

**Bourne Conservation Commission
Public Meeting Minutes
June 01, 2023**

Chm. Robert Gray called to order the meeting of the Conservation Commission at 6:30 p.m. conducted in person on Thursday, June 1st, 2023, held in the Bourne Veterans Community Building, 239 Main Street Buzzards Bay, MA 02532. 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 Section 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw. Chm. Gray asked if a member of the public wishes to comment they will first clearly state their full name for the record. Chm. Gray asked if anyone was recording at this time, other than the Conservation Department.

Commission members present: Chm. Robert Gray, Greg Berman, Paul Szwed, Sarah Butler, Susan Weston, Peter Holmes (remote)

Excused Members: Vice-chair Palumbo

Professional staff in attendance: Stephanie Fitch, Raul Lizardi, David Klenert

Continuances:

DEP File Number: SE7-2172, 96 Megansett Road, Cataumet continued to 6/15/2023.

DEP File Number: SE7-2245, 72 Megansett Road, Cataumet continued to 6/15/2023.

Notice of Intent:

1. DEP File Number: SE7-2247, 3 & 5 Plow Penny Way, Bourne Frank C. Graves and Christine M. Dugan c/o Cape and Islands Engineering, Inc. Reconstruct previously permitted elevated timber walkway. The work will take place within an AE flood zone and within a salt marsh and ACEC.

Raul Lizardi of Cape and Islands Engineering, representative for the owner, explained the proposed project and identified the resource areas. Mr. Lizardi explained the existing boardwalk was approved in 2004 under an Order of Conditions and issued a Certificate of Compliance. After 20 years they wanted to make changes by dropping the last section for easier hoisting and to make the access to the water easier for kayaking. A site visit determined that the wood has split due to corroded nails and it was better to replace the entire walkway. They have proposed to keep the same profile as the existing and improve it with a kayak arm lift. This will help eliminate any dragging over the saltmarsh which is safer and more protective of the environment. The special conditions in their original Order stated that this is not a pier for any kind of motorized vessel or storage. There is no proposed storage and kayaks will be retrieved and taken out of sight. There is a proposed side ladder.

The Conservation Agent, Ms. Fitch, read her report. The boardwalk was originally permitted and built in 2004 under SE7-1514. A Certificate of Compliance was issued in 2016. The DMF letter was received the day prior. They recommend a 1:1.5 height to width ratio and she completely agreed. Per the plans, the terminal lower deck is actually 0.5' lower than the existing. She believed the whole boardwalk should be raised to meet the DMF suggestions given that this area is in an ACEC.

The Commission agreed it is better to keep the footings in the same location and not dig new holes into the peat. They plan on using the exact location of the existing piles and less piles, therefore there will be a void in some areas. DMF also commented that the piles need to be fully removed and not cut at the base. They plan to repurpose the peat from the section of the marsh and use the same material to plant in the voids of the other posts. All work will be done by hand driven equipment, and the lower elevations for the lower terminal on the plan will be revised to match the existing elevation. No Public comments.

TOWN CLERK BOURNE

2023 AUG 18 PM 12:03

RECEIVED

Bourne Conservation Commission
Public Meeting Minutes
June 01, 2023

Motion made by Ms. Weston to close the public hearing and seconded by Mr. Holmes. All in favor.
Motion carried. 6-0-0.

Hearing continued to the June 15th, 2023 agenda pending plan revisions.

2. DEP File Number: SE7-2246, 26 Wallace Point Rd, Bourne Susan Wetherbee c/o Collins Civil Engineering Group, Inc. Repair and upgrade of a residential septic system located within 100 ft. of a wetland resource area.

David Klenert of Collins Civil Engineering Group, representative for the homeowners, explained the septic repair and identified the resource areas that are color coded on the plan with all construction outside the 50' bank. There will be a 12" straw waddle every 6ft. to encompass the entire work area. They have already been to BOH and have a pending administrative approval until a general contractor has been chosen to install the Innovative/Alternative system.

