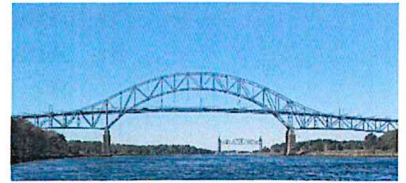


# Select Board Meeting Notice AGENDA



Date

March 12, 2024

Time

7:00 PM

Location

Bourne Veterans' Community Center  
239 Main St., Buzzards Bay 02532  
Or virtually (see information below)

*Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.*

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**

**Zoom Meeting ID: 869 5775 5505**

**Password: BOURNE**

*The Zoom chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.*

All items within the meeting agenda are subject to deliberation and vote(s).

## **7:00 PM Call public session to order in open session**

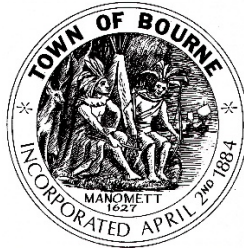
1. Moment of silence to recognize our troops and our public safety personnel
2. Salute to the flag
3. Reading of the Select Board Vision and Mission Statements
4. Public comments on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. **Joint Meeting with Finance Committee** - presentation and discussion - FY 2023 audited financial statements by CLA
6. Update from the South Side Fire Station Building Committee
7. Consent agenda:
  - a. Library donation totaling \$125.04
  - b. Seasonal licenses renewal for Jarvis, Inc. d/b/a The Chart Room at 180 Shore Road
    - i. Common Victualler, Common Victualler All Alcoholic, Weekday and Sunday Entertainment
  - c. Class II Auto Dealer Renewal – Cape Cod Restoration Inc. at 4 Crane Circle
  - d. Authorize the DPW to use Ch. 90 funds to update the pavement management plan
  - e. Appointment of Richard Kantor as a full time member of the Historic Commission with a term expiring June 30 2024
8. Review Town Meeting Articles
  - a. Continued discussion - septic easement request from 1 Monument Avenue
  - b. Article 6 – Committee Reports
  - c. Article 15 – Human Services Grant Program
  - d. Article 16 – Reduce membership on Cultural Council
  - e. Article 17 – Bylaws scrivener's errors
  - f. Article 18 – Capital Bylaw, increase threshold to \$25,000
  - g. Zoning:
    - i. Article 21 - Section 1238: SPR traffic and circulation plan

RECEIVED  
2024 MAR -8 AM 11:00  
TOWN CLERK BOURNE

- ii. Article 22 - Section 1242: change special permit time lapse from two to three years
  - iii. Article 23 - Section 3343: Remove June 1, 2020 sunset date for Interim Egress Control in the Traffic Management District
  - iv. Article 24 - Section 2821: Table of Allowable Uses
  - v. Article 25 - Section 4120: Accessory Dwelling update
- 9. Town Administrator's Report
  - 10. Authorize the Town Administrator to sign the HOME program modification request documents for 20 High Ridge Drive
  - 11. Policy
    - a. 2<sup>nd</sup> reading – Layout & Acceptance of Private Ways by petition
  - 12. Minutes: 12/5/23, 2/6/24, 2/13/24, 2/20/24
  - 13. Committee reports
  - 14. Correspondence
  - 15. Future agenda items
  - 16. Next meeting dates:     March 13 – Marijuana Policy Workshop  
   March 19; April 2, 9 & 16
  - 17. Adjourn

***Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, and include a way we can contact you if we need more information. Please allow advance notice. Send an email to [kthut@townofbourne.com](mailto:kthut@townofbourne.com) or call the Town Administrator's Office at 508-759-0600 x1503***

# TOWN OF BOURNE



## Vision

Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

## Mission

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.



*We'll get you there.*

CPAs | CONSULTANTS | WEALTH ADVISORS

# Town of Bourne, Massachusetts

## Fiscal Year 2023 Audit Exit Conference – Select Board

March 12, 2024

# Agenda



Terms of Engagement



Executive Summary



Financial Highlights



Management Letter



Questions



# Terms of Engagement



Express opinions on whether the basic financial statements are fairly presented, in all material respects, in accordance with GAAP



Express an “in relation to” opinion on the schedule of expenditures of federal awards



Express an opinion on compliance related to major federal award programs



## Terms of Engagement (continued)



Provide a report on internal control over financial reporting and compliance with laws, regulations, contracts and grants



Provide a report on internal control over compliance related to major federal award programs




Provide a management letter based on identified control deficiencies



# Executive Summary

## *Financial Statements*



Unmodified opinion  
(pages 1 - 2) issued on  
the financial statements

- Best opinion available

No findings reported in  
GAO report on internal  
control and compliance



# Executive Summary (continued)

## *Single Audit*

ARPA and ESSER Major grants audited

Waiting on finalizing compliance procedures for the ARPA program

Procedures to date have not identified compliance findings

## *Management Letter*

3 Comments Reported



# Financial Highlights

## *Governmental Activities (page 14)*

- Net Position – \$27.8M
  - Net investment in capital assets - \$98.6M
  - Restricted - \$30.1M
    - \$8.5M related to self-insured health insurance activities
  - Unrestricted deficit – (\$101M)
    - Direct result of net pension liability (\$39M) and net OPEB liability (\$89M), net of deferred inflows and outflows



# Financial Highlights (continued)

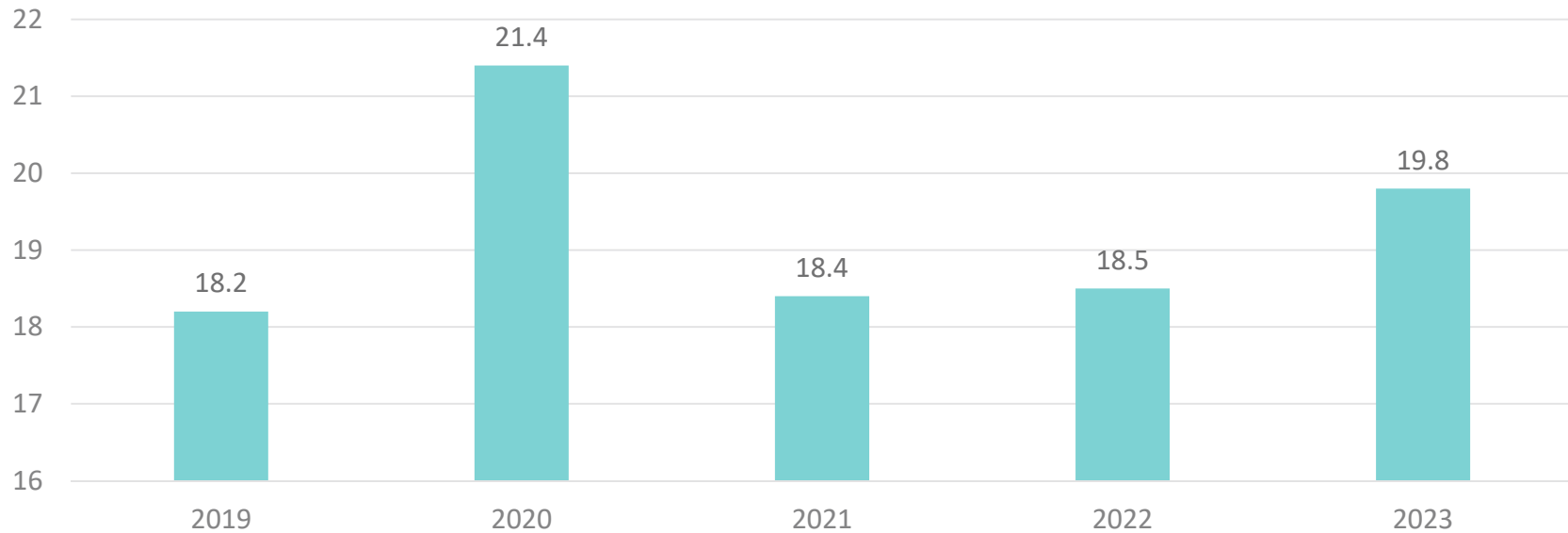
## *General Fund (page 17)*

- Fund balance \$27M
  - Restricted - \$337K
  - Committed - \$9.6M
    - Capital stabilization - \$3.8M
    - Climate resiliency stabilization - \$103K
    - Continuing appropriations - \$4.5M
    - Subsequent years' expenditures - \$1.2M
  - Assigned - \$329K (Encumbrances)
  - Unassigned - \$16.8M
    - General stabilization - \$4.7M



# Financial Highlights (continued)

Percentage of General Unassigned Fund Balance to Expenditures and Transfers Out



# Financial Highlights (continued)

## *Sewer Enterprise Fund (page 21)*

- Total net position - \$8.3M
  - Net investment in capital assets - \$7.3M
  - Unrestricted net position – \$945K
    - Net pension liability and net OPEB liability total \$192K and \$233K, respectively



# Financial Highlights (continued)

## *Landfill Enterprise Fund (page 21)*

- Total net position - \$21.9M
  - Net investment in capital assets - \$9.1M
  - Unrestricted - \$9.9M
    - Net pension liability and Total OPEB liability totals \$2.2M and \$2.7M, respectively
  - Cash set aside for closure and postclosure care totals \$14.3M
  - Landfill liability totals \$11.5M



# Financial Highlights (continued)

## *NOTE 8 – Long-term Obligations (page 52)*

- Debt, landfill liabilities and compensated absences
- Governmental Activities - \$49.0M
  - Debt - \$46.6M (including \$5.0M for energy improvements financed purchase)
  - Compensated absences - \$2.4M
- Business-type Activities - \$18.2M
  - Debt - \$6.5M
  - Landfill - \$11.5M
  - Compensated absences - \$223k



# Financial Highlights (continued)

## *NOTE 11 – OPEB (page 56)*

- Net OPEB liability totals \$57.0M
  - Total OPEB trust assets is \$8.1M
  - Net OPEB liability was calculated at 6.5% discount rate
    - 1% higher (\$50.8M)
    - 1% lower (\$64.4M)
  - Health care trend rate sensitivity
    - 1% higher (\$65.8M)
    - 1% lower (\$49.8M)



# Financial Highlights (continued)

## *NOTE 15 – Pension Plan (page 62)*

- Total net pension liability reported is \$47.0M
  - 5.667% of BCRA NPL based on 12/31/22 measurement date
  - Net pension liability was calculated at 6.9% discount rate
    - 1% higher (\$34.4M)
    - 1% lower (\$62.1M)



# Management Letter

## 3 Comments and Recommendations

- Information Technology
- DPW Inventory Tracking
- DPW Capital Expenses



*Questions?*



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Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.

**From:** [Terry Johnson](#)  
**To:** [Kathleen Thut](#)  
**Subject:** donation  
**Date:** Wednesday, February 28, 2024 4:26:17 PM

---

Hi Kathleen  
Thank you for your help!

The donation is from Jonathan & Heather DiPaolo through BNY Mellon Community Impact.  
4 checks totaling 125.04.

I will wait until I hear from you to deposit.

Terry

--

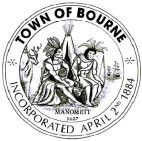
Terry Johnson  
Acting Director/Children's Librarian  
Jonathan Bourne Public Library  
(508)759-0600 x6106

2024 Seasonal Renewals

D/B/A	NAME	ADDRESS	Liquor	Com Vic	WKdy Amuse	Sunday Amuse ment	COAD	General
Seasonal - Common Victualer - All Alcoholic								
d/b/a The Chart Room	Jarvis, Inc.	180 Shore Road, Bourne	x	x	x	x		

**Select Board Meeting  
3.12.24**

<b>Auto Dealers - Class II</b>												
D/B/A	NAME	ADDRESS	Liquor	Com Vic	Wkdy Amuse	Sunday Amusement	COAD	General	Auto Class I	Auto Class II	Auto Class III	Public Livery
	Cape Cod Restorations, Inc.	4 Crane Circle - Units 5-6-7, Cataumet								x		



Matthew R. Sawicki  
Director

**TOWN OF BOURNE**  
***Department of Public Works***

35 Ernest Valeri Road  
Buzzards Bay, Massachusetts 02532  
PHONE: 508-759-0600 ext. 3225



**Memorandum**

**To:** Marlene McCollem, Town Administrator  
**From:** Matt Sawicki, Director of Public Works  
**Re:** Request for Use of Chapter 90 Funds  
**Date:** February 1, 2024

---

The Department of Public Works (DPW) is seeking approval to utilize the sum of \$7,500.00 of Chapter 90 funding to update the Town of Bourne's Pavement Management Program. Included with this correspondence, you will find the scope of work and fee proposal from BETA Group, Inc. for support services of this project.

The Pavement Management Program was last updated in 2020. Since that time, DPW has paved 17.12 miles of roadways. DPW is seeking to update our Road Surface Rating's (RSR) to assist with future capital planning and roadway improvements.

The current balance of Chapter 90 / Fair Share non-allocated funds is \$1,854,290.28

Please contact our office at (508) 759-0600 ext. 3225 or email [msawicki@townofbourne.com](mailto:msawicki@townofbourne.com) if you have any questions or need DPW to provide additional information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Matt Sawicki".

Matt Sawicki



January 30, 2024

Mr. Matt Sawicki  
Director of Public Works  
Town of Bourne  
35 Ernest Valeri Road  
Bourne, MA 02532

Re: Pavement Management Program - Support Services

Dear Mr. Sawicki,

BETA Group, Inc. (BETA) is pleased to submit this proposal to continue to provide pavement management services to the Town of Bourne. It is our understanding that the Town seeks to update its Pavement Management Program (PMP), initially developed by BETA in 2012. The PMP to be updated will consist of a GIS-based platform to facilitate efficient data collection, thematic mapping and viewing via ESRI based tools. The PMP will also continue to provide the framework for data analysis, prioritization, and cost benefit value for future roadway projects.

To complete this effort, we have developed the following scope of work:

#### SCOPE OF WORK

BETA will provide data management and technical services to support the required maintenance of the PMP. These services typically include tracking roadway/asset improvements (road history updates), candidate selection for maintenance and rehabilitation techniques, capital planning assistance, GIS services and other miscellaneous requests. BETA will also continue to provide updates to the Town's ArcGIS Online ManageMyRoads platform, as well as the supplemental links included as part of the program. BETA's customized approach for how the Town interacts with the data lends itself to how the Town can best employ the data to make informed decisions for future projects.

Services that can be covered under this support agreement include and are not limited to:

- Upgrade the Town's ArcGIS Online ManageMyRoads Platform to the latest version
- Work with the Town to incorporate roadway improvements into the system to reflect the Town's progress since implementing the PMP
- Produce updated backlog and existing conditions reports and maps
- Generate RSR forecast models, analyses, custom reports and GIS maps
- Update the Town's CIP
- Customization to the ManageMyRoads Platform based on requests from the Town
- Code Wards, Election Districts, Neighborhood or other miscellaneous data to the roadway centerline file for conducting analyses

*For the purposes of this proposal, BETA has also incorporated an additional 30 hours of pavement management consultation/support services for any other miscellaneous tasks requested by the Town.*

Mr. Matt Sawicki  
January 30, 2024  
Page 2 of 2

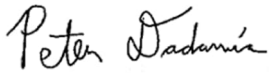
### FEE PROPOSAL

Based on our discussions and our experience providing these services, we have established an initial allowance of \$7,500 which will be billed on a not-to-exceed basis. It should be noted that the level of effort may change as we move through the process depending on the Town's expectations of our involvement. The Town will be notified if/when we approach the established upset limit, and any further authorization will be requested before exceeding this limit.

Thank you for the opportunity to continue assisting the Town of Bourne with its Asset Management Program. If you have any questions or require additional information on this proposal, please feel free to contact me at (845) 943-9122.

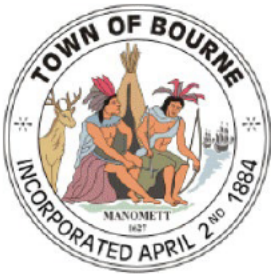
Sincerely,

BETA Group, Inc.



Peter Dadarria  
Senior Project Manager  
GIS & Asset Management Services

cc: Joe McGuire & Anthony J. Garro



# Town of Bourne



[www.townofbourne.com](http://www.townofbourne.com)



24 Perry Ave, Bourne, MA 02532



## TALENT BANK FORM

*The success of any local government depends largely on the participation of its citizen volunteers*

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Name: **Richard Kantor**

Address: [REDACTED]

Village: **Buzzards Bay**

Telephone: [REDACTED]

Email: [REDACTED]

Occupation: **systems analyst**

Please list in order of preference which committee(s) you are interested in:

**Bourne Historical Commission**

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications:

**ARTICLES OF THE WARRANT**

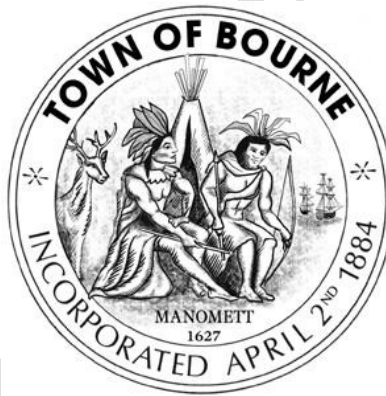
**FOR THE**

**ANNUAL TOWN MEETING**

**Monday, May 6, 2024**

**7:00 P.M.**

**Bourne High School Auditorium**



## ANNUAL TOWN MEETING

**ARTICLE 1:** To see if the Town will vote to approve each of the following articles, as a single Consent Agenda motion pursuant to a single vote, or pass any vote or take any other action relative thereto.

***Sponsor – Select Board***

1. Regular Required Authorizations - To see if the Town will vote to approve the following regularly required authorizations:
  - a. Assumption of Liability – to assume liability as specified in Section 1 of Chapter 814 of the Acts of 1972, in the manner provided by G.L. c. 91, §§ 29 and 29A, as most recently amended, for all damages that may be incurred by work performed by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, and, further, to authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth.
  - b. Road Contracts - to authorize the Town Administrator to enter into a contract with the Massachusetts Highway Department Commissioner or the Federal Government for the construction and maintenance of public highways in the Town of Bourne for the ensuing year.
  - c. Grant Program Authorization - to authorize the Select Board and/or the Town Administrator to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Bourne by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program.
  - d. Contracts in Excess of Three Years - to authorize the Town Administrator or the Superintendent of Schools, in accordance with the provisions of G.L. c. 30B, § 12(b), to solicit and award contracts for terms exceeding three years, including any renewal, extension, or option, provided in each instance that the term in excess of three years is determined to be in the best interest of the Town by a vote of the Select Board (if solicited and awarded by the Town Administrator) or the School Committee (if solicited and awarded by the Superintendent).
  - e. Banking Institution Agreements – to authorize the Treasurer and the Town Collector, pursuant to G.L. c. 44, § 53F, and with the approval of the Select Board, to enter into agreements with banking institutions to maintain deposits in exchange for banking services, for periods not to exceed three years.
  - f. Medicaid Medical Services Program – to authorize the Select Board, pursuant to G.L. c. 44, § 72, to allocate any funds received as part of the Medicaid Medical Services Program to the School Committee for use, without further appropriation, for the benefit of educational programs.
2. Elected Officials Salaries - To see if the Town will vote to fix the salaries and compensation of the following elected officials of the Town, as provided by G.L. c. 41, § 108, for the fiscal year commencing July 1, 2024 as follows:
  - a. Town Moderator: \$644
  - b. Select Board 4 @ \$3,570 for total of \$14,280

- c. Select Board (Chair) 1 @ \$4,590 for a total of \$4,590
- d. Town Clerk: \$46,822

3. Chapter 90 - To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts, pursuant to G.L. c. 90, for the construction, reconstruction, preservation, maintenance, and improvement of all public ways accepted by the Town, the acquisition of easements and other interests in real property related to the laying out of ways, and other related costs, which qualify under the State Aid Highway (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the DPW Director, with the approval of the Select Board.
4. Revolving Funds - To see if the Town will vote to set the total amount that may be expended from each revolving fund established by Article 2.10 of the General Bylaws, pursuant to G.L. c. 44, § 53E½, for the fiscal year beginning July 1, 2024, as follows:

Revolving Fund	FY 2025 Spending Limit
Recreation Programs Fund	\$ 175,000
Shellfish Propagation Fund	\$ 75,000
Transportation Revolving Fund	\$ 50,000
Public Library Book Fund	\$ 20,000
COA Supportive Day/Bridging the Years	\$ 100,000
COA Programs	\$ 100,000
Community Building Rental fund	\$ 10,000
Tax Title Collection Fund	\$ 60,000
	\$ 590,000

5. Accrued Contractual Compensated Absences - To see if the Town will vote to raise and appropriate, transfer from available funds, otherwise provide the sum of \$100,000 to fund the costs related to payments of accrued contractual compensated absences.

**ARTICLE 2:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to defray the regular annual expenses of the Town, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 3:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to operate the Sewer Department, or take any other action in relation thereto.

***Sponsor – Board of Sewer Commissioners***

**ARTICLE 4:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Integrated Solid Waste Management Program, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money for the purpose of funding the Fiscal Year 2025 Capital Budget, or take any other action in relation thereto.

