditions pertaining to Article 3.7 of the Bourne Wetlands Protection Bylaw:

5, 6, 7, 9

Additional Special Condition:

- i. Erosion controls must be in place during construction to control track-out onto road, and to protect the catch basin located directly in front of the proposed driveway.*

Motion made by Mr. Holmes and seconded by Mr. Ligor to move the Draft Order to final. **Motion carried 7-0-0. Order of Conditions is issued.**

5. Applicant: Mass Maritime Academy
Address: 101 Academy Drive, Buzzards Bay
Representative: LEC Environmental
File Number: SE7-2202

Exploratory borings and soil test pits to support future pier improvement project. This project is within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Mark Manganello addressed the board, introduced Cpt. Allen Metcalfe and Paul O'Keefe, and Russell Titmuss, and reviewed the plan. He stated the geotechnical investigation is necessary to provide information to support the design of a pier improvement project. He shared his screen and reviewed the site plan. He noted riprap located on the plan to the west. Wetland Resources in the area are reviewed:

- Coastal bank
- Coastal flood plane
- Land under the ocean
- Land containing shellfish

Details regarding the size of the test pits, the nature of the drilling, the depth are provided in the Notice of Intent. Each location, as well as catch basins and stock piles in the area will be surrounded by silt sock and would be installed prior to beginning any activity. The size and nature of the borings is discussed. The test pits will be backfilled the same day they are dug, and stockpiles will be covered if they would need to remain overnight.. Mr. Manganello reviewed the total area of disturbance would be about 600ft². He opened the discussion to questions.

Ms. Fitch noted that the project is before the Commission because it is within an area of land subject to coastal storm flowage, it would otherwise be exempt under 310 CMR 10.02BG. A site visit was performed, and there should not be an issue with stability as there is riprap on the site. Photos of the site are reviewed.

Member comment: Mr. Szwed recused himself from this hearing. No additional member comment.

Public comment: None.

Motion made by Mrs. Leduc-Fleming and seconded by Mr. Holmes. **Motion carried 6-0-1. The hearing is closed.**

Draft Order of Conditions:

All General Conditions as well as Special Conditions pursuant to Chapter 131 § 40 include:

1, 2, 3, 7, 9, 12, 14, 19, 27, 28

Special Conditions pertaining to Article 3.7 of the Bourne Wetlands Protection Bylaw:

5, 7

Motion made by Mr. Ligor and seconded by Mr. Holmes to move the Draft Order to final. **Motion carried 6-0-1. Order of Conditions is issued.**

6. Applicant: Daniel Kelly

Address: 20 Westview Road, Pocasset
Representative: Bracken Engineering, Inc.
File Number: SE7-2200

Proposed septic project, includes the installation of an Innovative/Alternative septic system with associated grading, landscaping, and appurtenances. This project is within an AE Flood Zone.

Chm. Gray recused himself from this hearing. Mr. Palumbo steps in to chair the meeting.

Ms. Fitch addressed the board and shared her screen. She noted the site is within an AE Flood Zone only, and not within an ACEC or Priority Habitat. She reviewed that the installation of the proposed I/A septic system is an improvement over current conditions (cesspool). The lot is relatively flat and in a developed area. There was an updated plan received by the Commission with a proposed generator. It is proposed to be on crushed stone, and it is below the baseline flood elevation. The building code allows a generator to be below the flood elevation if being added to an existing home, however the insurance company will not cover the generator if it is impacted by flood waters, even though the generator is made water tight.

Member comment: Mr. Ligor questioned what Ms. Fitch's concern may be with the proposed generator. Ms. Fitch explained her concern regarding the purpose of the generator providing power during a storm, and if the property is flooding, it may negate the intent of the generator. Mr. Ligor suggested the possibility of elevating the structure. Ms. Fitch noted that there are no performance standards for land subject to coastal storm flowage, so this plan may not be within the Commission's jurisdiction to regulate. Mr. Berman stated he believes the plan is okay as is, but it would not be recommended to put a generator below the flood elevation. Mr. Palumbo expressed concern regarding the possibility of elevating the generator to ensure it would meet the requirements to be away from windows and certain areas.