Ms. Fitch said this is a standard septic upgrade for a single family house. The project is in the buffer to the coastal bank. They have filed concurrently with the BOH. Ms. Fitch was happy to see the denitrification. The only concern was to ensure that the erosion controls are in place during work and until the ground is stabilized, as per note 10 on the site plan, due to the sloping grade down to the salt marsh. She will condition a pre-construction site visit to inspect the erosion controls. No other concerns. No public comments made.

Motion made by Mr. Holmes to close the public hearing and seconded by Ms. Butler. All in favor.

Motion carried. 6-0-0.

Ms. Fitch read the draft order which is to include all general conditions and special conditions pursuant to M.G.L. Ch. 131, S. 40: 1,2,3,4,5,7,8,10,12,14,18,19,21, 27 & 28 and special conditions pursuant to the Bourne Wetland Protection Bylaw Article 3.7: 4,5,6,7&9.

Motion made by Ms. Weston to move the draft to the final and seconded by Mr. Holmes. All in favor.

Motion carried. 6-0-0.

Request for Certificate of Compliance:

1. DEP File Number: SE7-1849, 156 Leeward Ave, Bourne, CEA Mashnee Island, LLC c/o Falmouth Engineering, Inc. Certificate of Compliance requested for Amended Order of Conditions issued on 12/22/2014. Construction of a new single family home dwelling with Title V septic system, swimming pool, driveway and all associated grading, landscaping & utilities. This project is located within a V flood zone and within 100 ft. of a wetland resource area.

Ms. Fitch made a site visit on May 31, 2023 and recommended issuance of the COC.

Motion made by Ms. Weston to issue the COC and seconded by Ms. Butler. Motion carried. **6-0-0.**

2. DEP File Number: SE7-2016, 65 Winsor Road, Bourne, Joseph F. and Karen Moore c/o Cape & Islands Engineering. Certificate of Compliance requested for Order of Conditions issued on 5/18/2018. Riprap, groin repair, relocation of timber stairs, deck platform, reconstruction of bath house and deck, and landscaping improvement; located in within a V flood zone and 100 ft. of wetland resource area.

Ms. Fitch made two site visits, one on December 30, 2022 and the seconded one after an RDA filing on May 9, 2023. Ms. Fitch recommended issuance of the COC.

Motion made by Ms. Weston to issue the COC and seconded by Ms. Butler. Motion carried. **6-0-0.**

Bourne Conservation Commission
Public Meeting Minutes
June 01, 2023

3. DEP File Number: SE7-2026, 65 Winsor Road, Bourne, Joseph F. and Karen Moore c/o Cape & Islands Engineering. Certificate of Compliance requested for Order of Conditions issued on 8/30/2018. Proposed sewage disposal system modifications and 200 sf mitigation planting located within a V flood zone and 100 ft. of wetland resource area.

Ms. Fitch made two site visits, one on December 30, 2022 and the seconded one after an RDA filing on May 9, 2023. Same property as above with a different file number. Ms. Fitch recommended issuance of the COC. Motion made by Ms. Weston to issue the COC and seconded by Ms. Butler.

Motion carried. **6-0-0.**

4. DEP File Number: SE7-1986, 60 Lewis Point Road, Buzzards Bay, James Diede c/o Bracken Engineering, Inc. Certificate of Compliance requested for Order of Conditions issued on 12/01/2017. To place supplemental fill material, grade, and install vegetative plantings within an AE flood zone and within 100 ft. wetland resource area.

Ms. Fitch made a site visit on June 1, 2023 and recommend issuance of the COC. Motion made by Ms. Weston to issue the COC and seconded by Ms. Butler.