***Sponsor – Capital Outlay Committee and Select Board***

**ARTICLE 6:** To see if the Town will vote to hear Reports and Recommendations of Committees and Town Officers, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 7:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purpose (Recreation Feasibility Study), and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

***Sponsor – Community Preservation Committee***

**ARTICLE 8:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purpose (Recreation Skate Park), and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

***Sponsor – Community Preservation Committee***

**ARTICLE 9:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purpose (Historic Preservation – Anna’s Pals – Former Hoxie School), and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

***Sponsor – Community Preservation Committee***

**ARTICLE 10:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purpose (Affordable Housing – 9 Sandwich Road), and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

***Sponsor – Community Preservation Committee***

**ARTICLE 11:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purpose (**Affordable Housing + Historic Preservation**), and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

***Sponsor – Community Preservation Committee***

**ARTICLE 12:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the administrative and operating expenses of the Community Preservation Committee, or take any other action in relation thereto.

***Sponsor – Community Preservation Committee***

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to the Stabilization Fund, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to the Capital Stabilization Fund, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the Human Services Grant program, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 16:** To see if the Town will vote to reduce the size of the Bourne Cultural Council from 11 members to 5 members, the minimum required by MGL c. 10, §58, or take any other action in relation thereto.

***Sponsor – Bourne Cultural Council***

**ARTICLE 17:** To see if the Town will vote to amend the Town of Bourne Bylaws by deleting all references to “thirty (31) days” and all such similar references and replacing the same with “thirty (30) days” or other similarly appropriate text, or take any other action in relation thereto.

***Sponsor – Select Board***

**ARTICLE 18:** To see if the Town will vote to amend the Town of Bourne General Bylaw, Article 1.5, Section 1.5.6, by adding the **bolded** text and deleting the struck through text as follows:

Section 1.5.6

**Capital Outlay Items Defined.** Any proposed article meeting the definition of a capital outlay item as herein defined shall be presented to the Capital Outlay Committee for review as a Capital

Outlay item. A Capital Outlay item will refer to any activity that meets one or more of the following criteria:

- a. The acquisition of land or buildings.
- b. The new construction, reconstruction, repair, replacement, or improvement of buildings or other public facilities, drainage facilities, streets, sidewalks, parks or improvements of land with a cost in excess of \$20,000 **\$25,000**.
- c. The purchase of major equipment, including motor vehicles, with a cost in excess of \$10,000 **\$25,000**.

or take any other action in relation thereto.

*Sponsor – Select Board*

**ARTICLE 19:** To see if the Town will vote to amend the Town of Bourne Wetland Protection Bylaw, Article 3.7, Section 3.7.9 – Consultant Fees – by adding the **bolded** text and deleting the struck through text as follows:

Section 3.7.9

~~Consultant Fees. The Commission is authorized to impose reasonable fees require the applicant, to pay the reasonable costs and expenses borne by the Commission (Town) for specific expert engineering and consultant services deemed necessary by the Commission to review the notice of Intent and/or the Request for Determination of Applicability, up to a maximum of two thousand and five hundred dollars (\$2,500.00).~~

**As provided by MGL Ch. 44 § 53G, the Commission can impose reasonable fees for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services deemed necessary by the Commission to review the Notice of Intent and/or the Request for Determination of Applicability.**

Said payment can be required at any point in the deliberations prior to a final decision being rendered. Said services may include but are not limited to wetland resource area surveys and delineations, wetland resource area reports, hydrogeological and drainage analysis, wildlife evaluation, shellfish surveys, and environmental/land-use law.

~~The Commission is hereby authorized to charge for said fee when the Notice of Intent and/or the Request for Determination of Applicability proposes any of the following: 500 square feet or greater alteration of a coastal or inland wetland resource area: 50 linear feet or greater of bank alteration to an inland or coastal waterway: 500 square feet or greater alteration to the buffer zone: alteration of greater than 500 square feet of land under a water body or the ocean: discharge of any pollutants into or contributing to surface or groundwater or the wetland resource area or buffer zone: or the construction of any detention or retention basin or water control structure. Any applicant aggrieved by the imposition of, or the size of, the fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.~~

**The applicant has a right to appeal the selection of the outside consultant pursuant to MGL Ch. 44 § 53G.**

or take any other action in relation thereto.

***Sponsor – Conservation Commission***

**ARTICLE 20:** Adopt **BEANO**, if necessary.

***Sponsor – Select Board***

**ARTICLE 21:** To see if the Town will vote to amend the Bourne Zoning Bylaw Section 1238A.4.b Traffic and Internal Circulation by deleting “25” as follows:

Where access by fire vehicles or other large trucks is not anticipated, access adequacy shall reflect consistency with the performance intent of the geometric standards of Subdivision Regulations of the Bourne Planning Board and the fire equipment access requirements of 527 CMR 25.

or take any other action in relation thereto.

***Sponsor – Planning Board***

**ARTICLE 22:** To see if the Town will vote to amend the Bourne Zoning Bylaw Section 1242.1 by deleting the word “two” and replacing with “three” as follows:

**1242.1 Enforcement:** Any Site Plan – Special Permit approval issued under this section shall lapse within **three** ~~two~~ years if a substantial completion of the requirements of the Site Plan has not taken place. Such permit may be extended for reasonable cause.

or take any other action in relation thereto.

***Sponsor – Planning Board***

**ARTICLE 23:** To see if the Town will vote to amend the Bourne Zoning Bylaw Section 3343 Interim Egress Control by deleting “Until June 1, 2020, or, if earlier” as follows:

**3343. Interim Egress Control.** ~~Until June 1, 2020, or, if earlier, u~~ **U**ntil opening of a limited-access highway connecting the Mid-Cape Highway (Route 6) with MacArthur Boulevard (Route 28) or Route 25, all development in the Traffic Management District shall be subject to the following:

- a) Access separation. No new street, driveway, or other means of vehicular access to an arterial street shall be created unless it is separated from all other means of vehicular access on the same side of the street by at least 1,000 feet, measured centerline to centerline along the edge of the street right-of-way, unless granted a special permit under Section 3344 authorizing less separation. However, each lot or set of contiguous lots held in ownership separate from that of all abutting land as of the date of adoption of this provision shall be allowed a single access to an abutting arterial street, provided that the access shall be located so as to minimize movement conflicts with all other accesses to the same road.
- b) Land division and sale. No land in the Traffic Management District shall hereafter be divided into separate lots or ownerships unless each resulting building lot will be entitled to vehicular access under these provisions, through one or more of the

following:

- having location and configuration making it feasible to meet the requirements of Section 3343(a), or
  - having an alternative means of access, such as an authorized shared driveway (see Section 3342), or
  - having frontage on a non-arterial street, or
  - having been granted a special permit under the provisions of Section 3344.
- c) Other requirements. The standards of the table in Section 3341 (except for the required driveway centerline separation) must be met by all uses, regardless of trip generation level.

or take any other action in relation thereto.

***Sponsor – Planning Board***

**ARTICLE 24:** To see if the Town will vote to amend the Bourne Zoning Bylaw Section 2821 Downtown District Table of Allowable Uses (DTD-1) Functional Standards and Special Permit Criteria for a Home Occupation Office Use by deleting “4120” in its entirety and replacing the same with “4110” as follows:

OFFICE USES		
Veterinary Clinic/Animal Hospital	SP	Animal hospitals shall not be located closer than one hundred (100) feet to any residential property, restaurant or hotel. All animals must be housed overnight in completely enclosed buildings. The SPGA may stipulate that appropriate sound mitigation devices be installed and that fences, walls, and/or vegetation be installed to screen the site where animals will be maintained out of doors.
Home Occupation.	SP	See Section <del>4110</del> 4120
Professional Office	P	See Section 2827

or take any other action in relation thereto.

***Sponsor – Planning Board***

**ARTICLE 25:** To see if the Town will vote to amend the Bourne Zoning Bylaw as follows:

Section 2220 Use Regulation Schedule; section 4120-4123 Accessory Dwelling; section 2821 Downtown District Table of Allowable Uses (Table DTD-1); section 2853 Table of Required Parking Spaces (Table DTD-3); and section V Definitions.

Amend the following sections:

**2220. Use Regulation Schedule**

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
----------	--------------	------------	------------	-----	----

ACCESSORY USES					
Accessory dwelling (See Section 4120)	<u>Yes</u> BA	<u>Yes</u> BA	<u>Yes</u> BA	No	No

*(BA = Board of Appeals)*

4120. Accessory Dwelling.

**The purpose of the accessory dwelling bylaw is to broaden the range of housing choice by increasing the number of small dwelling units available in Bourne's housing supply. The Building Commissioner/Chief Zoning Enforcement Office shall administer and enforce the provisions of this section.** A special permit authorizing one: An accessory dwelling may be granted only if consistent with the following:

4121. Development Requirements.

- a) **One accessory dwelling is permitted as a by right use to a lawful single-family use on the same lot.** ~~In conformance with Section 2450.~~
- b) **Septic capacity or sewerage deemed satisfactory.** ~~The Board of Health must have documented to the Board of Appeals that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on the site.~~
- c) ~~Parking as required at per~~ Section 3320 shall be provided either in a garage or **designated area** ~~on paved surfaces not located within any required yard.~~ **One parking space shall be designated per bedroom. Refer to section 2853 for parking requirements in the Downtown District (DTD).**
- d) **Minimum lot size is 5,000 square feet. Less than 5,000 square feet requires conformance with section 2450.**
- e) **The maximum size of an accessory dwelling is 1,500 square feet and contains no more than two bedrooms.**
- f) **An ADU is attached or detached to the primary structure and designed to maximize the appearance of a single-family residential property. It is subordinate to and no greater than 50% of the existing primary single-family dwelling floor area calculated as first floor, second floor, basements 50% above-grade, attics over 6'6" floor to ceiling height, and garages.**
- g) **The following types of properties or developments are not eligible for an accessory dwelling: deed restricted affordable housing units; all lots developed under a Comprehensive Permit (Chapter 40B); lots with more than one single-family dwelling unit; and lots created under section 4600 Open Space Community.**
- h) **Accessory dwelling units lawfully created prior to adoption of this section may continue to be used, maintained, and occupied.**

#### 4122. Occupancy Requirements

- a) Either the principal or the accessory unit must be owner-occupied. ~~except for temporary absences.~~ **Fractional ownership is prohibited.**
- b) An accessory ~~unit~~ **dwelling and primary dwelling** authorized under these provisions shall not be used for **short-term rental**, summer rental, boarding and lodging, or other commercial use **except for a home occupation according to Section 4110.**
- c) **The ADU and primary dwelling may not be rented for periods shorter than 90 days at a time, and are prohibited from any use as rental units on a weekly or daily basis.**
- d) **The primary dwelling and ADU must remain in common ownership which cannot be severed.**

#### **4123. Procedural Requirement**

~~a) To approve a special permit for an Accessory Dwelling, the Board of Appeals must make a determination that all of the above requirements have been met, and also that the particular circumstances of the case make such use appropriate, including consideration of whether lot area or other site characteristics assure mitigation of any impacts on the neighborhood, whether there is enforceable assurance that occupancy of the unit will serve significant community purposes, such as facilitating care for the elderly or handicapped, or providing housing at unusually low cost, and whether site and building design will effectively avoid any departure from the character of the neighborhood.~~

~~b) A Certificate of Occupancy for an Accessory Dwelling shall be issued for a period no greater than three years. Continued occupancy beyond that shall require a new Certificate of Occupancy, to be granted only upon documentation to the Inspector of Buildings that the relationships satisfying Section 4122 or on which the decision under paragraph a) was based are still in existence.~~

~~c) Upon termination of occupancy satisfying Section 4122, or a condition of the special permit, separate occupancy of the accessory dwelling shall not be reestablished unless a new special permit is granted, on grounds that either the requirements of Section 4122 and the original special permit will again be satisfied, or that special circumstances of the structure or its occupants would make single family occupancy a hardship, and that the granting of such Special Permit would not be detrimental to the neighborhood.~~

~~d) A Certificate of Compliance with the above paragraph must be provided by the owner to the Inspector of Buildings upon transfer of any beneficial interest in the property, and recorded at the Registry of Deeds.~~

### **DOWNTOWN DISTRICT**

#### **2820. ALLOWABLE USES**

##### **2821. Table of Allowable Uses**

The Table of Allowable Uses (Table DTD-1) establishes the uses that are permitted by right (P), by Special Permit (SP), or not permitted (N) in the Downtown District (DTD). For all uses allowed by Special Permit in the Downtown Zoning Districts, the Planning Board shall be the Special Permit Granting Authority (SPGA).

TABLE DTD-1: ALLOWABLE USES IN THE DOWNTOWN DISTRICT		
LAND USE CLASSIFICATION	PERMITTED BY:	FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
<b>RESIDENTIAL USES</b>		
Accessory <del>Apartment</del> <b>Dwelling Unit</b>	<b>P</b> <b>SP</b>	See Section 2827 (except subdistrict DTN see Section 4120)

### 2853. Table of Required Parking Spaces

Where on-site or controlled parking is necessary and required, the applicant shall provide at a minimum the amount required in the table below. This reduced parking requirement compared to Section 3300 of the Zoning Bylaw recognizes the availability and broad distribution of existing public parking and the pedestrian characteristics of the Downtown District.

TABLE DTD-3: REQUIRED PARKING SPACES IN THE DOWNTOWN DISTRICT	
TYPE OF USE	REQUIRED PARKING
<b>RESIDENTIAL USES</b>	
Accessory <del>d Dwelling or Live/Work</del> <b>Dwelling Unit</b>	Minimum of 1 space per dwelling unit

## SECTION V DEFINITIONS

In this Bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings.

### Accessory Building

A building devoted exclusively to an accessory use as herein defined, and not attached to a **primary** ~~principal~~ building by any roofed structure.

### Accessory Dwelling Unit (ADU)

A subsidiary dwelling unit ~~created as an extension to an existing single-family dwelling.~~ **incorporated within a lawful primary single-family dwelling or as a detached accessory building and on the same lot as a lawful primary single-family dwelling use. This definition does not include a mobile home trailer, however mounted.**

### Accessory Use

A use customarily incidental to, and on the same lot as, a ~~principal~~ **primary** use and occupying less than 30% of the ~~habitable~~ **gross** floor area on the premises and less than 50% of the lot area. **This definition does not include ADUs.**

### Dwelling Unit

A building or portion of a building suitable for living quarters for a single family, having a single set of kitchen facilities (a stove ~~plus either or both~~ **in addition to either** a refrigerator ~~and or a~~ **or a** kitchen sink) not shared with any other unit; or quarters for up to six persons in a lodging house, dormitory,

congregate housing, or similar group dwelling.

**Fractional ownership**

**The cost of an asset or property is split among individuals, corporate entities/trusts, each getting a share.**

or take any other action in relation thereto.

***Sponsor – Planning Board***

**ARTICLE 26:** To see if the Town will vote to (a) authorize the Select Board to acquire by purchase, gift, or eminent domain, the fee and/or permanent and/or temporary easements and/or other real property interests, for the purposes of establishing, constructing, operating, and maintaining a shared use path for non-motorized transportation, open space, and recreation purposes and for all other purposes for which shared use paths are now or hereafter may be used in the Commonwealth, including, without limitation, for the construction, installation, maintenance, improvement, repair, replacement, and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, landscaping, parking areas, and other appurtenances and/or facilities, to enable the Town to undertake the Bourne Rail Trail – Phase 1 Project, and for any and all purposes incidental or related thereto, in, on, over, across, under, and along all or any portion of the certain parcels of land located on or near the railroad right of way, running from Monument Neck Road at Presidents Road to the intersection with the Cape Cod Canal Bike Path at the Railroad Bridge, and approximately shown on a plan entitled “Massachusetts Department of Transportation Highway Division, Plan and Profile of Bourne Rail Trail – Phase 1 in the Town of Bourne, Barnstable County, Preliminary Right of Way Plans,” dated October 6, 2020, prepared by Green Seal Environmental, Inc., a copy of which is on file with the Town Clerk, and as may be amended and/or incorporated into an easement plan(s); and (b) transfer the care, custody, management, and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plan from the board having the custody of the same for the purposes for which such properties are currently held to the Select Board for roadway purposes and for purposes of a shared use path and purposes incidental to the use thereof, and further to dedicate said portions of Town-owned properties to the foregoing purposes; and (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money in support of the foregoing project and any and all costs incidental or related thereto, including but not limited to the cost of any easement acquisitions, appraisals, and survey; and further (d) to authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes, or take any action relative thereto.

***Sponsor – Select Board***

Approved: April \_\_, 2024

SELECT BOARD

\_\_\_\_\_  
Mary Jane Mastrangelo

\_\_\_\_\_  
Melissa Ferretti

Anne-Marie Siroonian

Peter J. Meier

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Jared P. MacDonald

Barnstable, ss.  
Bourne, Massachusetts

By virtue of the Authority vested in me, I have this day posted a true and attested copy of this warrant in the Bourne Veterans' Memorial Community Center, Bourne Town Hall and in all the post offices in the Town of Bourne viz: Buzzards Bay Post Office, Bourne Post Office, Monument Beach Post Office, Pocasset Post Office, Cataumet Post Office, Sagamore Post Office, and the Sagamore Beach Post Office.

Dated this \_\_\_\_ day of April, 2024

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Constable

Received in the Town Clerk's Office

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Barry H. Johnson, Town Clerk

## **DRAFT Schedule for May 6, 2024 Town Meeting**

March 11: Finance Committee – article review

March 12: Select Board – article review

March 15: Close annual warrant

March 18: Fin Com – article review

March 19: Select Board reviews annual articles & **draft motions**

March 29: Close special warrant

April 1: Fin Com – reviews articles & draft motions; discuss initial recommendations

April 2: Select Board reviews articles & **all final motions**; develop initial recommendations

April 8: Fin Com reviews articles & final motions; discuss initial recommendations

April 9: Select Board votes **final motions & recommendations** – executes annual & special warrants

April 10: Post warrants

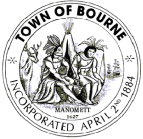
April 16: Deadline for FinCom report to be available (20-days before ATM)

April 16: Select Board **final review of draft Voter Handbook**

April 17 @ 3:30 pm: **Moderator's Meeting** – review draft handbook & motions

April 19: Voter Handbook available and due to printers

May 6: Town Meeting



Matthew R. Sawicki  
Director

**TOWN OF BOURNE**  
***Department of Public Works***

35 Ernest Valeri Road  
Buzzards Bay, Massachusetts 02532  
PHONE: 508-759-0600 ext. 3225



**Memorandum**

**To:** Marlene McCollem, Town Administrator

**From:** Matt Sawicki, Director of Public Works

**Re:** 1 Monument Avenue – Septic Easement

**Date:** February 7, 2024

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The Department of Public Works (DPW) has reviewed the Septic Upgrade Concept Design for 1 Monument Avenue, Bourne, MA prepared by Bracken Engineering, INC for Madeline Wolfe. The proposed design requires the temporary construction within the town layout and a permanent easement for the installation of the septic system. DPW recommends the following in regard to the construction of the septic system.

- The contractor shall supply the Town with a \$10,000.00 performance bond lasting for a period of 2 years.
- The design engineer shall supply the Town with a stamped shoring plan to be approved by DPW and the Engineering Department prior to excavation. The proposed over dig shall be clearly shown on the plan.
- The contractor shall coordinate with the police and fire departments and shall initiate all measures to include erection of barricades, to insure the safety of vehicular and pedestrian traffic in the area adjacent to construction.
- A six (6) foot temporary chain link fence shall be installed around the excavation and locked when contractors are not onsite.
- Signed documents shall be submitted from the Bourne Water District stating the permanent location of the septic system and construction over dig will conform to their regulations.
- The contractor shall submit Road Opening/Utility Work Permit prior to commencement of work.
- Work should be completed between October 1 and December 15 or between March 15 and May 1 as to not interfere with seasonal traffic or winter weather events.
- Certification of general liability, automobile liability and workers' compensation shall be submitted to the Town and maintained at the contractor's expense. The minimum insurance requirements are as follows:

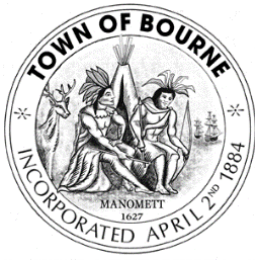
- ✓ General Aggregate \$2,000,000
- ✓ Products/Completed Operations \$2,000,000
- ✓ Personal Injury \$1,000,000
- ✓ Automobile Liability \$1,000,000
- ✓ Workers Compensation and Employers' Liability insurance must be at the Massachusetts State minimum.

Please contact our office at (508) 759-0600 ext. 3225 or email [msawicki@townofbourne.com](mailto:msawicki@townofbourne.com) if you have any questions or need additional information in regard to this matter.

Respectfully submitted,

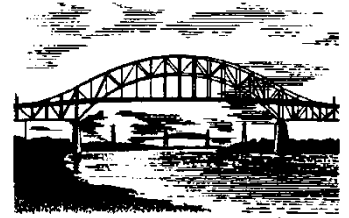


Matt Sawicki



# Town of Bourne

Guidance re: septic system easements  
on public property  
January 19, 2024



For repairs or upgrades of onsite sewage disposal systems—see “maximum feasible compliance” 310 CMR 15.404--

1. The soil absorption system shall be designed to provide as much of the required area as possible on the facility served
2. The easement increases the system location setbacks from bordering vegetated wetland, surface waters, salt marshes, inland and coastal banks, certified vernal pools, leaching catch basins, dry wells, water supply lines, private water supply wells, and/or surface water supplies
3. Mitigation is offered to the benefit of the Town/ community/ watershed/ specific resource area
  - a. Restoration or enhancement is offered for the affected public property
  - b. System offers a substantial degree of environmental protection by means of enhanced treatment to offset nitrogen or pathogen loading and/ or virus attenuation

For instances of new construction, the same should be applied with special consideration to the ultimate goal of full compliance with State and Local Regulations regarding septic systems.