Public comment: Ms. Emily Curry commented regarding desire to protect the existing trees between her property and the applicant's property. Ms. Fitch noted that there is just one existing tree that is proposed to be removed for connections for the septic. Ms. Helene Flannagan commented regarding the type of septic system that is proposed to be installed. Ms. Fitch responded that this technology is a more protective option than a typical Title V system, and also offered the option for Ms. Flannagan to reach out to Bracken Engineering with any additional questions specifically regarding the proposed septic system. Ms. Fitch also explained that this is a vast improvement over the existing cesspool. No additional public comment.

Motion made by Mrs. Leduc-Fleming and seconded by Mr. Szwed. **Motion carried 6-0-1. Hearing is closed.**

Draft Order of Conditions:

All General Conditions as well as Special Conditions pursuant to Chapter 131 § 40 include:

1, 2, 3, 4, 5, 7, 10, 11, 12, 18, 19, 27, 28, 29

Special Conditions pertaining to Article 3.7 of the Bourne Wetlands Protection Bylaw:

5, 6, 7, 9

Motion made by Mr. Holmes and seconded by Mr. Ligor to move the Draft Order to final. **Motion carried 6-0-1. Order of Conditions is issued.**

Chm. Gray rejoined the meeting.

Certificate of Compliance:

1. Applicant: Tara R. Greco, trustee
Address: 1 Maple Avenue, Cataumet
Representative: BSS Design, Inc.
File Number: SE7-2057

To raze and rebuild a three-bedroom house within an AE Flood Zone, and within 100 feet of a Wetland Resource Area.

Ms. Fitch confirmed two site visits were made, and found compliance with the Order of Conditions as issued, with the exception of the parking area being slightly larger than on the proposed plan. Ms. Fitch explained that it extends into the area of proposed lawn and is a permeable surface, so it is not much of a loss. She recommended issuance of the Certificate of Compliance.

Motion made by Mr. Holmes and seconded by Mr. Ligor to grant the Certificate of Compliance. **Motion carried 7-0-0. Certificate of Compliance is granted.**

2. Applicant: James Swent III
Address: 52 Baxendale Road, Cataumet
Representative: David R. MacLean
File Number: SE7-2187

Vista pruning, invasive species removal, and herbicide treatment on Coastal Banks.

Ms. Fitch confirmed a site visit was made. She recommended issuance of the Certificate of Compliance, with continued vista pruning at five feet in perpetuity.

Motion carried 7-0-0. Certificate of Compliance is issued.

Violation Update

- 15 Cove Lane, Pocasset

Ms. Fitch shared her screen and reviewed the site. Photos of previous and current conditions were viewed. The previously existing groin was removed. There are additional groins located along Town of Bourne property, and Ms. Fitch recommended working with DNR to address removal of the additional groins. She opened the discussion to the Commission.

Member comment: Chm. Gray recommended checking the Wetland Restriction Map, and if this section of coastline is restricted, then the rocks should be redistributed in the water, but not necessarily removed from the beach. The rocks that were used in the violation at 15 Cove Lane were brought in from an outside location and placed on the salt marsh, they were not native rock. If it is not restricted, it would be up to the discretion of the Commission to either remove or redistribute the rocks. Mr. Szwed agreed with Chm. Gray. Mr. Ligor agreed with redistributing the rocks into the water. Mr. Berman suggested if the rocks are redistributed into the water to be mindful of where they are placed to ensure an offshore line of rocks. Mr. Holmes agreed with Mr. Berman regarding a plan for where the rocks would be redistributed. Mrs. Leduc-Fleming is hesitant to move the rocks that are functioning as groins without thinking more holistically about it. It looks like the salt marsh may be protected by the groin, so potential for erosion may need to be considered. Chm. Gray recommended doing a site visit. Mrs. Leduc-Fleming is amenable to doing a site visit.

Continued to a later hearing pending a site visit.

Approval of Meeting Minutes:

- March 3, 2022
Continued to April 21, 2022
- March 17, 2022
Motion made by Mr. Ligor and seconded by Mr. Berman to approve the minutes with minor amendments requested. **Motion carried 6-0-1. Minutes are approved.**

Vote to Excuse Absent Members:

- Not applicable, no members absent.

Report of the Conservation Agent:

- Potential amendments to the Dock and Pier Regulation is discussed. This will be further discussed at April 21, 2022 meeting.

Mr. Ligor left the meeting. Six members remain.

II. Adjournment

- Motion made by Mr. Palumbo and seconded by Mrs. Leduc-Fleming to adjourn.
Motion carried unanimously 6-0-0. Meeting adjourned at 9:37PM.