Motion carried. **6-0-0.**

5. DEP File Number: SE7-2053, 60 Lewis Point Road, Buzzards Bay, James Diede c/o Bracken Engineering, Inc. Certificate of Compliance requested for Order of Conditions issued on 12/05/2022. The existing Amended Order of Conditions included a beach access path to Buttermilk Bay. Located in an AE flood zone and within 100 ft. of a wetland resource area.

Ms. Fitch had concerns about the mitigation plantings. A 50' naturalized buffer was discussed, but couldn't find any approved plans for a planting plan and there is not an additional special condition. Some of the plants look questionable. Erosion controls were still in place. The Commission reviewed photos of the site from May 21, 2022 and compared it to photos taken that day. The Bearberry shrubs appeared to be struggling. There were no signs of erosion or runoff, lack of rainfall was also noted. The only two species planted had been planted for more than two growing seasons and nothing in the Order conditioned a planting plan. The Commission decided to a take vote.

Motion made by Ms. Butler to issue the Certificate of Compliance and seconded by Mr. Berman.

Mr. Holmes-yes, Mr. Berman-yes, Ms. Butler-yes and Chm. Gray-yes. Ms. Weston-Abstained and Mr. Szwed- denied. **Motion Carried. 4-1-1.**

- Discussion and possible vote on proposed amendments to the BWR 1.09 Fees:

A mitigation fee must be paid for proposed piers in Land Containing Shellfish. The fee will be based on the data provided in the report using the Bourne shellfish mitigation calculation sheet and historical records provided by DNR & DMF. The language will be revised and voted on at the next meeting.

- Update on 198 North Road, **DEP File No.: SE7-2211:**

The engineer has quit the project. They have secured Beacon Marine as the contractor to work on the groin since the Amended Order of Conditions. The Commission discussed that the homeowner needs to find a new engineer ASAP or they cannot go forward. Once they have a new engineer on board they need to reopen the hearing and Amend the Order (again) for the Commission to certify the new plan of record. The new P.E. will be responsible for the as-built when a certificate of compliance is requested.

**Bourne Conservation Commission
Public Meeting Minutes
June 01, 2023**

- Discussion and possible vote on Conservation Restriction policy:
The Town Administrator asked Ms. Fitch to discuss the template for the Conservation Restriction Policy (CR) with the Commission. Town Counsel has discovered the Town CR template is now out-of-date and it does not match the latest revisions by the State. She asked that the Conservation Commission discuss this issue and make a recommendation as to whether the Commission still wants a local policy or if they are okay only using the State form and process only. There isn't a significant difference between the two and the Commission was more comfortable adopting the State form out of simplicity for the reason of reducing any discrepancies. Ms. Fitch will report back to Town Counsel and if they need to vote on this matter it will be brought back to the next meeting.
- Report of the Conservation Agent:
Enforcement Orders: 11 & 20 Bell Buoy Road, Pocasset. On May 26, 2023, it was reported to the Conservation office that unpermitted beach nourishment was taking place on coastal beach which happened to be Town owned property. All unpermitted sand must be removed from the beach by June 8, 2023 to avoid fines pursuant to Town of Bourne Bylaw Article 3.7, Section 3.7.6.

Ms. Fitch was contacted by a contractor who may work with the homeowner to ratify the situation. If the sand is removed by the next morning, Ms. Fitch will not issue the Enforcement Order but will have one in place, in case it is not completed.

Motion made by Ms. Butler and seconded by Ms. Weston to issue Enforcement Order for 20 Bell Buoy Road. All in favor. Motion carried. **6-0-0**.

Motion made by Ms. Butler and seconded by Mr. Holmes to issue Enforcement Order for 11 Bell Buoy Road. All in favor. Motion carried. **6-0-0**.
- Vote to excuse absent members. Motion made to excuse absent members. All in favor. Motion carried. **6-0-0**.
- Adjourn. 8:22 PM.

Meeting minutes edited by –Stephanie Fitch, Conservation Agent.
Minutes typed by- Amalia Amado, Secretary II.
Audio recorded by the Conservation Department.