## Select Board Policy Public Road Layout and Acceptance

### 1.0 Authority

In accordance with MGL Ch. 82, §§17-32 and Section 3.1.37 of the Town of Bourne General Bylaws: "Layout and Acceptance of Private Ways," the Select Board adopts this Public Road Layout and Acceptance Policy. This policy supersedes ~~all previous~~ the Town of Bourne ~~Select Board policies related to~~ "Laying Out of Town Ways", ~~and any previously existing policy is hereby repealed. as previously~~ ~~endorsed by the Select Board in effect as of May 28, 2002.~~

Commented [LT1]: Find date with Clerk or other.

### 2.0 Purpose

This policy has been prepared to ease and facilitate the process by which private roads are laid out and accepted as public ways within the Town of Bourne and further to ensure a thorough and complete review of all ways proposed to be accepted as public ways.

Commented [TL2R1]: No records found with Clerk or Select Board office. 1/23/24

This policy contains the procedures required by Massachusetts law, Town bylaw, and the Town of Bourne's other requirements that must be followed by petitioners and others to lay out and accept an existing private roadway as a public way. Compliance with this policy is the financial and legal responsibility of petitioners and not the Town of Bourne. This policy is not intended and should not be construed as providing legal advice.

Commented [TL3]:

Petitioners and all other interested parties should note that the layout and acceptance of a road as a public way involves three steps.

First, the Select Board must "lay out" the public way by establishing the metes and bounds and physical location of the way, in accordance with MGL Ch. 82, §§21-24, which includes a referral of the proposed layout to the Planning Board.

Second, Town Meeting must vote to accept the way, as laid out by the Select Board, as a public way and to authorize the Select Board to acquire the necessary ownership interests for the same.

Third, the Select Board must then acquire the fee or an easement in the street and all necessary easements for appurtenances, including drainage, utility, access, slope, and other similar items.

Each of these three steps must be completed (some under specified statutory timeframes) for a road to become a public way and there is no legal obligation that the Town approve any of the three steps, even if some have previously been completed.

### 3.0 Preliminary Requirements

As appropriate, the Planning Board process for subdivision road construction and oversight shall be completed prior to petitioning the Select Board for Road Layout and Acceptance of a subdivision road.

### 4.0 Layout

The “laying out” process establishes the metes and bounds and physical location of the way. It does not, by itself, constitute either the acquisition of an interest in the underlying land or acceptance of the way as a public way. The laying out process is, however, an essential prerequisite to the formal vote of acceptance by Town Meeting.

#### 4.1 Petition Process *(Prior to July 1<sup>st</sup>)*

The laying out of a town way may be initiated by the Select Board /Road Commissioners or by ~~one or more inhabitants~~ of the Town of Bourne (MGL Ch.82, §§17 and 21). ~~In accordance-conjunction~~ with Section 3.1.37 of the Town of Bourne General Bylaws, the petition shall be submitted prior to July 1<sup>st</sup> in order to be considered for acceptance at the Annual Town Meeting in the following May.

The Select Board shall only consider the first four fully completed petitions containing ~~all of all~~ the documents required to be submitted with the petition as set forth below, for consideration for the following fiscal year. This may be exceeded by the Select Board if the Town determines it is within their best interest to do so. The remaining petitions will be put on a list in the order in which they are fully completed for consideration for the following fiscal year.

Petitions will only be considered for layout of roads that are determined by the Engineering Department to be in good condition, free of significant defects, and that meet the standards specified in the Planning Board's Subdivision Rules and Regulations. Petitions for roads not meeting these criteria may be considered by the Select Board provided that the abutters of the subject road(s) agree to betterments to be assessed by the Town for one hundred (100%) percent of the costs to improve the road (s) in accordance with the aforementioned criteria.

Prospective petitioners are encouraged to meet with DPW and Engineering Department staff prior to submission to review the layout and acceptance process.

~~Once the Engineering Department has completed its preliminary review of the petitioned road, the Select Board shall vote its intention to layout the road as a public way and shall pursuant to G.L. c. 41, §81G, refer the matter to the Planning Board for a recommendation. Upon receipt of the Planning Board's report or 45 days having elapsed since the petition was referred to the Planning Board, whichever is the earlier, then the Select Board may hold a meeting to vote on the layout of the road as a public way.~~

**Commented [TL4]:** Review MGL language for “inhabitants”

**Commented [TL5R4]:** Confirmed in MGL 1/18/24

**Commented [BB6]:** When we say “in accordance with” what do we mean? At least in the online version of the General Bylaw, I do not see this timing requirement.

#### 4.2 Content of the Petition (Prior to July 1<sup>st</sup>)

The layout petition shall include the following comprehensive documentation ~~in order to~~ be considered for layout and acceptance:

- a) Petition - copy of the petition for road layout and acceptance as a public way by ~~one hundred percent~~ 75% of the owners of the abutting property agreeing to accept and pay the cost estimated to be apportioned to each abutter or;

~~a) If the petition for road layout and acceptance is less than 75% of the owners of the abutting property agreeing to accept and pay the cost estimated, proof of a prior 4/5ths certified vote from the Select Board shall be necessary;~~

- b) Signed and notarized originals of the approved legal documents (i.e. deeds, easements, title search, etc.) ready to be executed by the Select Board. These documents will be held by the Select Board until Town Meeting approval, and then the acquisition process will commence;

- c) a certified list of abutters from the Town Assessor's Office of all property owners having frontage along the way that is proposed to be accepted as well as any land owners of the way to be laid out and any other owners of property that contain easements associated with the way (i.e. slope, drainage, utility, ~~sightline~~, etc.);

- d) a metes and bounds legal description of the way including a metes and bounds legal description of all easements to be included as part of the way;

- ~~e) two (2) paper plots of the layout plans (full-sized) and seven (7) paper plots (half-scale) showing all metes and bounds of the proposed public way as well as any associated easements. The layout plan and profile of the existing roadway shall meet the requirements of the Town of Bourne Planning Board Subdivision Rules and Regulations for an "as-built" plan, prepared and certified by a Massachusetts Registered Professional Land Surveyor. These layout plans shall show information and notes as is required for recording at the Barnstable County Registry of Deeds. One mylar copy is to be provided at the time of the layout meeting for signature.~~

~~e)~~

- ~~f) Coring and/or test hole logs showing existing pavement structure performed and certified by a Massachusetts Registered Professional Engineer approved by the Town of Bourne Engineering Department.~~

**Commented [TL7]:** 75% per Select Board

**Commented [BB8]:** How do we want to handle the bylaw, where it allows for acceptance of a road with less than 75% of abutters certifying, with a ¾ majority vote of the Select Board and a specific finding?

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**Commented [BB9]:** Let's discuss the scope and timing of what we want and when we want it

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**Commented [TL10]:** Its own step, "f")

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Said corings and/or test holes shall be taken at the limits of the petitioned road and at points every 300 feet in between, or at the midpoint if less than 300 feet.

~~g) The Engineering Department will then develop preliminary estimates of bottomment including legal and survey costs, in order for the road to be laid out as a public way and determine cost per abutter based on appropriate method (i.e. per lot, frontage, etc.). The Select Board then notifies each abutter by certified mail of the estimated bottomment cost and requests each abutter to return an executed form agreeing to the assessment of the bottomment. The notice shall include the terms for the payment of the bottomment.~~

~~Or;~~

~~If requirements are not met, the Engineering Department will review submitted plans and all researched data and develop list of road conditions not meeting current Planning Board Rules & Regulation Standards and submit to the Planning Board.~~

~~Upon approval from the Engineering Department, a letter from Town Council indicating that all necessary legal documents (i.e. deeds, easements, title search, assents of mortgages, subordination agreements with the lender, etc.) are acceptable as to form and an original title certification for all roads, ways and easements being petitioned along with a letter from Town Council indicating the document is acceptable as to form will be provided to the Select Board.~~

~~h)f)~~

#### Engineering Review and Preliminary Select Board Vote 4.3 (Prior to September 1st)

The Engineering Department will conduct a preliminary review of all petitions, which may include an onsite inspection of the road proposed for layout and shall prepare a brief, written report of its findings and recommendations addressed to the Select Board.

Once the Engineering Department has completed its preliminary review of the petitioned road, the Select Board shall may hold a preliminary vote its intention of intent to layout the road as a public way. Alternatively, if the Engineering Department concludes that one or more

~~Or;~~

~~If requirements for road acceptance are not met, the Engineering Department will review materials submitted with the petition and other such materials as may be appropriate and will plans and all researched data and develop a list of road conditions not meeting current Planning Board Rules & Regulation Standards and submit to the Planning Board.~~

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**Commented [BB11]:** I think we want to style this as "preliminary" at this point giving the substantial process that must follow

**Commented [BB12]:** I'm not sure exactly what this means

#### **4.4 Recommendation (September)**

Following an affirmative preliminary vote to layout a road as a public way, pursuant to MGL c. 41, §81G, the Select Board will then refer the matter to the Planning Board for a recommendation. Upon receipt of the Planning Board's report or 45 days having elapsed since the petition was referred to the Planning Board, whichever is the earlier, then the Select Board may hold a meeting to vote on the layout of the road as a public way.

**Commented [BB13]:** This step is confusing me a little bit and it seems like the Select Board is voting many times in advance of its final vote on layout?

The Engineering Department will then develop preliminary estimates of betterment including legal and survey costs, in order for the road to be laid out as a public way and determines cost per abutter based on appropriate method (i.e. per lot, frontage, etc.). The Select Board then notifies each abutter by certified mail of the estimated betterment cost, and requests each abutter to return an executed form agreeing to the assessment of the betterment. The notice shall include the terms for the payment of the betterment.

If at any point the petition doesn't meet the signature requirement of 75% of abutters, the petition will be removed from consideration or the petitioners will require a 4/5ths vote from the Select Board.

**Commented [TL14]:** If at any point the petition does not meet 75% of abutters, the petition will be removed from consideration.

Or:

If requirements are not met, the Engineering Department will review submitted plans and all researched data and develop list of road conditions not meeting current Planning Board Rules & Regulation Standards and submit to the Planning Board.

Upon approval from the Engineering Department, a letter from Town Counsel indicating that all necessary legal documents (ie. deeds, easements, title search, assents of mortgages, subordination agreements with the lender, etc.) are acceptable as to form and an original title certification for all roads, ways and easements being petitioned along with a letter from Town Counsel indicating the document is acceptable as to form will be provided to the Select Board.

#### **4.24.5 Notification of Layout Public Meeting (October)**

At least seven (7) days prior to laying out the way, notice of the meeting at which the layout will be considered must be given to owners of any land or easements to be taken for the roadway, including any slope, drainage, or other easements. Notification shall be by U.S. Mail and shall be posted in a public place in the Town. The notice shall contain a metes and bounds description of the proposed layout and a description, by reference to assessors map and parcel numbers, or all land or easements to be taken, as well as the time and place of the layout meeting and shall also advise of the time and place the layout plans may be

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viewed. The ~~Board of Select Boardmen~~/Road Commissioners shall be responsible for providing notice of this public meeting.

#### **4.6 Action (October/November)**

~~Once the meeting has been held concerning the layout, the Select Board/Road Commissioners may vote to adopt the layout as shown on the metes and bounds plan.~~

~~For any petition where 75% or more of the abutting property owners have agreed in writing to accept and pay the cost estimated to be apportioned to each abutter, said vote of the Select Board shall require a simple majority for approval. (General Bylaws Section 3.1.37(b)). For all other petitions, said vote of the Select Board shall require a 4/5 majority for approval with a finding by the Select Board that a compelling public necessity exists for layout and acceptance of the road in question. (General Bylaws Section 3.1.37(b)).~~

#### **4.7 Article for Annual Town Meeting Warrant (February/March)**

#### **5.0**

~~Once the meeting has been held concerning the layout, the Selectmen/Road Commissioners may vote to adopt the layout as shown on the metes and bounds plan.~~

~~For any petition where 75% or more of the abutting property owners have agreed in writing to accept and pay the cost estimated to be apportioned to each abutter, said vote of the Select Board shall require a simple majority for approval. (General Bylaws Section 3.1.37(b)). For all other petitions, said vote of the Select Board shall require a 4/5 majority for approval with a finding by the Select Board that a compelling public necessity exists for layout and acceptance of the road in question. (General Bylaws Section 3.1.37(b)).~~ The Select Board shall place an article on the Town Meeting Warrant for acceptance of the road as a public way at the beginning of February. If land or easements need to be acquired by the Town, the Article should authorize the acquisition of the land or easements by purchase, gift or eminent domain and, if necessary, appropriate funds therefor. If an Article is placed on the warrant, the Petitioner shall submit Layout Plans, and Construction plans if necessary.

~~Final estimated betterment costs are calculated using lowest acceptable construction bid at this time.~~

#### **4.8 Town Clerk Filing (April)**

The layout description, as voted, including any plan, must then be filed with the Town Clerk (c. 82 §§22 and 23), who must record such decision in a book kept for

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this purpose within 10 days (c. 82 §32) and no later than 7 days preceding the Town Meeting date on which a vote of acceptance is to be taken as to said road (c. 82, §23). ~~Recording of this information at the Registry of Deeds is not required.~~

#### **6.05.0 Acceptance** (*Town Meeting - Typically First Monday in May*)

"Acceptance" is the procedure whereby Town Meeting votes to recognize and accept responsibility for the street layout adopted by the Select ~~Boardmen/-or~~ Road Commissioners. In order for acceptance to occur, the Select ~~Boardmen~~ shall have voted positively to layout the way as a public way and all of the backup documentation required under Sections 4.1 and 4.2 herein shall have been submitted and approved in final form prior to warrants closing for the Annual Town Meeting. ~~(end of February).~~

Commented [LT15]: True? Enough time?

#### **7.06.0 Acquisition** (*Within 120 Days After ATM*)

If the Town will be acquiring the land or an easement in the way or any necessary easements associated with the way, such as slope or drainage easements, the Select ~~Boardmen/-or~~ Road Commissioners must, within 120 days after the termination of the Town Meeting at which the public way was accepted, either:

- (1) acquire the land by gift or purchase, or
- (2) adopt an order of taking under MGL c. 79, or
- (3) institute proceedings for a taking under MGL c. 80A ~~(c. 82, §24).~~

Commented [LT16]: Eminent Domain

Commented [LT17]: EMINENT DOMAIN TAKINGS AND BETTERMENT ASSESSMENTS BY JUDICIAL PROCEEDINGS

Commented [LT18]: Also Eminent Domain Taking

If an order of taking is adopted under MGL c. 79, that order must be recorded in the Barnstable County Registry of Deeds within 30 days of such adoption (c. 79, §3).

Town Counsel prepares the necessary documentation for the grant of easements to the Town or taking of easements by the Town and records all documents and plans at the Barnstable Registry of Deeds or the Barnstable Registry District of the Land Court once they have been executed by the Select Board or the property owners, depending upon the circumstances.

If necessary, the Town will undertake the necessary improvements to the way in accordance with the bidding procedures under the Massachusetts Public Construction Laws.

Upon completion of the betterments, each abutting owner shall be billed for their proportionate share of the actual total costs of laying out and accepting the road as a public way, and not the estimated costs. The assessment of betterments shall be governed by the applicable provisions of the General Laws.

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#### **8.07.0 Waiver**

The Select ~~Boardmen~~/Road Commissioners may waive any part of this policy as

Adopted by the Board of Selectmen – ~~Oct~~ January XX, 2024

regards to the timing and/or deadlines provided that all statutory requirements are complied with for the purpose of public street layout and acceptance.

**Select Board  
Minutes of Tuesday, December 5, 2023  
Bourne Veterans' Community Center  
Buzzards Bay, MA  
Or Virtually**

---

**TA Marlene McCollem**

**ATA Liz Hartsgrove**

**Select Board**

Mary Jane Mastrangelo, Chair

Melissa Ferretti, Vice Chair

Anne-Marie Siroonian, Clerk

Jared MacDonald (7:02)

Peter Meier

Others: Bob Dwyer, Rui Pereira, Town Assessor, Erica Flemming, Finance Director (virtual), Mike Ellis, Town Accountant (remote), Sarah Hannon (virtual), Matt Sawicki, DPW Director, Neal Comen, John York (virtual 8:00), and Jon Hobill.

*Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.*

Michael Rausch, Bourne Enterprise, acknowledged that he is recording this meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**.

**Zoom Meeting ID: 869 5775 5505      Password: BOURNE**

*The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.*

All items within the meeting agenda are subject to deliberation and vote(s), except item 4.

**7:00 PM Call Public Session to Order in Open Session**

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**
- 3. Reading of the Vision and Mission Statements:**

**Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**4. Statement of the Chair – Steps taken to take a stand against antisemitism in Bourne.**

Chair Mastrangelo made a statement regarding the steps that the Town of Bourne is taking to stand against antisemitism in the Town of Bourne. She said that it is for informational purposes only, and there will be no commenting on it.

“As many in the community are aware, and it has been reported widely in the Cape Cod Times and other newspapers, a member of a Bourne town committee recently made an offensive remark during a public meeting. The remark, which was antisemitic in nature, regardless of its intent, has opened a deeper conversation among our Jewish community here on the Cape. I certainly feel that an apology was called for, but it was not until I spoke with residents, like Joan Linsky, and others, that my eyes were really opened. In my conversations, I have come to understand that a single remark is not the problem, but the reminder of a deeper problem of hate and antisemitism needs to be called out and stopped when it is found. The individual who made the remark is not the extent of the problem, he merely lives in a world with this problem. The remark is not the start of a problem, it’s the continuance of a problem. The Town Administrator, Marlene McCollem, has taken an important step for our community by reaching out to the Anti-Defamation League (ADL). Their work with municipalities, schools, and police on this issue is unmatched and I look forward to hearing what we can learn from them. What it is important is that we not only call out acts and words when we see them, but that we also work actively to create a community where people don’t have to live in fear of overt or tacit or casual acts of hate or racism. I have never felt it in my life, but in speaking with our residents, our neighbors, I have been compelled to speak today. No resident of Bourne should feel like they need to hide their identity, or culture, or religion from their neighbors, that’s no way to build a community, it’s not how I want to live, and I am committed to tearing down whatever barrier that separates me from the neighbor who right now feels compelled to hide. Only then will we have a community where all of our children and families feel safe and welcome. Town Administrator McCollem will be reporting back to the Board on her discussions with ADL, and we will have a meeting or an agenda item soon after the new year to discuss this issue as a Board. Thank you.”

**5. Public Comment on Non-Agenda Items –** Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).

Bob Dwyer congratulated the committee on the statement on antisemitism and he referred them to the “Working Definition of Antisemitism” that has been worked on by the Holocaust Remembrance Committee. He also congratulated the committee on their patience with everything dealing with the Cable, Internet, and Telecommunications Advisory Committee (CITAC). He said that there is another large document coming through the process from a sub-committee of this committee, and he thanked them in advance for their support.

**6. Public hearing: Tax Levy – Property Classification Hearing**

Chair Mastrangelo said that under Mass General Law, Chapter 40, Section 56, the Select Board is required to hold a Public Hearing annually to consider the tax rate options available to the town under property tax classifications and she opened the public hearing at 7:09 PM.

Rui Periera, Town Assessor, presented a slideshow on the tax classification hearing. He started by explaining the purpose of the hearing. He said that the Select Board must vote to adopt the town's tax policy by either a single or a split rate. He said that there are some discounts and exemptions available, and they are the residential exemption, the small commercial exemption, and the open space discount.

Mr. Pereira said that the Board of Assessors is recommending that the Select Board retain one rate for all classes of property for Fiscal Year 2024. Mr. Pereira also presented some key analysis work that his department performed for the FY24 valuations, and he showed the value per class for FY24. He said that the total taxable value is \$7,530,963,680, which is a 13.2% increase from FY23. He talked about the tax levy and some historical data. He said that the projected tax rate is \$8.02 per thousand valuations.

Mr. Pereira explained that he always gives the Select Board three options regarding the CIP shifts. He said that to maintain the current tax levy, a 1.265 shift would be required.

There was no public comment.

There was some discussion amongst the Select Board and Mr. Pereira talked about the tax rates and the possible shifts. Mr. Pereira further explained the rates and how they would affect either residential properties or commercial and industrial properties.

**Voted:** Jared MacDonald moved, and Anne-Marie Siroonian seconded to close the public hearing.

**Vote:** 5-0-0.

The public hearing was closed at 7:25

**Voted:** Jared MacDonald moved, and Melissa Ferretti seconded to adopt a single tax rate by selecting a residential factor of 1 in determining the allocation of taxes to be borne by the four classes of real property, along with personal property, for Fiscal Year 2024 and to not adopt an Open Space Discount, Residential Exemption, or a Small Commercial Exemption for Fiscal Year 2024.

**Vote:** 5-0-0.

## **7. Consent Agenda**

- a. Appoint Kathy Fox Alfano to the Affordable Housing Trust.**
- b. Accept a donation to the Council on Aging from Ms. Doyle.**
- c. Vote to open the warrant for the May 6, 2024, Annual Town Meeting Warrant on Monday, December 11, 2023, at 8:30 AM, and close in on Friday, March 15, 2024, at 4:00 PM.**
- d. Vote to open the warrant for the May 6, 2024, Special Town Meeting Warrant on Monday, December 11, 2023, at 8:30 AM, and close in on Friday, March 29, 2024, at 4:00 PM.**

**Voted:** Peter Meier moved, and Anne-Marie Siroonian seconded to approve the Consent Agenda as printed.

**Vote:** 5-0-0.

**8. Automatic Amusement Device License for HLW Twenty-Two Inc., d/b/a Seaweed Golf Co. at 231 Sandwich Rd.**

Sarah Hannon said that she and Bobby are looking to open a golf simulator in the space next to the snack bar at Gallo Ice Arena. Ms. Hannon explained the setup of the simulator and the process that they have been through to get to this point.

**Voted:** Melissa Ferretti moved, and Anne-Marie Siroonian seconded to approve the application as filed by HLW Twenty-Two Inc., dba Seaweed Golf, for a new automatic amusement license at 231 Sandwich Road, for a golf simulator, to operate 7 days a week from 12 PM to 9 PM.

**Vote:** 5-0-0.

**9. Policies:**

**a. 2<sup>nd</sup> reading: curbside collection policy amendments.**

Town Administrator Marlene McCollem said that she and DPW Director Matt Sawicki have been working with the Policy Subcommittee regarding curbside trash and recycling pick up. She said that the changes they are proposing are determining what type of property is eligible for curbside pickup. She said that their proposal is that residential properties with 4 or fewer units per lot, as determined by the Assessor's office, are eligible for curbside collection. She said that residential properties with five or more units per lot, mixed use properties, commercial properties, and trailer park properties, are not eligible for curbside collection.

Peter Meier made some suggestions for trash pickup for condos. He said that some condo owners pay more in property taxes than single homes and they are not getting the benefits. Jared MacDonald said that what you agree to when you purchase a property should be how it applies for trash pickup.

Chair Mastrangelo said her concern is with mixed use properties, and if curbside pickup gets taken away from these properties. DPW Director, Matt Sawicki said that in their initial review, they found one mixed use condominium that would meet the criteria to lose their recycling and curbside pickup. There was more discussion about mixed use properties and about grandfathering in properties.

Neal Comen of Wildwood Lane said that first he wanted to applaud the town for addressing antisemitism. He also said that regarding Mr. MacDonald's comment about signing off on not having trash pickup. He said that the sign off was between the builder and the Planning Board. He said that the builder is not the taxpayer once they are gone. He wants to know why the builder is so important. He said that he did read the revised definition of curbside collection that the Select Board has in front of them this evening. He said that it reads that it leaves 10% of the

residential taxpayers without receiving town recycling. He said that he reads nothing in this policy that will assist the hundreds of homeowners in how to recycle. He said that he offers two options to consider: an abatement in taxes, and a free sticker to the town dump. He feels that recycling is important, and he said that his trash collector puts everything into one bag and dumps it with the town. He said that he has sent multiple emails, regarding recycling, with no responses from some town employees.

Ms. McCollem said if this is the Select Board's intention, the Policy Subcommittee needs to change the language regarding free dump stickers. She said that this is something that needs to be talked about. She thanked Mr. Comen for his comments. Ms. McCollem said that this policy is for municipally provided curbside collection only.

The Select Board decided that they would give some direction to the Policy Subcommittee regarding grandfathering mixed use, language options for mixed use, and about stickers for non-eligible properties. Ms. McCollem said that she would send this version to the Town Counsel for comments. Chair Mastrangelo said that they will move it to third reading with some possible changes.

**b. Quarterly review of policies under review.**

Chair Mastrangelo said that she provided a spreadsheet to the Board that she went over with the rest of the Board. She said that most of the policies are ones that they identified at a meeting last February. She said that the Human Resource and the Financial Policies were a goal for Ms. McCollem, and they are in process. She said that the Rules and Procedures policy was approved. She said that there was Acceptance of Private Roads, and the subcommittee has had a few meetings with staff about it, and there is a draft being planned for a January 16<sup>th</sup> policy workshop meeting. She said regarding the policy for cannabis application and evaluation, they need to discuss it also at the January 16<sup>th</sup> meeting.

There was some discussion about plowing unaccepted roads. Ms. McCollem said that this is a general law that the town has accepted, and it is not a policy issue at this point. Chair Mastrangelo said that they should take this off as a high ranked policy but leave it on the list to keep it on hold.

Chair Mastrangelo continued to say that the special events policy will be coming next week. She said that liquor licensing policy and procedures are on the list, although they have not deliberated on the policy yet. Ms. McCollem said that the IT user policy was not adopted, and she would like this policy to be revisited. Chair Mastrangelo listed some policies that are to be determined later, and she said that the FOG Management plan was approved. She said a sewer abatement policy is being worked on.

Ms. McCollem requested that the Select Board add a proposed flag policy to their list.

**10. Early Budget review**

**a. Finance Department.**

Ms. McCollem said that they are working with a lot of uncertainty in the budget. She said that they have made significant progress in narrowing the deficit. She said that so far, she has not had to impact anyone's paychecks. January 9<sup>th</sup> is when she will give her presentation to the Select Board.

Ms. McCollem said that she has made a market adjustment for the position of Finance Director. She said that the other positions in the Finance Department are contractual, with this being the last year of this contract.

Erica Flemming said that the Finance department budget is comprised of three sections: Accounting, Assessing and Treasury/Collections. She said that there are no changes in FTEs, and overall, the budget is increasing by 4.87%.

**b. Facilities, Town Administrator, Human Resources, Health, Planning, Engineering, Conservation, Inspectional Services, Council on Aging.**

Ms. McCollem said that she would present these draft budgets, and if the Select Board would like more information, she can reschedule with the department heads if need be.

- **Facilities:** She said that the wages are adjusted per the contracts, and they did increase in Other Contracted Services because service contracts are all increasing. She said that the negative in the supplies line is because they are being moved to custodial supplies. She said that Protective Clothing is a contractual increase. She said that the total increase is 2.87%. There was some discussion about a supply consortium.
- **Town Administrator:** Ms. McCollem said that the wages are contractual and there have been no changes to the staffing. She said that due to a change in pay structure, the Recording Secretary line has been reduced. Chair Mastrangelo asked for a list of what committees have recording secretaries. Ms. McCollem said that she has reduced the TA's Contracted Services line and Travel line.
- **Human Resources:** Ms. McCollem said that she is reluctantly cutting the Professional Services line by \$10,000. to help close the gap.
- **Health:** Ms. McCollem said that the changes are contractual on the salary lines. There was a slight reset on a staffing change.
- **Planning:** Ms. McCollem said that there were some realized savings due to a staff member shift and reset.
- **Engineering:** Ms. McCollem said as part of contract negotiations, the stipend is being eliminated and being rolled into the wages.
- **Conservation:** Ms. McCollem said there are no changes to any expense lines, and there are the contractual salary increases.

- Inspectional Services: Ms. McCollem said that there are no changes to the expenses. She said there was a slight increase for the Weights and Measures service provided by Barnstable.
- Council on Aging: Ms. McCollem said salaries are contractual. The service contract for the Xerox machine is being moved. There was a slight increase in postage. There also was an increase in travel for services that they provide.

**11. Discussion and possible vote to approve the CITAC letters of support for Verizon and Comcast GAP grant applications.**

Chair Mastrangelo said that there were a few changes on the letters of support for the Verizon and Comcast grant applications for GAP network funding. Bob Dwyer said that the GAP program is a big program that as much as 20 million dollars can be awarded to one company. The program requires a huge amount of co-funding, as well as other requirements. Both companies have asked for support letters. Comcast said that they would be working on Cape Cod and apply the funds to Cape Cod.

Anne-Marie Siroonian explained that there are two different letters because their programs are different from each other. There was more discussion about download and upload speeds.

Mr. Dwyer said that the deadline for the letters is December 11<sup>th</sup>.

**Voted:** Peter Meier moved, and Melissa Ferretti seconded to approve both draft letters.

**Vote:** 5-0-0.

Chair Mastrangelo said that there is no way that the town staff could be doing all that this the committee is doing, and that she appreciates all they have done.

**12. Continued discussion – watershed permit – notice of intent.**

Chair Mastrangelo said that they did get a letter that the deadline for filing the watershed permit, which originally was January, has been pushed out now. This will stay on the agenda.

**13. Update on Constable vacancies**

Ms. McCollem said that they have not received any interest, and she said that they will keep it open.

**14. Town Administrator's Report**

Ms. McCollem said that Michael Ellis and Debbie Oliviere have given Ms. McCollem the information about the increase in the Council on Aging budget. She said that it is due to a transferred employee into the department.

Ms. McCollem said that she wanted to remind everyone that the Recreation Department's Winter Dance is December 13<sup>th</sup> and advance registration is required, and details can be found on the Recreation Department website.

Ms. McCollem said that she has received some questions on the town's online customer self-service portals. Many of these were implemented during the COVID emergency to provide more options to the public. No recent changes have been made and the services and procedures are the same as last year. She said that if members of the public need assistance or have questions, they are encouraged to reach out to the department that issues the license or the Town Administrator's Office. She said she is interested in hearing the public's ideas on how the system could be more user-friendly. She added that her primary goal is ensuring the security and safety of the town's banking information and the town customers' sensitive and personal information. She also said that these portals are not maintained by the town IT resources, and that the town has service support contracts with the companies that provide these online products. She added that they do not request or expect that these services be managed through the IT contract with Barnstable County.

Ms. McCollem said that she has received confirmation from the Army Corps of Engineers that there are no planned lane closures on either bridge during the calendar year of 2024.

Ms. McCollem also said that as of December 1<sup>st</sup>, ISWM has diverted 6.97 tons of food waste in the calendar year of 2023.

Ms. McCollem thanked Assistant Town Administrator Liz Hartsgrove and Sean Feeney for their efforts with Facilities. She also said that significant HVAC work has been completed at the Sagamore Fire Station as part of Trane's ESCO project this past week. She said the wiring has also started at the Community Building. The Fire Station 1 roof is being closed out with punch list items remaining. She said that Ms. Hartsgrove and Mr. Feeney have also been managing the masonry project at the library. She said that they have also been busy training on new controls and conducting the quarterly boiler inspections at all town buildings.

**15. Minutes: None**

**16. Future Agenda items**

Chair Mastrangelo said that she and Ms. McCollem will figure out how to address antisemitism as an agenda item. There was more conversation about what to do as a community.

**17. Committee reports**

None

**18. Correspondence**

Anne-Marie Siroonian read aloud the correspondence:

- DEP letter - skeet range munitions
- Elder Services letter re: 4Q Bourne nutrition data

- Email from J. Froman re: UCT budget
- Email from J. Froman re: Town Meeting
- Proposed pier at 122 Wings Neck Road
- Xfinity price changes
- DEP letter – Polyfluoroalkyl substances

These are all on the Town's website.

**19. Next meeting dates:**

**December 12 (early budget review, early capital review, special events policy)**

**December 19 (SB @6:45 & BOSC @ 7)**

**January 9, 2024 (FY25 budget presentation)**

**January 16 (workshop – review “petitioned acceptance of private ways” & “process for Marijuana Establishments”)**

**January 23 (budget review & vote, Recreation Committee presentation)**

**20. Adjourn**

**Voted:** Jared MacDonald moved, and Peter Meier seconded to adjourn.

**Vote:** 5-0-0.

This meeting of the Bourne Select Board was adjourned at 9:03 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

*Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to [kthut@townofbourne.com](mailto:kthut@townofbourne.com) or call the Town Administrator's Office at 508-759-0600 x1503.*

**Select Board  
Minutes of Tuesday, February 6, 2024  
Bourne Veterans' Community Center  
Buzzards Bay, MA  
Or Virtually**

---

**TA Marlene McCollem  
ATA Liz Hartsgrove**

**Select Board**

Mary Jane Mastrangelo, Chair  
Melissa Ferretti, Vice Chair  
Anne-Marie Siroonian, Clerk  
Jared MacDonald  
Peter Meier

Others: Bob Dwyer, Erica Flemming, Finance Director (remote), and Steve Strojny.

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All items within the meeting agenda are subject to deliberation and vote(s).

**7:00 PM Call Public Session to Order in Open Session**

**1. Moment of Silence to recognize our Troops and our public safety personnel.**

Chair Mary Jane Mastrangelo said that they will also recognize the former Police Chief and Selectman, Earl Baldwin, who passed away on January 26<sup>th</sup>.

**2. Salute to the Flag.**

**3. Reading of the Vision and Mission Statements:**

**Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

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4. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. **Discuss and possible vote: authorize the chair to sign letter received from CITAC re: pole attachments.**

Bob Dwyer of the Cable, Internet, & Telecommunications Advisory Committee (CITAC), said that the letter that he is there to talk about is called a further notice of proposed rulemaking (FNPRM). He said it is part of a long series of rulemaking from the Federal Communication Commission to make things easier to attach to poles that private entities don't own. He said that this is the third notice that has come along in their process and after reading it, it became obvious that this was meant for large entities. He said that this letter is due by this Friday.

**Voted:** Peter Meier moved, and Melissa Ferretti seconded, to approve the letter to form and instruct the Chair or the Town Administrator to sign on behalf of the Board.

**Vote:** 5-0-0.

6. **Policy Workshop**
  - a. **3<sup>rd</sup> reading: Special Events**

Assistant Town Administrator Liz Hartsgrove went through the Special Events policy and told the Select Board about changes that were made. Some of the changes included beach clean-ups, car washes, and length of explanations. She said that there were some modifications to filming on town property. She said that a discussion may be needed about fees for violations.

**Voted:** Anne-Marie Siroonian moved, and Peter Meier seconded, to approve the draft as presented.

**Vote:** 5-0-0.

- b. **Policy and process for issuing licenses that are limited in number.**

Chair Mastrangelo explained the changes that she made regarding the consistency of language. There was some discussion about the timeframe of lifting the moratorium on some of the license policies. There was also discussion about monthly updates on the policies for licenses.

**Voted:** Peter Meier moved, and Jared MacDonald seconded, to use the revised as amended.

Steve Strojny, Monument Beach, said that the discussion that just took place was regarding an email that Chair Mastrangelo mentioned, and it was difficult to understand what was being discussed. Mr. Strojny also said that there has been very little progress so far in getting cannabis dispensaries in the Town and he said that there is money and jobs to be had for the Town of

Bourne and the residents of Bourne. He said that he feels that the ad-hoc committee will do what needs to be done to move this along. Chair Mastrangelo said that they have done a lot of work on this so far.

Chair Mastrangelo read aloud the revised policy that is being voted on for all to understand: "Under the Town of Bourne Home Rule Charter and General Bylaws, and the General Laws of the Commonwealth, the Select Board serves as the Town's licensing authority for certain types of licenses, including the sales of alcoholic beverages off premises, sales of marijuana for recreational adult use, registered marijuana dispensaries, and permits to operate aquaculture farms. Such licenses may vary in the rights and privileges conferred upon a license holder, may be of limited number, and those licenses issuance may require the Select Board to consider multiple applicants to evaluate relevant factors for the issuance or non-issuance of a license.

To discharge those duties effectively and equitably, the Select Board will engage in a process to study and develop policies and procedures that will apply to its review and evaluation of applications for certain types of licenses. Until such time as that process is complete and the Board has adopted final policies and procedures, the Board is enacting a temporary moratorium on the issuance of (1) recreational-adult use marijuana and registered marijuana dispensary licenses; (2) aquaculture licenses; and (3) new licenses for the sale of alcoholic beverages, off premise.

The moratorium shall be in place for each type of license until the Board has adopted policy and procedures and voted to lift the temporary moratorium for a type of license. If, after three months has elapsed, the Board has not adopted final policies and procedures for one or more of these types of licenses the Board shall review this moratorium and make a plan for the timely adoption of these policies and procedures."

**Vote:** 5-0-0.

**c. Introduction: Financial Policy Revisions.**

Town Administrator Marlene McCollem said that this is one of the areas in which they want to concentrate. She said that they did receive a grant from the Collins Center that will help them through this process. She said that the Board has appointed a sub-committee including some members of the Finance Committee, School Committee, Select Board and The Finance Director, the School Superintendent and herself. She said that they have met about 5 or 6 times with consultants to review the existing policies to make changes. She said that the only policy that they have not changed is the ISWM policy. She said that she wants to know how the Select Board would like to move forward with adopting the revisions.

There was some discussion on the changes that have been made to the general fund operating budget. There was also discussion about debt and the Department of Revenue and the Capital Stabilization Fund. There was also some discussion on the use of Free Cash and about the host community fee and the revenue side of the ISWM budget. The process in which policies are set and then communicated was discussed also.

**Voted:** Peter Meier moved, and Anne-Marie Siroonian seconded, to accept the first draft and to send to stakeholders for comment.

**Vote:** 5-0-0.

#### **7. MMA debrief – DEI objectives.**

Chair Mastrangelo asked if anyone had any comments about what was talked about at the MMA Conference, and she said that the comment about when diversity and equity inclusion is being talked about, if there is no data, there is only opinion, was a very interesting statement. Chair Mastrangelo talked about how to go about getting a diverse group of vendors and about getting data.

There was a discussion about how to have more events and unity in the community and to promote DEI.

#### **8. Minutes**

None.

#### **9. Committee reports**

Mr. Meier said that regrading the advisory committee for the bridges that there is now new update, and they want to wait until the Spring to see what happens with grants.

Ms. Ferretti said that regarding Joint Base Cape Cod, the Civilian Commission sponsored an awards dinner. She said that it was a nice event that was pulled together in just a few days.

Ms. Siroonian said that the Community Engagement Committee will have the first meeting of the year next week. She also said that there is a vacancy on the Cable, Internet, & Telecommunications Advisory Committee (CITAC). Chair Mastrangelo asked Ms. Siroonian to have the Community Engagement Committee attend a meeting to talk about criteria.

#### **10. Correspondence**

Anne-Marie Siroonian read aloud the correspondence for January 23<sup>rd</sup>, 2024:

- DEP letter – Final Community Involvement Plan Comments.
- DEP letter - Non-DoD Property – Old Grenade Courts.
- DEP letter – Demolition Area 1 Environmental Monitoring Report.
- DEP letter – J-1 Range Southern Environmental Monitoring Report.
- Barnstable Co. Responsible management Entity Newsletter – Winter.
- CC Commission Transportation Improvement Program.
- Memo – Rec Area Feasibility Study CPC application narrative.
- Memo – Skatepark & Softball Field Redesign application narrative.

These are all on the Town's website.

**11. Future Agenda Items.**

Chair Mastrangelo said that she and Ms. McCollem are working on a draft of a meeting schedule, and she will get it out to the rest of the Board. Ms. McCollem said that there will be a CITAC report on February 13<sup>th</sup>.

**12. Next meeting dates:**

**February 13 & 20: Select Board**  
**February 27: Sewer Commissioners**  
**March 5 – no meeting – Election Day.**

**13. Adjourn**

**Voted:** Peter Meier moved, and Jared MacDonald seconded to adjourn.  
**Vote:** 5-0-0.

This meeting of the Bourne Select Board was adjourned at 8:50 PM.

Respectfully Submitted,  
Kim Johnson, Recording Secretary

*Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to [kthut@townofbourne.com](mailto:kthut@townofbourne.com) or call the Town Administrator's Office at 508-759-0600 x1503.*

**Select Board**  
**Minutes of Tuesday, February 13, 2024**  
**Virtual**

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**TA Marlene McCollem**

**Select Board**

Mary Jane Mastrangelo, Chair

Melissa Ferretti, Vice Chair

Anne-Marie Siroonian, Clerk

Jared MacDonald

Peter Meier

Others: RZND Motors representative, Pamela Yacino, Matt Sawicki, Tim Lydon, Jordan Geist, Business Manager, Bourne Public Schools, Carina Way, Executive Director, Bourne Community Boating, Paul Bushueff, Kenneth Legg, David O'Hara, John York, Bob Dwyer, Gerald Johnson, Brian McCarter, Gene Curry, and Sean Gonsalves.

*Note this meeting is being recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.*

Michael Rausch, Bourne Enterprise, acknowledged that he is recording this meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**.

**Zoom Meeting ID: 869 5775 5505      Password: BOURNE**

*The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.*

All items within the meeting agenda are subject to deliberation and vote(s).

**7:00 PM Call Public Session to Order in Open Session**

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**
- 3. Reading of the Vision and Mission Statements:**

**Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).

None.

5. **Class II Car Dealer License – public hearing.**

Chair Mastrangelo said that this is for a Class II Used Car License application for 74 Cranberry Highway in Sagamore. Town Administrator Marlene McCollem said that everything is in order and there are no concerns. Chair Mastrangelo asked if the way the zip code is listed was ok, and Ms. McCollem said yes, that the mailing address is different from the physical address.

**Voted:** Jared MacDonald moved, and Anne-Marie Siroonian seconded, to approve the Class II Used Car Dealer License application for RZND Motors Corp. at 74 Cranberry Highway, Sagamore, MA 02561.

**Roll Call Vote:** Jared MacDonald – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. 5-0-0.

6. **Ryans' Amusement – Change in Manager (not public hearing).**

Ms. McCollem said that there were no issues with this application.

**Voted:** Anne-Marie Siroonian moved, and Peter Meier seconded to approve the change in Manager for Ryans' Amusements, 200 Main Street, Bourne, MA, to Pamela Yacino.

**Roll Call Vote:** Jared MacDonald – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. 5-0-0.

7. **Discussion with DPW – additional Ch 90 funding for Academy & Main.**

Matt Sawicki, DPW Director, said that he and Tim Lydon, Engineering, have been working on the Academy and Main project since he started as DPW Director in November. He said that as the project has moved on, there have been some cost increases to the basic scale of the project. He said that they would like to utilize Chapter 90 funding to ensure that the project is everything that was originally proposed. He explained all the changes that they would like to make.

Chair Mastrangelo asked what was available for Chapter 90 funding, and Mr. Sawicki said that currently there is \$1,854,290.28 available. There was some discussion about the prep. work to be added for the lighting project that will be happening in the future. There also was some discussion about conduit.

**Voted:** Peter Meier moved, and Jared MacDonald seconded to approve \$188,000. of Chapter 90 funds for the Main Street at Academy Drive intersection improvements.

**Roll Call Vote:** Peter Meier – yes, Anne-Marie Siroonian – yes, Jared MacDonald – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. 5-0-0.

**8. Status update re: ARPA projects & pilot project for ballfield maintenance initiative.**

Ms. McCollem said that she and Recreation Director Katie Matthews, Matt Sawicki, and Liz Hartsgrrove, the Assistant Town Administrator, recently met with the Facilities Subcommittee of the Recreation Committee, along with representatives of Bourne Youth Baseball, and unanimously nobody wants to have a summer like last summer regarding field conditions. She said that over the course of many years, there had been an informal agreement between the Town of Bourne and Bourne Youth Baseball regarding maintenance duties of 5 little league baseball locations in town – Pocasset, Monument Beach, Community Building, Keith Field, and Clark Field. She said that there was a breakdown last summer and there has been a request made by many people, including the leadership of Bourne Youth Baseball, that the Town of Bourne take on the field maintenance.

Ms. McCollem said that DPW is willing to do it and will try to keep the fields in playable condition. She said that they do not have historical cost data, so she cannot project costs for the budget. She would like to use some of the remaining ARPA funds to set up a pilot project for the upcoming season where DPW takes care of these 5 fields. She said that other sports groups may be upset by this, but it is what they are comfortable doing by just maintaining the baseball fields at this time.

Ms. McCollem said that they did discuss going to Town Meeting rather than using ARPA funds and the difficulty with this is that they would lose the beginning of the season due to the timeframe of Town Meeting. Anne-Marie Siroonian asked if they could ask Bourne Youth Baseball what the costs previously were, and Ms. McCollem said that they did ask, but they do not have numbers because they were volunteer hours and there were various donations given.

Ms. Siroonian also asked if the goal would be to get this in the operating budget. Ms. McCollem said that at the end of the season they will review the costs to keep these and other fields in usable condition, and the Select Board will have to decide how much of the costs do they want to put on the taxpayers and the users, or if they want to memorialize a formal system of in-kind labor.

Peter Meier said he thinks that it is part of the long-term Capital budget. He said that they need to modernize and have a dedicated plan for the fields. Chair Mastrangelo said that it is creative to use the ARPA funds to do what is needed for this upcoming baseball season. She said that maybe there will be some money left to work in the fields for the other sports.

Jordan Geist, Business Manager, Bourne Public Schools, said that they are in the preliminary rounds of doing research regarding fee structures for Bourne sports using the schools' fields.

**Voted:** Peter Meier moved, and Anne-Marie Siroonian seconded, to support the use of ARPA funds for the pilot project for the ball field maintenance initiative.

**Roll Call Vote:** Anne-Marie Siroonian – yes, Jared MacDonald – yes, Peter Meier – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. 5-0-0.

**9. Bourne Community Boating presentation**

Carina Way, Executive Director, Bourne Community Boating (BCB), shared her screen and played a presentation about who they are and what they are doing. BCB has been operating in Bourne since 2007, to provide an opportunity to people of all ages, abilities, and backgrounds to enrich their lives

through on-the-water educational and recreational experiences. BCB is the only accredited program on Cape Cod. They run an 8-week summer sail and marine science program for children that are 6 years and older. They also offer lessons for adults and families, and they offer year-round community education. The presentation talked about their business model also. Paul Bushueff and Kenneth Legg briefly talked about BCB and the benefits they deliver to the community.

Jared MacDonald asked about contact information and Mr. Legg said that the website is [Bournecommunityboating.org](http://Bournecommunityboating.org). Mr. Bushueff said that you can find out all the information that you need on the website. He also said that they offer discounts to Bourne year-round residents, and they have a scholarship program.

Melissa Ferretti said that she thinks it is wonderful that they are doing this work, and she feels nature-based solutions are critical to get youth outside to teach them confidence and to respect nature. John York said that he thinks this is a wonderful program, and he said that the kids are learning while having fun, and they are not even thinking about it. There was some conversation about BCB needing a permanent place.

#### **10. Update from CITAC (Cable, Internet, and Telecommunication Advisory Committee)**

Bob Dwyer introduced members of the Cable, Internet, and Telecommunication Advisory Committee (CITAC), and some mentors to the committee, and then gave a quarterly report from the committee. His report was a slideshow that is available on the Select Board website attached to this meeting agenda. The first slide showed percentages of the underserved areas of Bourne according to federal laws. He said that part of the problem is that Comcast is dealing with 40-year-old infrastructure.

Mr. Dwyer said that the committee has been meeting weekly over the last 4 months and they have concluded that the fiber-based broadband service is the direction in which they would like to go for the whole Town of Bourne. He said that there are 3 options to receive better broadband currently and they are: 1. Comcast, who has fiber into Bourne, although it does not connect into the neighborhoods. 2. Open Cape, who has a big backbone on the Cape, and do a great job, but their service is aimed at business right now 3. Verizon, who is currently installing fiber service to some areas in Monument Beach and Gray Gables.

Mr. Dwyer said that the 3 companies previously mentioned have all applied for GAP network funding through the Mass Broadband Institute (MBI). They are trying to get funds to serve the underserved areas. He said that the one difficulty is that the federal regulations basically look at maps produced by the FCC that were used to describe the what the service levels in various places are. He said the Barnstable County supplied the information to the FCC and said that there is 100% coverage, 100% of the time and at the minimum level of 100 download and 25 upload. He said that to challenge those maps, the municipality must make a case that the broadband service is poor. He talked about a test that the City of New Bedford did that impressed MBI.

Mr. Dwyer talked about the opportunities that Bourne could see through grants. He also talked about some of the issues that Bourne could see coming up soon. He concluded by talking about the recommendations from CITAC and estimated costs to the Town, and about what the committee is planning to do regarding grants and speed tests.

**11. Article review: FY25 Capital Projects**

Ms. McCollem said that there are 3 additional projects for the capital plan for the May Town Meeting.

**a. Recreation / Community Preservation**

Ms. McCollem said that there are 2 projects for Recreation. The first is for a feasibility study for \$150,000. for 4 locations – Pocasset, Monument Beach, Keith, and Clark. The second is for \$500,000. for design and construction of an all-wheel park at the Community Building, and plans and design for reusing and repurposing the softball field. She said that they both went in front of the Capital Outlay Committee, and they were supported by the majority. She said that the applications have been submitted to the CPC to pursue CPA funds for both projects. They have both been formally added to the FY25 Capital Plan.

**b. School Dept. Jackson Field Bleachers**

Mr. Geist said that this request is for the design, bid and construction oversight for the replacement of the current home side bleachers, and for a walkway to make the bleachers accessible. The request is for \$30,000. Mr. Meier said that he knows firsthand about these bleachers, and he feels that this is long overdue. This is not a CPA project.

**12. Policy****a. Correspondence FAQ and “Rules of Procedures”**

Chair Mastrangelo said that in the meeting packet they have the correspondence FAQ that has been updated. She said that there is a slight change to the rules of procedure in one section. Mr. MacDonald said that he is good with both. She talked about a few of the updates.

**Voted:** Jared MacDonald moved, and Anne-Marie Siroonian seconded to approve the FAQ and the amended “Rules of Procedures”

**Roll Call Vote:** Anne-Marie Siroonian – yes, Jared MacDonald – yes, Melissa Ferretti – yes, Peter Meier – yes, and Chair Mastrangelo – yes. 5-0-0.

**13. Minutes: 1/16/24 and 1/23/24**

**Voted:** Peter Meier moved, and Anne-Marie Siroonian seconded to approve the minutes of 1/16/24.

**Roll Call Vote:** Anne-Marie Siroonian – yes, Jared MacDonald – yes, Peter Meier – yes, Melissa Ferretti – abstain, and Chair Mastrangelo – yes. 4-0-1.

**Voted:** Melissa Ferretti moved, and Anne-Marie Siroonian seconded to approve the minutes of 1/23/24, as presented.

**Roll Call Vote:** Anne-Marie Siroonian – yes, Jared MacDonald – abstain, Peter Meier – abstain, Melissa Ferretti – yes, and Chair Mastrangelo – yes. 3-0-2.

**14. Committee reports**

Chair Mastrangelo said that Senator Sue Moran has put together stakeholder meetings for staff and MassDOT for pre-construction of the Bourne Rotary and the first meeting was held this past week.

She said there was a good discussion about logistics. She said that there was a discussion about pre-marking, and that MassDOT will be working on it.

## 15. Correspondence

Anne-Marie Siroonian read aloud the correspondence for February 13<sup>th</sup>, 2024:

- DEP letter – Explanation of differences for Dioxane and Polyfluoroalkyl at landfill
- DEP letter – Plan for DOD Property Munitions Response Site at Old Grenade Courts
- JBCC – Feb. public meeting calendar
- Assoc. to Preserve Cape Cod – support letter for Section 45 in Gov. Healy's FY25 budget.
- Xfinity Annual Notice – Additional "Annual Notice Information" located on Select Board's webpage.
- Upper Cape Budget Subcommittee Mtg Minutes 01.02.24
- Census Bureau letter conducting Boundary and Annexation Survey

These are all on the Town's website.

## 16. Future Agenda Items.

Chair Mastrangelo said she is planning on sending out the Board a plan for March going into April.

## 17. Next meeting dates:

**February 20: Select Board**

**February 27: Sewer Commissioners**

**March 5 – no meeting – Election Day.**

**March 12 & 19: Select Board**

## 18. Adjourn

**Voted:** Jared MacDonald moved, and Anne-Marie Siroonian seconded to adjourn.

**Roll Call Vote:** Anne-Marie Siroonian – yes, Jared MacDonald – yes, Peter Meier – yes, Melissa Ferretti – yes, and Chair Mastrangelo – yes. 5-0-0.

This meeting of the Bourne Select Board was adjourned at 8:44 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

*Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to [kthut@townofbourne.com](mailto:kthut@townofbourne.com) or call the Town Administrator's Office at 508-759-0600 x1503.*

**Select Board**  
**Minutes of Tuesday, February 20, 2024**  
**Bourne Veterans' Community Center**  
**Buzzards Bay, MA**  
**Or Virtually**

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**TA Marlene McCollem**

**ATA Liz Hartsgrove**

**Select Board**

Mary Jane Mastrangelo, Chair

Melissa Ferretti, Vice Chair

Anne-Marie Siroonian, Clerk

Jared MacDonald

Peter Meier

Others: Attorney Jilian Morton, Joe Saade, Robert Youseff, Steve Philbrick, Dr. Kerri Anne Quinlan-Zhou, Superintendent, Bourne Public Schools, and Jack MacDonald (remote).

*Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.*

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**.

**Zoom Meeting ID: 869 5775 5505**

**Password: BOURNE**

*The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.*

A participant on Zoom acknowledged that she is recording the meeting.

All items within the meeting agenda are subject to deliberation and vote(s).

**7:00 PM Call Public Session to Order in Open Session**

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**
- 3. Reading of the Vision and Mission Statements:**

**Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and

visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. **Public hearing: Application for Annual All Alcoholic Beverages On-Premises Common Victualler Liquor License for Grill & More located at 340 Main Street.**

In accordance with the Massachusetts General Laws ,Chapter 138,Section 12, an application has been filed for an Annual All Alcoholic Beverages On-Premises Common Victualler Liquor License from Grill & More, Inc., Robert Youseff, Mgr., located at 340 Main Street, Buzzards Bay, MA 02532.

Chair Mastrangelo opened the public hearing for this application. She said that as the first order of business she is entering into the record of this hearing, a copy of the legal notice provided by the town for this public hearing. She said that as a second order of business, she is entering into the record of this hearing, a copy of the application and supporting materials provided to the Town of Bourne, dated February 7<sup>th</sup>, 2024. She then opened the floor to the applicant.

Attorney Jilian Morton said she was representing Grill & More Inc. She said that they are looking for a liquor license for this site which is in the new development going into Scenic Highway. She said that her clients are looking to have a restaurant that serves alcoholic beverages. She said that they have supplied to the Select Board a floor plan of the proposed restaurant. She said that it will be a Lebanese restaurant with small plates, and an outdoor space. Alcohol will not be allowed outside.

Anne-Marie Siroonian asked about the applicants experience in the restaurant industry. Atty. Morton said that one of the owners has had a liquor license in Falmouth for 6 years now, and has extensive bartending experience, with no violations. Ms. Siroonian asked if the restaurant will have wait staff, or if it is they type of place where the customer orders at the counter and brings food to table. Atty. Morton said that it is going to be more of the assembly line kind of restaurant.

Joe Saade, one of the owners of the proposed restaurant, said that he has been TIPS certified since 2022 and he managed a bar in Falmouth, and he has been a bartender. He explained the layout of the proposed restaurant. There was some discussion about the outside area of the proposed restaurant. Mr. Sayid said that Robert Youseff is from Dubai, where he managed and created restaurants. There was also some discussion about the good amount of parking, the sewer allocation, and the outdoor area.

Chair Mastrangelo opened the hearing for public comment. Attorney Morton said that the staff in the Select Board office did a great job through the process, and that they have a great system.

Chair Mastrangelo closed the public hearing.

**Voted:** Peter Meier moved, and Anne-Marie Siroonian seconded, to close the hearing record.

**Vote:** 5-0-0.

**Voted:** Peter Meier moved, and Anne-Marie Siroonian seconded to approve the application for a new annual all-alcohol common victualler on premise license with indoor/outdoor premise description and seating as outlined in the legal ad subject to approvals of all regulatory inspections of the premise prior to issuance, and that the outdoor premise alcohol license is subject to fencing and regulatory inspection. For the reasons stated by the Select Board during this hearing and further to authorize and direct Town Staff and Town Counsel to prepare correspondence memorializing the same for transmission to the applicant and to the Alcohol Beverage Control Commission.

**Vote:** 5-0-0.

**6. Discussion regarding the 100<sup>th</sup> anniversary of the Fire Department.**

Steve Philbrick said that he had been doing some historical research and found that in 1924 a man named Harold Chambers, and some other concerned citizens from the Sagamore area, contacted a company in Middleboro that made fire apparatus. This company did a needs survey in the town, and in 1925, 5 articles were put forth at the Town Meeting to establish a Fire Department.

Mr. Philbrick said that he contacted Fire Chief David Cody about establishing a committee to commemorate this 100<sup>th</sup> anniversary. Chief Cody suggested that Mr. Philbrick go in front of the Select Board. Chair Mastrangelo asked Town Administrator Marlene McCollem what her thoughts were about what type of committee this should be. Ms. McCollem said that she does not think that this should be a town committee because there are other departments in the town that are also turning 100 years old, and for fairness reasons she does not find it reasonable to provide resources for one committee over another. Chair Mastrangelo said that a town committee is a large commitment, and she feels a volunteer committee would be best to commemorate this event.

Mr. Philbrick said that they would form their own committee. He said that they would have 5 to 7 people on the committee, which would include some retirees. He said that there also would be a representative from the Fire Department, and possibly the union. He also asked if someone from the Select Board would like to be an ex-officio member. He also said that possibly someone from the Historical Society would be part of the committee also.

Mr. Philbrick continued to talk about some of the ideas that he has for the commemoration, which includes a possible parade. He said that they will probably set up a subcommittee to look at getting some funding.

Chair Mastrangelo said that with a volunteer committee there would not be an ex-officio member or Department Head members, although they are welcome to volunteer. She said that it would be a good idea to advertise for volunteers. Mr. Philbrick said that once they have a committee formed and know about their meeting times, he will let the Select Board know.

**7. School Committee/School Department – request to use \$100,000. from the Special Education Reserve Fund to defray the costs of unanticipated special education tuition in FY24.**

Dr. Kerri Anne Quinlan-Zhou, Superintendent, Bourne Public Schools, said that there is a Special Education Reserve Fund that they try to fund to about \$500,000. and it is used for unanticipated costs.

She said that usually the unanticipated costs are what they call a “move in”, which is for a family that has a significantly special needs child that comes to the Bourne Community.

She said that this request is for FY24. She said that they have anticipated costs of about \$175,000 and they are usually able to pay for these costs through their circuit breaker funding. She said that they are asking for \$100,000. to help keep the reserve healthy. She said that the process is that the School Committee votes on the request first, and they did that already, and now they are asking the Select Board to make the same consideration.

**Voted:** Anne-Marie Siroonian moved, and Peter Meier seconded, to approve a \$100,000. transfer from the Special Education Reserve Fund to the Bourne Schools FY24 budget.

**Vote:** 5-0-0.

## **8. Consent Agenda:**

### **a. Appointment of Nicole Fox to the Community Engagements Committee as the Cultural Council Representative with a term expiring June 30, 2024.**

**Voted:** Melissa Ferretti moved, and Anne-Marie Siroonian seconded to approve the consent agenda as presented.

**Vote:** 5-0-0.

## **9. Update: South Side Fire Station site selection & condition of accounts.**

Ms. McCollem gave a brief update on the South Side Fire Station. She said that the RFP has gone back out and responses are due on March 1<sup>st</sup>. She said that regarding the condition of accounts, the contracts are in place for Owners Project Manager and the Architect until design development. There was some discussion about a timeline and about negotiations.

## **10. Town Administrator’s Report**

Ms. McCollem said that the final roof top units at the community building have been installed. She said that Trane is resolving the final outstanding items on their deficiency list. A fully functional HVAC should be operational soon.

Ms. McCollem said that she attended a listening session sponsored by the Commonwealth as part of their Resilient Coasts planning initiative. She said that she will continue to update the Board as she receives information, and she will be paying attention to specific programs that align with Bourne’s coastal concerns.

Ms. McCollem said that the Finance Department and she have been working to close a budget gap that has arisen after receiving the preliminary cherry sheet numbers. She said that they also were recently made aware of an error by the Barnstable County Retirement Board that has increased the town’s assessment for FY25. She said that she will be back in front of the Board in March to discuss some options for balancing the budget in advance of the Town Meeting.

Ms. McCollem congratulated Chief Cody and the Fire Department for securing a firefighter safety equipment grant in the amount of \$19,000.

Ms. McCollem also reported that so far in the first month of the new year, ISWM has diverted 1.3 tons of food waste from the landfill.

## **11. Policy**

### **a. Status review – goals and priorities for policy development.**

Chair Mastrangelo said that last year, in February, they discussed looking at policies that they would review and focus on. She would like to do a review of the progress that has been made so far on each of the following policies:

- Human Resources Policy – Employee Handbook – Ms. McCollem is reviewing a final draft.
- Financial Policies - Comprehensive Review – The first draft has been distributed to stakeholders for comment.
- Rules and Procedures – Several sections have been worked through and approved changes, and it is now complete.
- Acceptance of Private Roads Policy – A first reading has been done and some comments were sent back. It is with staff and Town Counsel right now and scheduled to come back to the Board on March 12<sup>th</sup>. Ms. McCollem said that the second reading will have Town Counsel's comments.
- Curbside Trash & Recycling Policy – it has been approved and it is complete.
- Plowing on Private Roads Policy – Chair Mastrangelo said that the Select Board decided that they do not need a policy on it. Ms. McCollem said that general law guides it.
- Special Events Policy – has been approved and the next step is to review fees.
- FOG Management Policy – has been approved and is complete.
- Sewer Commissioner's Abatement Policy – A revised draft is going to be worked on.
- Marijuana License Policy & Procedures – has been established as a goal as of November 6<sup>th</sup>.
- Liquor License Policy & Procedures - has been established as a goal as of November 6<sup>th</sup>.
- Aquaculture License Policy & Procedures - has been established as a goal as of November 6<sup>th</sup>.
- IT Policy - on hold pending the HR policy.

- Code of Conduct Policy – on hold for prioritization.
- Policy on RME for the CWMP – on hold for CWMP discussion.
- Sale and Disposal of Town Property Policy - on hold for prioritization.
- Memorials - on hold for prioritization.
- Blight Bylaw - on hold for prioritization.

Chair Mastrangelo said that Ms. McCollem would like the Board to focus on the three policies that were established as goals on November 6<sup>th</sup>, and then prioritize the remaining policies.

**b. Revisions to Town Seal.**

Chair Mastrangelo said that the Historic Commission is interested in how the Select Board feels about revising the current Town seal. Peter Meier said that he brought it to the attention of the Bourne Historical Society to see how they felt about it. Mr. Meier talked about the current seal and said that it is not accurate, and it is long overdue to make the corrections. He said that they should give the Historical Commission a chance to see what they will come up with.

Melissa Ferretti said that regarding the seal, there are certain elements that are blatantly incorrect. She feels that the Historic Commission is probably the right committee to take on this task. She feels that there needs to be a lot of discussion and research done. She feels the residents should be able to share their opinions also. She does not feel that the indigenous perspective should be completely removed from it, and that maybe the canal could be added. She added that some dialogue about why the current seal is historically inaccurate is needed.

Chair Mastrangelo suggested that they do something like what the Town of Natick did, which was go to Town Meeting to have Town Meeting establish a town seal review committee. Jared MacDonald said that he feels that a lot of research needs to be done and the information should be brought to the public for their input based on the research of history.

**Voted:** Peter Meier moved, and Melissa Ferretti seconded to refer the discussion on changing the Town seal to the Bourne Historical Commission and have the Bourne Historical Commission report back to the Select Board with their findings and recommendations and process.

**Vote:** 5-0-0.

**12. Minutes**

None.

**13. Committee reports**

Mr. Meier said that on Thursday night the Affordable Housing Trust will be meeting with the Housing Partnership and the Planning Board for a joint meeting about the accessory dwelling bylaw.

#### 14. Correspondence

Anne-Marie Siroonian read aloud the correspondence for February 20<sup>th</sup>, 2024:

- Materials from Cape Light Compact's DPU 24-15 Energy Affordability meeting.
- Talent Bank Form – Richard Kantor.
- Upper Cape Tech minutes from 1.11.24.
- Buzzards Bay Action Committee update & grant information.

These are all on the Town's website.

#### 15. Future Agenda Items.

#### 16. Next meeting dates:

**February 27: Sewer Commissioners**  
**March 5 – no meeting – Election Day**  
**March 12 – Select Board**  
**March 19 – Select Board**

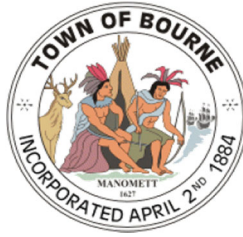
#### 17. Adjourn

**Voted:** Anne-Marie Siroonian moved, and Peter Meier seconded to adjourn.  
**Vote:** 5-0-0.

This meeting of the Bourne Select Board was adjourned at 8:20 PM.

Respectfully Submitted,  
Kim Johnson, Recording Secretary

*Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to [kthut@townofbourne.com](mailto:kthut@townofbourne.com) or call the Town Administrator's Office at 508-759-0600 x1503.*



## Select Board's Correspondence

March 12, 2024

- A. DEP letter – Fire Training Area 1 Lysimeter Work Plan
- B. 90 Adams St., Sagamore Boosters reconveyance
- C. Cape Cod Regional Pond Monitoring Program 2023
- D. Cape Cod Commission Developments of Regional Impact Funding
- E. Cape Cod Regional Pond Monitoring Program 2023 data
- F. J. Spinale – talent bank form – ZBA – Bylaw Committee
- G. Freshwater Initiative Stakeholder Engagement Process
- H. Steamship Authority Parking
- I. Conservation Notice to Abutters – 166 Wings Neck Rd. – Septic
- J. Letter re former AmeriGas leased property
- K. DEP Waterways application – pier and ramp at 394 Scraggy Neck
- L. DEP letter – CSE Phase 2 Ammunition Supply Point



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

February 27, 2024

Air Force Civil Engineer Center/JBCC  
Attn: Kimberly J. Gill  
Remediation Program Manager  
322 East Inner Road  
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**  
Release Tracking Number: 4-0000037  
Joint Base Cape Cod (JBCC)  
**Fire Training Area-1 Lysimeter Work Plan,**  
Comments

Dear Ms. Gill:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Air Force Civil Engineer Center (AFCEC) **“Fire Training Area-1 Lysimeter Work Plan”** dated August 2023 (Work Plan). The Work Plan was submitted by the AFCEC via email on November 29, 2023, in response to MassDEP comments dated November 29, 2023, issued for the document **“Draft Supplemental Remedial Investigation Report for 1,4-Dioxane and Per- and Polyfluoroalkyl Substances at Fire Training Area-1, Joint Base Cape Cod, Massachusetts”** dated April 2022 (the FTA-1 RI).

The Massachusetts Maximum Contaminant Level (MMCL) of 0.02 micrograms per liter ( $\mu\text{g/L}$ ) for the sum of the six PFAS concentrations (PFAS6) consisting of perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA) concentrations, was issued in October 2020, and is being used to define the extent of PFAS groundwater contamination at JBCC. The FTA-1 RI determined that PFAS6 concentrations in the FTA-1 source area soils represent an ongoing leaching threat to groundwater, resulting in a potential risk to future residents through a drinking water exposure pathway. The Work Plan presents an evaluation of soil, porewater, and groundwater contamination to determine a site-specific soil-to-groundwater screening level to be used for the evaluation of remedial alternatives for the FTA-1 site. This evaluation includes the collection of porewater, soil, and groundwater PFAS6 concentration and soil properties data to develop a site-specific soil screening value that represents a leaching threat to groundwater at concentrations above the PFAS6 MMCL of 0.02  $\mu\text{g/L}$ . Three lysimeters are proposed to be installed near three borings at the FTA-1 source area that had the highest PFAS6 soil concentrations and porewater samples would be collected from lysimeters representing porewater migrating down through the soil column. The results are proposed to be used to determine if the soil-to-groundwater screening level of 4  $\mu\text{g/kg}$ , used in the FTA-1 RI to define the extent of soil contamination at the FTA-1 source area should be revised based on site groundwater and porewater data. MassDEP offers the following comments on the Work Plan.

1. In the **“Revised Draft Remedial Investigation Report for Per- and Polyfluoroalkyl Substances at Tanker Truck Rollover Sites”** dated January 2023 (the Revised Draft TTRS RI), the AFCEC calculated soil-to-groundwater screening levels for PFAS6 for the Tanker Truck Rollover Sites and included the use of lysimeters for measuring PFAS6 in vadose zone porewater. Dilution attenuation factors (DAFs) were estimated by dividing the PFAS concentrations in porewater by the PFAS concentrations measured in groundwater. Although some of the DAFs of the target PFAS6 were *lower* (i.e., 8.1 for PFOS), the national default of 20 was recommended by the AFCEC to be used to establish the proposed soil screening level of 4 ug/Kg. MassDEP provided comments to the AFCEC dated August 24, 2023, on the DAF estimation and the approach used for derivation of soil screening values in the Revised Draft TTRS RI.

The Work Plan proposes a similar approach where site-specific DAFs for PFAS6 would be estimated by dividing the PFAS6 concentrations in pore water of the vadose zone by the PFAS6 concentrations measured in groundwater. The U.S. Environmental Protection Agency (EPA) soil-to-groundwater mass-limit model from Soil Screening Guidance (1996) would be used to calculate the soil screening values. While typical derivations of soil screening values assume an infinite source as a conservative measure, the proposed mass-limit model calculates screening levels based on the assumption that the entire mass of contamination leaches into groundwater over the exposure duration (EPA default=70 yrs.).

At FTA-1, the vadose zone is 55 ft. compared to 12ft. thickness at the Tanker Truck Rollover Sites. It is hypothesized that the increased thickness of the vadose zone at FTA-1 would help retain additional PFAS6 at the air-water interfaces due to sorption and that the increased retention would help attenuate PFAS6 migration to groundwater and result in lower PFAS6 concentrations in groundwater. Be advised that the increased thickness of the vadose zone at this location may slow the migration of PFAS6 from the source area to the groundwater, but it does not reduce the total mass of contamination and the potential for future impacts to groundwater.

The Work Plan proposes dual-chamber suction lysimeters to collect porewater samples from 3 locations (95BH4010, 95BH4014 and 95BH4019) where the highest concentrations of PFAS6 were detected in soils. The proposed dual chamber lysimeters can be used at greater depths by using a one-way valve between the two chambers. These lysimeters would be installed at a depth of approximately 40ft below ground surface (bgs) at the 3 locations. Porewater samples would be collected weekly over four weeks.

Soil samples are proposed to be collected during lysimeter installation to assess the variability of PFAS6 contamination in the vicinity of the lysimeter locations and compared to previously collected data. Groundwater vertical profile borings would be completed in the immediate vicinity of the lysimeter locations and groundwater samples would be collected at 10-ft. intervals from the water table to 120 ft. below the water table.

PFAS6 concentrations (i.e. 200 to 700 ng/L) above the MMCL have been detected in shallow groundwater samples from monitoring wells (i.e., 95DP4031, 95DP4032, 95DP4038, 95MW1306) located along the eastern perimeter of the FTA-1 source area where PFAS6 soil concentrations were detected at or near the proposed soil screening level of 4 ug/Kg. MassDEP recommends that lysimeters also be installed at locations at FTA-1 where PFAS6 soil concentrations have been detected at the proposed soil screening level to enable a determination of the variability of the PFAS6 DAF based upon the PFAS6 soil concentration. The FTA-1 RI indicates that there are several appropriate

locations in the FTA-1 source area to install lysimeters including: 95BH4028 (4.9 µg/Kg), 95BH4101 (4.1 µg/Kg), 95BH4101 (3.1 µg/Kg), 95BH4109 (4.8 µg/Kg), 95BH4110 (2.6 µg/Kg), and 95BH4111 (2.9 µg/Kg).

2. DAF estimations and number of Lysimeters:

The depth of placement of the lysimeters should correspond to the depths of maximum concentrations of each PFAS component. As proposed, the depths of the lysimeter locations (i.e., at 40ft. bgs) at the three locations do not match the depths where the maximum PFAS6 concentrations were detected at these locations. While a depth of 40ft bgs to install a lysimeter at location 95BH4014 is appropriate for PFOA, it is not appropriate for other PFAS6 chemicals. For example, at a depth of 42.5ft., at location 95BH4010, PFOS and PFNA were not detected. At this location, PFOA, PFHpA and PFHxS were detected at much lower concentrations (i.e., at less than 4.5 ug/Kg) compared to the maximum detected concentrations of these chemicals in the soil profile. Porewater collected at this depth using a lysimeter would have no detection of either PFOS or PFNA. Because DAF is calculated as a ratio of concentration of PFAS in the pore water to the concentration in groundwater, a DAF cannot be calculated for either PFOS or PFNA. For PFOA, PFHpA and PFHxS, depending on partitioning between soil, air and water in the interstitial spaces, these chemicals may not be detected in porewater or may be detected at low levels complicating the DAF estimation and thereby increasing uncertainty in such estimations.

The following table was prepared from data presented in Table 1, FTA-1 Source Area - PFAS Soil Results at Proposed Lysimeter Locations of the Work Plan and shows the locations and the depths where the maximum concentrations of PFAS6 were found. Data presented in the Table indicate the variation of mobility of individual chemicals of PFAS6 which is consistent with the chemistry of PFAS6. For PFOS, at location 95BH4010, the lysimeter should be close to the surface (i.e., 1.5 ft.) while for locations 95BH4014 and 95BH4019, the lysimeters should be placed at a depth of 15 ft. For PFOA, the depths at the lysimeter locations 95BH4010, 95BH4014 and 95BH4019 should be 15 ft., 37.5 ft and 27.5 ft. respectively. The data in the Table indicate that additional lysimeters should be installed at appropriate depths to measure all the PFAS6 components in porewater at each of the 3 locations.

**Depths & locations where highest PFAS6 concentrations were detected:**

	<b>95BH4010</b>	<b>95BH4014</b>	<b>95BH4019</b>
	bgs, in ft.	bgs, in ft.	bgs, in ft.
<b>PFOS</b>	1.5	15	15
<b>PFOA</b>	15	37.5	27.5
<b>PFHpA</b>	22.5	47.5	27.5
<b>PFHxS</b>	15	47.5	27.5
<b>PFNA</b>	6.5	15	15

3. Groundwater data to estimate DAFs:

Soil profiles at the three proposed lysimeter locations were characterized for PFAS6. The soil profiles show concentration gradients of PFAS6 with depth that are consistent with their chemistry. From

these concentration gradients, it is clear that some PFAS6, specifically PFOS and PFNA, have not yet migrated to groundwater at all the proposed locations. As discussed in the previous comment, concentrations of PFAS6 in porewater as well as in groundwater are needed to calculate a DAF at a location. Therefore, without a PFAS concentration in groundwater contributed by leaching from the three proposed locations, a meaningful DAF, specifically for PFOS or PFNA, cannot be calculated at these locations.

4. Characterization of PFAS6 in groundwater:

Additional data and clarity regarding groundwater concentrations of PFAS6, including PFOS, at the three locations where lysimeter placements are proposed, is necessary. A groundwater sample, collected at an indeterminate location (not clearly identified in the documents provided) was dominated by the presence of PFOS (i.e., up to 130 ug/L out of a total of 162 ug/L(J) for PFAS6). The location of this sample, as well as other groundwater sampling location(s), is not described in the Work Plan with respect to proximity to the proposed lysimeter locations. The presence of such a high concentration of PFOS in this sample is suggestive of substantial leaching of PFOS from soils in at least one site location. Groundwater samples collected for PFOS and other PFAS6 in the vicinity of all the proposed lysimeter locations is necessary to characterize ambient groundwater PFAS6 contamination and support the lysimeter locations. Additional site characterization and conceptual site model development should be conducted.

5. Comingling of PFAS in groundwater from leaching with ambient levels:

PFOA appears to have migrated to groundwater at two locations (i.e., 95BH4010 and 95BH4014) based on detection of PFOA concentrations in soil samples at a depth of approximately 52.5 ft. which is at or close to the water table. Although PFOA migrated to groundwater from these sources, a DAF estimation may still be complicated if the PFOA plume in groundwater under the source zone is commingled with other sources. For that scenario, additional analysis, including the use of predictive models, may be necessary to quantify the PFOA concentration in groundwater contributed by leaching.

6. Lysimeter porewater sampling:

During the proposed sampling period (i.e., winter), there may be low moisture levels in the subsurface because of lower infiltration and recharge due to snow accumulation. One sampling period is inadequate. Porewater collection from lysimeters should therefore span over seasons and include sampling during high rain periods to account for water infiltration and seasonal variability.

7. Relevance of leaching-based soil screening values at FTA-1:

Estimation of PFAS6 soil screening values based on leaching at FTA-1 should account for existing contaminant levels in groundwater. Currently, the PFAS6 levels exceed the MMCL by several orders of magnitude and therefore introducing additional contaminated leachate into groundwater would only exacerbate groundwater quality degradation. If PFAS6 contaminated leachate is allowed to impact the groundwater at FTA-1 in the future, for an effective solution, longer-term groundwater monitoring will be necessary. Remediation, where the mass removal of PFAS6 should at a minimum exceed the mass of PFAS6 contributed by leaching may also be necessary. Further, recent work by EPA, including the proposed EPA PFAS drinking water standards, which include lower MCLs for some PFAS6 and MCLs for additional PFAS, as well as recent updates and newly derived toxicity values for many PFAS, should be accounted for during development of any soil screening values.

Please incorporate this letter into the Administrative Record for Fire Training Area 1. If you have any questions regarding this matter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in black ink, appearing to read "Pinaud", enclosed within a circular outline.

Leonard J. Pinaud, Chief  
Federal Site Management  
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards  
Upper Cape Boards of Health  
JBCC Cleanup Team  
MassDEP Boston/Southeast Region

February 29, 2024

Bourne Select Board and  
Town Administrator, Marlene McCollem  
24 Perry Avenue  
Buzzards Bay, MA 02532

RE: 90 Adams Street, Sagamore, MA

Bourne Select Board and Marlene McCollem,

This letter is to inform you that the Sagamore Civic Booster Club no longer needs the parcel of land and wishes to convey it back to the Town of Bourne as per the conveyance authorized at the Annual Town Meeting held on February 11, 1957.

If you need anything further from me to start the process, please let me know.

Sincerely,



Mark J. McMahon  
President, Sagamore Booster Club

BOURNE BD OF SELECTMEN  
RCUD 2024 FEB 29 PM 12:49

34757

WE, HENRY MAIOLINI and ANDREW OLIVA, Surviving Trustees of the  
Sagamore Civic Boosters Association, a voluntary Association,  
of Bourne (Sagamore), Barnstable County, Massachusetts

being unmarried, for consideration paid, and in full consideration of ONE (\$1.00) DOLLAR-----

grants to SAGAMORE CIVIC BOOSTERS ASSOCIATION, INC., a Massachusetts  
non-profit corporation, of Adams Street, P. O. Box 1, Sagamore  
Bk (Town of Bourne), Barnstable County, with quitclaim covenants  
Massachusetts

~~the land~~

(Description and encumbrances, if any)

A triangular piece of land, with the buildings thereon, located  
in Sagamore, Town of Bourne, Barnstable County, Massachusetts, bounded  
and described as follows:

BOUNDED: Southeasterly: by Adams Street

Northeasterly: by land now or formerly of William H. Hannon,  
Jr. and Louise E. Hannon; and

Westerly: by the easterly line of the Mid-Cape Highway.

This conveyance is made with the reservation that if and when the  
grantee no longer needs this parcel of land, it will be reconveyed to  
the Town of Bourne for the consideration of One Dollar (\$1.00).

Being all and the same premises conveyed to us by deed of the  
Town of Bourne dated March 20, 1957 and recorded with the Barnstable  
County Registry of Deeds in Book 971, Page 317.

Witness our hand<sup>s</sup> and seal<sup>s</sup> this 4<sup>th</sup> day of December 1979.

Henry T. Maiolini  
HENRY MAIOLINI, TRUSTEE

Andrew Oliva  
ANDREW OLIVA, TRUSTEE

The Commonwealth of Massachusetts

Barnstable,

ss.

December 4, 1979

Then personally appeared the above named ANDREW OLIVA, one of the trustees as  
aforesaid  
and acknowledged the foregoing instrument to be the free act and deed, before me of the  
Trustees.

Robert W. Parady  
Notary Public — Justice of the Peace

My commission expires January

(\*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

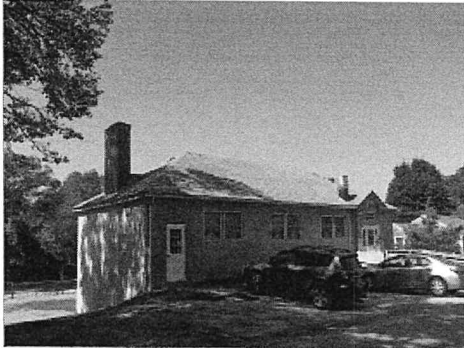
Every deed presented for record shall contain or have endorsed upon it the full name, residence and age of the grantor, and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration, and for a specific monetary sum. The full consideration shall mean the total price for the conveyance with encumbrances assumed by the grantor or remaining thereon. All such endorsements and recitals shall be in compliance with the requirements of this section. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed unless it is in compliance with the requirements of this section.

RECORDED DEC 13 1979

Key: 3175

## Town of Bourne - Fiscal Year 2024

1/23/2024 12:25 pm SEQ # 1

CURRENT OWNER										PARCEL ID				LOCATION				CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD					
SAGAMORE CIVIC BOOSTERS ATTN MARK J MCMAHON PO BOX 26 SAGAMORE, MA 02561-0026										17.2-7-0				90 ADAMS ST				3530	100	FRAT ORGANIZATIONS			1	1 of 1					
TRANSFER HISTORY										DOS	T	SALE PRICE		BK-PG (Certs)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%					
SAGAMORE CIVIC BOOSTERS										12/13/1979	F			1 3030-9		200324	05/30/2000	4	DETACH.STRUC	1,500	12/05/2000	EB	100	100					
																980344	06/22/1998	4	DETACH.STRUC	635	01/19/1999	JS	100	100					
																970410	08/18/1997	3	ALT/RENO	10,000	04/13/1998	JS	0	100					
CD	T	AC/SF/UN	Nbhd	Infl1	N Index	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE																	
103	S	20,000	C-2	1.00	100	1.00	100	1.00	387,175	1.48	A	1.00	45	0.85															
303	A	0.294	C-2	1.00	100	1.00	100	1.00	19,380	1.00	A	1.00	45	0.85															
TOTAL													32,801 SF		ZONING		FRNT		305		ASSESSED		CURRENT		PREVIOUS				
Nbhd		SO SAGAMORE		NOTE		LAND		269,200		258,900		BUILDING		55,000		79,600		DETACHED		4,300		11,500		OTHER		0		0	
Infl1		AVG				TOTAL		328,500		350,000																			
N Index		AVG																											
TY	QUAL	COND	DIM/NOTE		YB	UNITS	ADJ PRICE	RCNLD	PHOTO 09/25/2017																				
PAV	A	1.00	80	0.20		13,564	1.20	3,300																					
C05	A	1.00	80	0.20		168	9.10	300																					
SHF	A	1.00	80	0.20	2000	160	15.95	500																					
SHF	A	1.00	80	0.20	2 @ 5X7	70	16.90	200																					
BUILDING									CD	ADJ	DESC		MEASURE	9/25/2017	BC	BLDG COMMENTS													
MODEL									5		CIM-5		LIST	9/25/2017	EST	DEED RESTRICTION - PROPERTY MUST BE SOLD TO TOWN FOR \$1.00 IF NO LONGER WANTED BY ASSO; WHOLE BLDG.LEASED TO CAPE COD DEVELOPMENT PROGRAM INC "HEAD START, 2													
STYLE									71	1.10	CLUB/LODGE/HALL [100%		REVIEW	3/30/2023	RP														
QUALITY									A	1.00	AVERAGE [100%]																		
FRAME									2	1.00	MASONRY [100%]																		
YEAR BLT	1950	SIZE ADJ	1.000		ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	196,356											
NET AREA	3,609	DETAIL ADJ	1.024		FOUNDATION	4	FLR & WALL	1.00	A	BMU	N	BSMT UNF	1,800		18.40	33,120	CONDITION ELEM		CD										
\$NLA(RCN)	\$54	OVERALL	1.000		EXT. COVER	15	CC - BLOCK	0.98	A	BMF	L	BSMT FIN	1,800	1950	25.93	46,681	EXTERIOR		P										
CAPACITY					UNITS	ADJ	ROOF SHAPE	2	+	BAS	L	BASE AREA	1,809	1950	64.32	116,355	INTERIOR		P										
STORIES					1		ROOF COVER	1	C	PTA	N	PATIO	54		3.70	200	CDN/APP		P										
% HEATED					100		FLOOR COVER	1																					
% AIR COND					0		INT. FINISH	2																					
% SPINKLERS					0		HEATING/COOL	1																					
							FUEL SOURCE	2																					
							NAF	0																					
EFF.YR/AGE																	1948 / 74												
COND																	72 72 %												
FUNC																	0												
ECON																	0												
DEPR																	72 % GD 28												
RCNLD																	\$55,000												

**ROBERT S. TROY AND ASSOCIATES**  
ATTORNEYS AND COUNSELLORS AT LAW

90 ROUTE 6A • SANDWICH, MASSACHUSETTS 02563-1866 • 508-888-5700

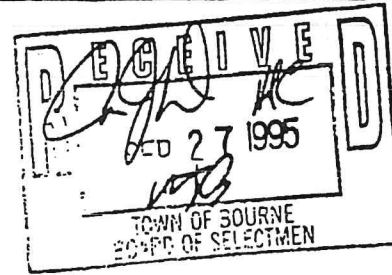
ROBERT S. TROY

TO: ROLAND J. DUPONT  
BOARD OF SELECTMEN

FROM: ROBERT S. TROY *RST*  
TOWN COUNSEL

DATE: SEPTEMBER 26, 1995

RE: SAGAMORE BOOSTER CLUB



I have researched the issues relating to the proposed reconveyance to the Town of the property previously deeded to the Sagamore Booster Club.

The deeds recorded at Book 971, Page 317 and at Book 3030, Page 009 each require that the property be reconveyed to the Town for \$1.00 at whatever time the grantee no longer had use for the property.

A conveyance of Town owned property requires Town Meeting action. However, this is land previously authorized by the Town Meeting to be conveyed. The deed contains a reversionary clause. No further Town Meeting action is required.

It is therefore my Opinion that the Board of Selectmen can authorize, by vote, the reconveyance of this property to the Town. When that happens, this office will prepare the necessary documents including a certificate indicating that the Sagamore Civic Association no longer has use of the property.

RST:geo

in the 1957 deed is not valid. Moreover, the 1957 Annual Town Meeting for the Town authorized the terms of the conveyance. The Grantees under the 1957 instrument subsequently conveyed the property to the Sagamore Civic Boosters Association, Inc., which currently owns the property. This deed is recorded at Barnstable County Registry of Deeds, Book 3030, Page 009. This instrument however appears to be merely a conveyance from an organization which was organized as a voluntary association to the same organization reorganized as a non-profit corporation. The language of the deed reflects this with the "Sagamore Civic Booster Association" being the Grantor and the "Sagamore Civic Booster Association, Inc." being the Grantee.

It is therefore my Opinion, that this deed did not transfer an interest in the real estate other than from a voluntary organization to the same owner as an incorporated entity.

The restriction contained in both deeds must be deemed to be legally effective as of March 15, 1957. That being so, the provisions of Massachusetts General Laws Chapter 184, Section 27 are operative. This statutory section imposes a life of fifty (50) years from the imposition of such a restriction. This would extend the life of the restriction until March 15, 2007.

It is my Opinion that the reservation and the restriction in the 1957 deed and again recited in the 1979 deed is valid up until March 15, 2007.

The second question is whether or not the building erected on the property by the Association can be removed prior to the re-conveyance to the Town. It should be noted that there is no mention of a building in the original 1957 grant of the triangular parcel of land. However, in the 1979 deed from the Association to the non-profit corporation, the building had apparently been erected. It is, therefore, clear that the building was not intended to be part of the original restriction or reservation.

Moreover, the language of the reservation makes reference to the need for "this parcel of land" and that the [parcel] will be "re-conveyed to the Town of Bourne" if and when the Grantee no longer needs the parcel. Reading this language together, it is, therefore, my Opinion, that the building erected by the Association may be legally removed prior to the re-conveyance to the Town.

Should you have any questions, please do not hesitate to contact me.

RST:geo



NOT AN OFFICIAL COPY 3038  
NOT AN OFFICIAL COPY 009  
NOT AN OFFICIAL COPY 34757  
NOT AN OFFICIAL COPY 34757  
MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 001

WE, HENRY MAIOLINI and ANDREW OLIVA, Surviving Trustees of the  
Sagamore Civic Boosters Association, a voluntary Association  
of Bourne (Sagamore, Barnstable County, Massachusetts  
being unmarried, for consideration paid, and in full consideration of ONE (\$1.00) DOLLAR-----

grants to SAGAMORE CIVIC BOOSTERS ASSOCIATION, INC., a Massachusetts  
non-profit corporation, of Adams Street, P. O. Box 1, Sagamore,  
\* (Town of Bourne), Barnstable County, Massachusetts with quitclaim instruments  
Massachusetts

XXXXXXXXXX

NOT AN (Description of Encumbrances, if any) AN AN AN  
A triangular piece of land, with the buildings thereon, located  
in Sagamore, Town of Bourne, Barnstable County, Massachusetts, bounded  
and described as follows:

BOUNDED: Southeastern: by Adams Street  
Northeastern: by land now or formerly of William H. Hannon,  
Jr. and Louise E. Hannon; and

Western: by the easterly line of the Mid-Cape Highway.

This conveyance is made with the reservation that if and when the  
grantee no longer needs this parcel of land, it will be reconveyed to  
the Town of Bourne for the consideration of One Dollar (\$1.00)

Being all and the same premises conveyed to us by deed of the  
Town of Bourne dated March 20, 1957 and recorded with the Barnstable  
County Registry of Deeds in Book 971, Page 317.

Witness our hand and seal this 4th day of December 1979.

HENRY MAIOLINI, TRUSTEE

ANDREW OLIVA, TRUSTEE

The Commonwealth of Massachusetts

Barnstable,

55.

December 4, 1979

## Kathleen Thut

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**From:** Julie Hambrook <jhambrook@apcc.org>  
**Sent:** Tuesday, February 27, 2024 9:34 AM  
**To:** Marlene McCollem  
**Cc:** Mary Jane Mastrangelo  
**Subject:** Cape Cod Regional Pond Monitoring Program 2023 pond water quality data for the Town of Bourne  
**Attachments:** Bourne\_Appendix\_A\_FieldData.xlsx; Bourne\_Appendix\_B\_InSitu\_Data.xlsx; Bourne\_Appendix\_C\_CCS\_LabResults.xlsx; Letter to Town of Bourne re CCRPMP year 1.pdf

Dear Marlene,

On behalf of the Cape Cod Commission and the Association to Preserve Cape Cod (APCC), we are pleased to share with you the data from our successful completion of year one of the Cape Cod Regional Pond Monitoring Program. There was a small typo in number of ponds (the same as last year) in my previous send, so I am resending the data and revised letter.

Please find attached our letter explaining the program and plans for 2024 as well as the data from 2023 in the Attachments:

Bourne\_Appendix\_A\_FieldData  
Bourne\_Appendix\_B\_In-SituData  
Bourne\_Appendix\_C\_CCS\_LabResults

We greatly appreciate your assistance with this regionally important monitoring program. If you have any questions, please feel free to reach out.

Julie

Julie Hambrook, Ph.D.  
Project Manager, Pond and Cyanobacteria Monitoring Programs  
Association to Preserve Cape Cod  
482 Main St., Dennis, MA 02638  
[jhambrook@apcc.org](mailto:jhambrook@apcc.org)  
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C: 617-599-2679  
[www.apcc.org](http://www.apcc.org)

*APCC is an equal opportunity provider and employer.*

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GIS ID	Monitoring I	Pond Nam Town	Time	Anch	Techniciar	Latitude o	Longitude	Cloud	Covi	Wind (sele	Air Tempe	Depth (m)	Secchi Ave	Time of Se	Wave Inte	Water Odc	Water Sm	Turbidity (	Water Coli	Did you hi	Did you hit bottom during Secchi profile?
BO212	04/19/23	Queen Sev Bourne	8:15	JT		41.75597	-70.6042	50		slight bree	10.95	7.1 4.3	8:25	average	none	N/A	slightly clo	green	no	no	
BO212	05/15/23	Queen Sev Bourne	08:02	JT		41.75605	-70.6039	20		calm	18.13	7.4 3.59	08:10	calm	none	N/A	slightly clo	brown	no	no	
BO212	06/01/23	Queen Sev Bourne	08:04	JT		41.75605	-70.6039	20		slight bree	20.65	7.1 3.38	08:10	average	none	N/A	slightly clo	green	no	no	
BO212	07/13/23	Queen Sev Bourne	07:55	JT		41.75605	-70.6039	20		windy	25.79	7.1 2.67	09:02	average	none	N/A	turbid	green	no	no	
BO212	08/01/23	Queen Sev Bourne	08:05	SMF		41.75592	-70.604	20-50		slight bree	22.86	7.1 2.52	09:10	calm	none	N/A	turbid	green	no	no	
BO212	09/04/23	Queen Sev Bourne	07:56	JT		41.75589	-70.6042	20		calm	25.15	6.7 1.6	09:01	still	none	N/A	turbid	green	no	no	
BO212	10/02/23	Queen Sev Bourne	08:22	JT		41.75596	-70.6041	20		windy	18.58	6.8 3.45	09:48	average	none	N/A	slightly clo	green	no	no	
BO212	11/13/23	Queen Sev Bourne	08:06	JT		41.75597	-70.6041	20		slight bree	6.12	6.8 4.03	09:41	calm	none	N/A	slightly clo	brown	no	no	

**Appendix A** contains field data recorded during the 2023 field season. Data is herein divided by pond and given under their respective tabs.

**Field data** was recorded on a data sheet by a volunteer. The information documented at each sampling event is given as a single row and includes the following:

- **Temporal data**
  - **Monitoring Date** = date of the sampling event
  - **Time Anchored** = time at which a position over the deepest point was secured
  - **Time of Secchi Reading** = time of first Secchi disk measurement
    - Two measurements are taken and averaged in the field; one time is given, as measurements are taken one after the other during the sampling event
- **Spatial data**
  - **Latitude/Longitude** = coordinates of position over deepest point
    - Coordinates vary across sampling events as the canoe will rotate to a wind direction-dependent position
  - **Depth** = total depth as determined remotely with a fish finder
    - Measured in **meters (m)**
- **Environmental data**
  - **Cloud Cover** <20%, 20-50%, >50%, 100%, light rain
    - Estimated by the technician and/or volunteer
  - **Wind Intensity** calm, slight breeze, windy
    - Estimated by the technician and/or volunteer
  - **Wave Intensity** still, calm, average, rough, stormy
    - Estimated by the technician and/or volunteer
  - **Air Temperature (°C)**
    - Determined with an **In-Situ Aqua TROLL multiparameter sonde**
- **Water data**
  - **Turbidity** clear, slightly cloudy, turbid, opaque, clumps
    - **Secchi Depth and Average** = averaged value of two Secchi measurements
  - **Water Color** clear, blue, green, brown, other
    - Estimated by the technician and/or volunteer
    - Based on appearance of water at the surface
  - **Water Odor** none, faint, medium, strong, smells like:
    - Odor detected at the surface
- **Other data**
  - **Whether field instruments hit bottom**
    - Includes data collected during the **In-Situ (sonde) profile** and the **Secchi profile**
    - Hitting bottom can impact the representativeness of instrument readings by disturbing the sediment

GIS ID	Monitoring	Pond	Nam	Town	Time	Anchor	Technician	Latitude of	Longitude	Cloud	Cove	Wind (sele	Air Tempe	Depth (m)	Secchi Ave	Time of Se	Wave Inter	Water Odc	Water Sm	Turbidity (	Water Col	Did you hit	Did you hit bottom during Secchi profile?
BO556	04/19/23	Flax Pond		Bourne	10:50	JT		41.68771	-70.595	20		slight bree	15.08	0.8 1.8	10:55	average	faint	Odor only	clear	green	no	yes	
BO556	05/15/23	Flax Pond		Bourne	10:55	JT		41.68778	-70.595	20		slight bree	22.88	1.8 1.85	11:00	calm	none	Odor deter	slightly clo	green	no	yes	
BO556	06/01/23	Flax Pond		Bourne	10:22	JT		41.68778	-70.595	20		windy	23.17	1.9 1.84	10:25	average	none	N/A	slightly clo	brown	no	yes	
BO556	07/13/23	Flax Pond		Bourne	10:15	JT		41.68778	-70.595	20		windy	27.4	1.6 1.57	10:17	average	faint	N/A	turbid	green	no	yes	
BO556	08/01/23	Flax Pond		Bourne	10:34	JT		41.68774	-70.595	20-50		slight bree	25.58	1.6 1.47	10:42	average	none	N/A	slightly clo	clear	no	yes	
BO556	09/04/23	Flax Pond		Bourne	10:10	JT		41.6878	-70.595	20		calm	29.44	1.7 1.74	10:14	still	none	N/A	clear	clear	no	yes	
BO556	10/02/23	Flax Pond		Bourne	11:01	JT		41.68769	-70.5951	20		windy	18.53	1.7 1.69	11:10	average	none	N/A	clear	clear	no	yes	

GIS ID	Monitoring Pond	Nam Town	Time Anch	Technician	Latitude of Longitude	Cloud Cove	Wind (sele Air Tempe	Depth (m)	Secchi Ave	Time of Se	Wave Inter	Water Odc	Water Smc	Turbidity (	Water Colc	Did you hit	Did you hit bottom during Secchi profile?
BO644	05/15/23	Red Brook Bourne	10:43	SMF	41.67762 -70.6099	20	slight bree 18.97	1.7 1.84	10:50	average	none	N/A	turbid	green	no	yes	
BO644	06/01/23	Red Brook Bourne	09:56	SMF	41.67775 -70.6108	20	calm 24.14	2.6 2.5	10:00	still	none	N/A	turbid	green	no	yes	
BO644	07/13/23	Red Brook Bourne	10:00	SMF	41.67781 -70.6109	20	slight bree 28.02	2.6 1.95	10:02	calm	none	N/A	slightly clo	green	no	no	
BO644	08/01/23	Red Brook Bourne	10:17	SMF	41.67784 -70.611	20	slight bree 24.24	2.3 2.45	10:20	calm	none	N/A	slightly clo	green	no	no	
BO644	09/04/23	Red Brook Bourne	10:09	SMF	41.67784 -70.611	20	slight bree 27.34	2.4 2.4	10:11	calm	none	N/A	slightly clo	green	no	yes	
BO644	10/02/23	Red Brook Bourne	09:42	SMF	41.67793 -70.6108	20	slight bree 19.4	2.3 2.15	10:20	average	none	N/A	slightly clo	brown	no	yes	

GIS ID	Date	Time	Depth (m)	Water Temp	Specific Cond	RDO Satur	RDO Conc	pH (pH)	Salinity (PSU)
BO556	04/19/23	11:03	0.5	16.04103	226.6755	99.37228	9.799777	7.176967	0.108102
BO556	04/19/23	11:05	0.8	16.06091	226.7526	99.78671	9.836669	7.188122	0.108142
BO556	04/19/23	11:06	1	16.06876	226.7947	99.82956	9.840285	7.163346	0.108163
BO556	04/19/23	11:07	1.6	16.06698	226.7412	100.79	9.934034	7.171522	0.108135
BO556	05/15/23	11:25	0.5	20.49025	232.0402	107.1432	9.70507	7.523386	0.110925
BO556	05/15/23	11:27	0.8	20.44902	232.136	106.9009	9.691724	7.554353	0.110971
BO556	05/15/23	11:28	1	20.41854	232.0196	106.9248	9.699986	7.586662	0.110909
BO556	05/15/23	11:31	1.3	20.26476	231.7919	109.5556	9.965173	7.871804	0.11108
BO556	06/01/23	10:35	0.5	22.5825	245.1358	105.818	9.196239	7.311856	0.117333
BO556	06/01/23	10:37	0.9	22.05124	244.7967	105.1109	9.228465	7.330478	0.117172
BO556	06/01/23	10:38	1	21.93621	244.5004	104.7435	9.216144	7.359512	0.117024
BO556	06/01/23	10:40	1.4	21.72594	244.6826	103.8557	9.176077	7.284553	0.117112
BO556	07/13/23	10:31	0.5	28.87099	258.713	97.44337	7.509481	7.121331	0.123758
BO556	07/13/23	10:36	0.6	28.95543	255.7207	96.25681	7.406268	7.006079	0.122291
BO556	07/13/23	10:38	1	28.88712	255.6572	96.64404	7.446325	7.01697	0.122264
BO556	07/13/23	10:40	1.1	28.83482	255.7544	94.9118	7.319935	6.962284	0.122314
BO556	08/01/23	10:56	0.5	26.89058	262.4885	77.10394	6.187968	6.719826	0.125708
BO556	08/01/23	11:01	0.6	26.86689	262.5192	76.82671	6.167264	6.687515	0.125724
BO556	08/01/23	10:58	1	26.73896	262.4765	74.63369	6.006621	6.664059	0.125709
BO556	08/01/23	11:03	1.1	26.65645	262.6101	73.31255	5.908611	6.627586	0.125778
BO556	09/04/23	10:23	0.5	24.0428	246.3913	90.08462	7.552671	6.68189	0.117927
BO556	09/04/23	10:25	1	23.78853	246.6655	87.65106	7.384255	6.57549	0.118068
BO556	09/04/23	10:26	1.2	23.61754	246.9637	86.81116	7.336327	6.539914	0.118215
BO556	10/02/23	11:29	0.5	17.12281	241.8569	89.43384	8.69014	6.682779	0.115579
BO556	10/02/23	11:32	0.7	17.12407	242.0569	89.24338	8.673581	6.714149	0.115677
BO556	10/02/23	11:35	1	16.69464	241.0511	86.22148	8.454775	6.665832	0.115156
BO556	10/02/23	11:41	1.2	16.67997	240.746	86.09548	8.445954	6.665936	0.115006
BO556	10/02/23	11:43	1.3	16.66232	240.7325	85.61312	8.401255	6.649526	0.114999
BO556	10/02/23	11:47	1.4	16.57235	240.0519	85.34984	8.391934	6.654792	0.114694
BO556	10/02/23	11:51	1.6	16.49302	239.9068	84.23579	8.296555	6.596342	0.114583

**Appendix B** contains water quality data collected during the 2023 field season. Data is herein divided by pond and given under their respective tabs. All data was collected from a canoe over the deepest point.

Data was captured using an **In-Situ Aqua TROLL 500 multiparameter sonde**. Readings were taken at the following intervals\*, with units given in meters (m):

- 0.5m below the surface
- 1m, 2m,...nm
- 1m above the bottom
- 0.5m above the bottom

\*For ponds under 1m in total depth, a single reading was taken at 0.5m.

\*Other factors, such as the canoe rotating into a slightly shallower position or additional assessments of stratification/turnover, may have determined the total number of interval-based readings.

\*The bottom, or total depth, was determined remotely with a fish finder.

The **water quality parameters** monitored during the 2023 field season, along with their respective **units of measurement**, are as follows:

- **Conductivity** = measure of ion/dissolved solid concentration in solution
  - **Specific Conductivity** = conductivity measurement standardized to 20 or 25°C
  - Measured in microSiemens per centimeter (**µS/cm**)
- **RDO** = Rugged Dissolved Oxygen optical technology – a measure of dissolved oxygen
  - **RDO Saturation** = extent to which a given volume of water is saturated with dissolved oxygen relative to the volume's temperature
    - Values exceeding 100% indicate an amount of dissolved oxygen greater than that associated with a volume of water 100% saturated with air rather than pure oxygen at the same temperature
  - **RDO Concentration** = amount of dissolved oxygen per unit volume
    - Measured in milligrams per liter (**mg/L**)
- **pH** = measure of the acidity/basicity of a solution
  - **Low pH** (<7.0) values indicate a more acidic solution
  - **High pH** (>7.0) values indicate a more basic solution
- **Salinity** = measure of salt concentration in solution
  - Measured in practical salinity units (**PSU**), equivalent to parts per thousand (ppt)

GIS ID	Date	Time	Depth (m)	Water Tem	Specific Co	RDO Satur	RDO Conce	pH (pH)	Salinity (PSU)
BO212	04/19/23	8:37	0.5	14.3885	65.96695	103.1173	10.55259	6.957345	0.030185
BO212	04/19/23	8:39	1	14.39914	65.93252	103.0645	10.54613	6.924562	0.030168
BO212	04/19/23	8:41	2	14.40269	65.96081	102.9102	10.53016	6.92065	0.030182
BO212	04/19/23	8:43	3	14.33671	65.91833	101.9903	10.45347	6.908459	0.03016
BO212	04/19/23	8:45	4	11.8691	65.83273	91.69229	9.930861	6.432483	0.03003
BO212	04/19/23	8:49	5	10.31046	66.27583	83.52698	9.376486	6.124392	0.030166
BO212	04/19/23	8:52	6	9.347649	67.23928	51.26539	5.888399	5.839637	0.030572
BO212	04/19/23	9:07	6.8	9.003703	68.06793	28.0894	3.25341	5.664311	0.030947
BO212	05/15/23	8:35	0.5	19.14977	67.69683	107.4287	10.03087	7.462804	0.031103
BO212	05/15/23	8:37	1	19.09935	67.78154	107.1343	10.01455	7.277111	0.031144
BO212	05/15/23	8:40	2	19.02936	67.81969	106.9136	10.00794	7.214032	0.031162
BO212	05/15/23	8:44	3	16.4362	66.8437	106.6326	10.52891	7.057505	0.030657
BO212	05/15/23	8:49	4	14.55093	67.44582	72.5704	7.460834	5.99858	0.030906
BO212	05/15/23	8:57	5	12.71667	68.00263	33.07796	3.542459	5.592988	0.031114
BO212	05/15/23	9:07	6	10.2701	71.02055	0.73625	0.083478	5.531878	0.032449
BO212	05/15/23	9:09	6.4	9.796873	80.02775	0	0	5.798909	0.036752
BO212	05/15/23	9:13	6.9	9.395896	86.29681	0	0	6.021722	0.03974
BO212	05/15/23	9:15	7	9.272832	91.01244	0	0	6.169964	0.041984
BO212	06/01/23	8:28	0.5	21.12649	69.53999	102.0361	9.159527	6.909679	0.032005
BO212	06/01/23	8:31	1	21.10986	69.50277	101.8351	9.12777	6.85258	0.031987
BO212	06/01/23	8:33	2	20.86342	69.42486	100.8299	9.083962	6.789928	0.031949
BO212	06/01/23	8:37	3	19.97598	69.56595	95.29261	8.736149	6.612372	0.032016
BO212	06/01/23	8:40	4	16.70822	69.43275	38.50191	3.77521	5.733391	0.031919
BO212	06/01/23	8:44	5	13.24904	69.42146	1.494062	0.157762	5.397799	0.031821
BO212	06/01/23	8:47	6	11.04538	81.57574	0	0	5.818115	0.037582
BO212	06/01/23	8:50	6.1	10.7469	81.62254	0	0	5.838667	0.037585
BO212	06/01/23	8:52	6.6	10.04154	91.65943	0	0	6.042948	0.042361
BO212	07/13/23	8:02	0.5	27.97036	74.18411	106.7005	8.368271	7.53376	0.034194
BO212	07/13/23	8:04	1	28.01763	74.04157	106.4689	8.342378	7.368492	0.034124
BO212	07/13/23	8:07	2	27.10674	72.49657	105.5333	8.404854	7.196548	0.033389
BO212	07/13/23	8:09	3	23.05098	72.95319	100.4599	8.631519	6.90235	0.033658
BO212	07/13/23	8:14	4	19.15583	74.01979	1.69682	0.157221	5.578673	0.034176
BO212	07/13/23	8:20	5	15.08675	72.58119	4.827792	0.483968	5.552336	0.03341
BO212	07/13/23	8:25	6	11.92734	85.99489	0	0	5.825195	0.039737
BO212	07/13/23	8:27	6.1	11.78909	88.92855	0	0	5.932316	0.041172
BO212	07/13/23	8:30	6.6	10.88126	117.4381	0	0	6.287792	0.054823
BO212	08/01/23	8:19	0.5	26.46343	73.24097	98.61987	7.98807	7.094421	0.033761
BO212	08/01/23	8:21	1	26.49847	73.20125	98.42218	7.967157	7.025128	0.033741
BO212	08/01/23	8:24	2	26.50952	73.05265	98.16384	7.946341	6.963429	0.033669
BO212	08/01/23	8:26	3	26.27717	73.04925	92.50645	7.520141	6.721541	0.03367
BO212	08/01/23	8:31	4	20.49529	73.92719	23.18262	2.101622	5.640049	0.034137
BO212	08/01/23	8:38	5	15.51838	73.73778	2.411719	0.241993	5.532755	0.033982
BO212	08/01/23	8:40	6	12.44351	84.49834	0	0	5.672472	0.039072
BO212	08/01/23	8:42	6.1	12.10352	100.023	0	0	5.897773	0.04654
BO212	08/01/23	8:45	6.6	11.07806	130.2682	0	0	6.305184	0.061009
BO212	09/04/23	8:16	0.5	23.6324	72.33072	106.5156	9.013553	7.691601	0.033351
BO212	09/04/23	8:19	1	23.52388	72.35973	106.3309	9.017699	7.559864	0.033366
BO212	09/04/23	8:26	2	23.3953	72.4042	104.4408	8.88025	7.318803	0.033389
BO212	09/04/23	8:28	3	22.85863	72.31149	101.1214	8.6861	7.106238	0.033347
BO212	09/04/23	8:33	4	22.46413	72.62548	85.36211	7.389713	6.483924	0.033502
BO212	09/04/23	8:37	5	18.09793	74.76039	2.461871	0.232372	5.617283	0.034526
BO212	09/04/23	8:40	5.7	14.78789	79.31032	0.090017	0.009109	5.565904	0.036662
BO212	09/04/23	8:44	6	13.58709	102.0696	0	0	5.7383	0.047616
BO212	09/04/23	8:46	6.2	12.79978	121.0733	0	0	6.018117	0.056734
BO212	10/02/23	8:39	0.5	17.62845	71.52128	81.85164	7.88142	6.402714	0.032947
BO212	10/02/23	8:43	1	17.61269	71.55556	81.60333	7.860525	6.277053	0.032963
BO212	10/02/23	8:47	2	17.62014	71.54462	81.34157	7.836137	6.257899	0.032958
BO212	10/02/23	8:51	3	17.60455	71.56113	81.15717	7.821551	6.310502	0.032966
BO212	10/02/23	8:54	4	17.60699	71.5627	80.50846	7.762323	6.309892	0.032967
BO212	10/02/23	8:56	5	17.51533	72.06272	70.88065	6.846031	6.227035	0.033208
BO212	10/02/23	9:08	5.8	17.06391	74.27888	26.05381	2.537429	5.91154	0.034278
BO212	10/02/23	9:12	6	16.86004	75.26739	8.566578	0.838939	5.83854	0.034753
BO212	10/02/23	9:20	6.3	15.18434	105.8084	0	0	6.046173	0.049498
BO212	11/13/23	8:30	0.5	9.983028	73.43414	84.24781	9.666446	6.839423	0.033593
BO212	11/13/23	8:32	1	10.08488	73.11926	83.41046	9.549088	6.519449	0.033448
BO212	11/13/23	8:35	2	10.09318	73.05191	82.76014	9.474543	6.544413	0.033417
BO212	11/13/23	8:40	3	10.09377	72.87601	82.62903	9.460325	6.315062	0.033332
BO212	11/13/23	8:44	4	10.08283	72.90092	82.60911	9.46089	6.397109	0.033343
BO212	11/13/23	8:47	5	10.06203	72.88463	82.44229	9.447453	6.408439	0.033334
BO212	11/13/23	8:50	5.8	10.01291	72.88673	82.58273	9.476252	6.486394	0.033332
BO212	11/13/23	8:52	6	10.01231	72.90472	82.56843	9.474571	6.459933	0.033326
BO212	11/13/23	8:55	6.3	9.965365	72.89069	82.03886	9.422946	6.481153	0.033331
BO212	11/13/23	9:01	6.6	9.962194	72.93562	81.74055	9.382289	6.299623	0.033352
BO212	11/13/23	9:02	6.7	9.968995	72.90092	81.63354	9.376483	6.455576	0.033336

GIS ID	Date	Time	Depth (m)	Water Temp	Specific Cond	RDO Satur	RDO Conc	pH (pH)	Salinity (PSU)
BO644	05/15/23	11:01	0.5	19.41805	183.2118	124.2713	11.51209	7.502147	0.087131
BO644	05/15/23	11:04	1	19.2107	183.4216	126.1603	11.738	7.389992	0.087238
BO644	05/15/23	11:08	0.7	19.3541	183.5034	125.6238	11.65689	7.345597	0.087272
BO644	05/15/23	11:12	1.2	18.42721	184.0065	130.7286	12.34824	7.298997	0.08749
BO644	06/01/23	10:11	0.5	20.99477	170.1506	123.5848	11.08139	7.301288	0.080856
BO644	06/01/23	10:14	1	20.4576	170.7251	127.2374	11.54262	7.174267	0.081085
BO644	06/01/23	10:16	1.6	19.78019	170.0858	130.8179	12.01931	7.099347	0.080766
BO644	06/01/23	10:17	2	19.49392	171.1379	133.0097	12.29314	6.918939	0.081271
BO644	06/01/23	10:19	2.1	19.37405	171.4358	131.1398	12.14903	6.771492	0.081413
BO644	07/13/23	10:17	0.5	26.76095	177.673	116.5333	9.323899	7.01125	0.084381
BO644	07/13/23	10:20	1	24.70315	184.8305	129.3263	10.77103	6.329359	0.087912
BO644	07/13/23	10:22	1.6	22.31502	180.5917	31.9045	2.886941	5.984256	0.085883
BO644	07/13/23	10:26	2.1	20.76121	213.5617	0.808056	0.072376	6.115457	0.101918
BO644	08/01/23	10:39	0.5	24.85867	187.4357	115.2108	9.596582	7.059211	0.089175
BO644	08/01/23	10:43	1	24.47413	187.4741	101.919	8.552052	6.56168	0.089202
BO644	08/01/23	10:45	1.3	24.25654	187.504	102.1413	8.605339	6.515188	0.089221
BO644	08/01/23	10:47	1.8	23.51483	191.305	20.80024	1.77719	5.957156	0.09108
BO644	09/04/23	10:22	0.5	22.86993	171.5353	120.9866	10.37634	7.039089	0.081492
BO644	09/04/23	10:25	1	21.96462	171.6646	118.7544	10.36694	6.800141	0.081548
BO644	09/04/23	10:27	1.4	21.113	172.017	116.7161	10.35893	6.563244	0.081718
BO644	09/04/23	10:28	1.9	20.63762	172.9773	99.00412	8.868919	6.237675	0.08218
BO644	10/02/23	9:52	0.5	16.40983	167.9252	91.21353	8.999429	6.772401	0.079604
BO644	10/02/23	9:54	1	16.14062	168.0576	87.88395	8.723045	6.665676	0.079653
BO644	10/02/23	9:57	1.3	16.02988	168.2612	87.18935	8.673079	6.579009	0.079746
BO644	10/02/23	10:00	1.8	16.02231	168.297	87.18629	8.677679	6.559174	0.079763
BO644	10/02/23	10:02	2	16.02313	168.3577	87.40956	8.700141	6.564021	0.079791
BO644	10/02/23	10:05	2.2	16.0362	168.6708	88.3091	8.787249	6.573292	0.079944

				Plant Pigments (ug/L)			Alkalinity (mg/L)		Dissolved Nutrients (uM)				Total Nutrients (uM)		Replicate	Time Stamp	Comments
Date	Month	GIS ID	Pond Name	Depth (m)	Chlorophyll	Pheophytin	pH	Alkalinity	Nitrate+Nit	OrthoPhos	Ammonium	TP	TN				
04/19/23	April	BO212	Queen Sev	0.50	3.58	1.11	5.97	6.06	2.69	0.08	1.23	0.78	30.50			9:25	
04/19/23	April	BO212	Queen Sev	6.10	1.90	1.66	5.83	6.04	5.15	0.13	3.71	0.69	30.80			9:30	
05/15/23	May	BO212	Queen Sev	0.50	7.05	3.85	6.03	6.52	0.06	0.10	0.62	0.59	27.20			9:24	
05/15/23	May	BO212	Queen Sev	6.40	7.68	2.79	5.89	8.39	0.98	0.38	11.71	2.03	41.00			9:35	
06/01/23	June	BO212	Queen Sev	0.50	3.51	1.20	6.03	6.58	0.10	0.08	0.45	0.72	28.60			8:59	
06/01/23	June	BO212	Queen Sev	6.10	17.51	10.00	5.79	7.79	0.07	0.33	0.21	1.45	31.30			9:06	
07/13/23	July	BO212	Queen Sev	0.50	12.76	2.04	6.09	6.63	0.09	0.10	0.70	0.69	39.40			8:39	
07/13/23	July	BO212	Queen Sev	6.10	70.64	3.13	5.90	8.49	0.08	0.16	0.13	1.29	40.70			8:45	
07/13/23	July	BO212	Queen Sev	6.10	85.18	BDL	5.93	9.13	0.09	0.17	0.56	1.41	39.70	Rep		8:50	
08/01/23	August	BO212	Queen Sev	0.50	10.13	1.71	6.06	6.61	BDL	0.05	0.22	0.92	35.10			8:55	
08/01/23	August	BO212	Queen Sev	6.10	53.31	1.76	5.90	8.78	BDL	0.07	0.26	2.42	58.20			9:01	
09/04/23	September	BO212	Queen Sev	0.50	13.70	2.93	6.39	7.07	0.05	0.07	0.21	0.70	37.70			8:51	
09/04/23	September	BO212	Queen Sev	5.70	82.34	13.74	5.89	9.20	0.06	0.06	0.32	2.19	61.20			8:55	
10/02/23	October	BO212	Queen Sev	0.50	8.73	3.13	6.16	6.65	1.26	0.34	4.73	0.68	36.10			9:31	
10/02/23	October	BO212	Queen Sev	5.80	2.92	2.71	5.83	7.02	1.28	0.28	8.02	0.57	36.60			9:39	
11/13/23	November	BO212	Queen Sev	0.50	10.53	4.37	5.83	6.60	2.67	0.13	6.37	0.86	37.40			9:09	
11/13/23	November	BO212	Queen Sev	5.80	6.91	4.29	5.81	6.72	2.72	0.12	6.39	0.70	37.50			9:16	
11/13/23	November	BO212	Queen Sev	5.80	7.26	4.97	5.81	6.66	2.72	0.14	5.97	0.72	37.00	Rep		9:22	

\***Field replicates**, indicated in the **Replicate** column, were collected for approximately 10% of all samples. Replicate samples are obtained by consecutively collecting two separate samples with the Van-Dorn sampler at the same depth by the same sampler.

Times at which water samples were collected in the field, as well as their corresponding depths, are given under the **Time Stamp** and **Depth (m)** columns, respectively.

The **water quality parameters** for which water samples were analyzed during the 2023 field season, along with their respective **units of measurement\***, are as follows:

- **Plant Pigments**
  - Measured in micrograms per liter ( $\mu\text{g/L}$ )
  - **Chlorophyll a**
  - **Phaeophytin**
- **Alkalinity**
  - Measured in milligrams per liter ( $\text{mg/L}$ )
  - Includes pH analysis in pH
- **Dissolved Nutrients**
  - Measured in micromolars ( $\mu\text{M}$ ), or molar concentration
  - **Nitrate+Nitrite**
  - **OrthoPhosphate**
  - **Ammonium**
- **Total Nutrients**
  - Measured in micromolars ( $\mu\text{M}$ )
  - **TN** = total nitrogen
  - **TP** = total phosphorus

\*Concentrations below instrument detection limit, denoted BDL, are given for a number of results.

Date	Month	GIS ID	Pond Name	Depth (m)	Plant Pigments (ug/L)		Alkalinity (mg/L)		Dissolved Nutrients (uM)			Total Nutrients (uM)			Replicate	Time Stamp	Comments
					Chlorophyll	Pheophytin	pH	Alkalinity	Nitrate+Ni	OrthoPhos	Ammonium	TP	TN				
04/19/23	April	BO556	Flax	0.50	0.41	0.16	6.08	9.94	9.15	BDL	1.24	0.32	32.50			11:18	
04/19/23	April	BO556	Flax	0.80	0.41	0.17	6.08	9.88	9.24	0.05	1.26	0.26	32.30			11:23	
05/15/23	May	BO556	Flax	0.50	0.81	0.53	6.17	10.47	2.28	0.07	1.58	0.30	32.60			11:38	
05/15/23	May	BO556	Flax	0.80	0.77	0.42	6.22	10.60	2.24	0.06	1.55	0.38	30.80			11:48	
06/01/23	June	BO556	Flax	0.50	1.78	0.31	6.08	10.79	0.30	BDL	0.70	0.33	34.80			10:46	
06/01/23	June	BO556	Flax	0.50	1.81	0.30	6.11	10.77	0.30	BDL	0.96	0.37	34.60	Rep		10:54	
06/01/23	June	BO556	Flax	0.90	1.96	0.40	6.12	10.81	0.33	BDL	0.84	0.51	41.50			10:56	
07/13/23	July	BO556	Flax	0.50	5.54	1.20	6.16	11.72	0.09	BDL	0.57	0.34	44.10			10:47	
07/13/23	July	BO556	Flax	0.60	4.55	0.36	6.18	12.08	0.10	BDL	0.62	0.34	40.90			10:52	
08/01/23	August	BO556	Flax	0.50	1.77	0.43	6.10	11.13	0.17	BDL	0.53	0.25	38.70			11:10	
08/01/23	August	BO556	Flax	0.60	1.75	0.48	6.11	11.07	0.17	BDL	0.51	0.41	38.90			11:15	
09/04/23	September	BO556	Flax	0.50	1.03	0.34	6.06	9.62	0.18	0.46	1.59	0.22	35.70			10:31	
09/04/23	September	BO556	Flax	0.70	1.01	0.39	6.06	9.65	0.19	0.05	0.47	0.20	35.60			10:37	
10/02/23	October	BO556	Flax	0.50	0.94	0.54	5.97	8.66	0.77	BDL	0.30	0.18	28.90			11:56	
10/02/23	October	BO556	Flax	0.50	1.06	0.59	5.97	8.72	0.77	BDL	0.34	0.15	28.60	Rep		12:01	

Date	Month	GIS ID	Pond Nam	Depth (m)	Plant Pigments (ug/L)		Alkalinity (mg/L)		Dissolved Nutrients (uM)			Total Nutrients (uM)		Replicate	Time Stamp	Comments
					Chlorophyll	Pheophytin	pH	Alkalinity	Nitrate+Ni	OrthoPhos	Ammonium	TP	TN			
05/15/23	May	BO644	Red Brook	0.50	2.84	1.38	6.22	13.11	0.30	0.07	0.79	0.48	18.10	Rep		11:18
05/15/23	May	BO644	Red Brook	0.50	2.94	2.14	6.22	13.00	0.31	0.07	0.78	0.58	18.50			11:20
05/15/23	May	BO644	Red Brook	0.70	2.60	2.64	5.91	12.95	0.33	0.10	0.87	0.52	18.70			11:26
06/01/23	June	BO644	Red Brook	0.50	3.77	1.07	6.10	12.60	0.49	0.09	0.59	0.62	20.00			10:23
06/01/23	June	BO644	Red Brook	1.60	2.75	2.70	6.08	12.53	0.15	0.10	0.65	0.52	18.20			10:30
07/13/23	July	BO644	Red Brook	0.50	5.75	1.15	6.11	12.66	0.11	0.09	0.53	0.64	23.90			10:36
07/13/23	July	BO644	Red Brook	1.60	30.12	8.94	6.04	16.31	0.26	0.14	7.37	1.88	53.30			10:41
08/01/23	August	BO644	Red Brook	0.50	9.42	1.06	6.04	12.76	0.06	0.05	0.48	0.87	24.30			10:54
08/01/23	August	BO644	Red Brook	1.30	11.00	2.74	6.09	12.87	0.05	0.08	0.32	0.97	22.00			11:02
09/04/23	September	BO644	Red Brook	0.50	7.58	2.57	6.09	12.03	0.10	0.07	0.26	0.40	15.50			10:33
09/04/23	September	BO644	Red Brook	1.40	8.53	2.84	6.10	13.89	0.07	0.09	0.38	0.45	17.30			10:38
09/04/23	September	BO644	Red Brook	1.40	7.67	2.20	6.12	11.97	0.06	BDL	0.30	0.42	15.90	Rep		10:46
10/02/23	October	BO644	Red Brook	0.50	2.03	2.12	6.00	12.52	5.37	0.06	3.39	0.24	16.90			10:10
10/02/23	October	BO644	Red Brook	1.30	1.77	2.14	6.03	11.58	4.28	0.07	2.73	0.20	17.70			10:17

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BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)



February 5, 2024

Board of Selectmen  
Marlene McCollem, Town Administrator  
Town of Bourne  
24 Perry Avenue  
Bourne, MA 02532

BOURNE BD OF SELECTMEN  
RCVD 2024 FEB 20 PM 11:57

Dear Selectmen and Ms. McCollem:

The Cape Cod Commission, through its review of Developments of Regional Impact (DRIs), can allow and/or require applicants to mitigate some of their projects' impacts through cash payments. The DRI decisions specify the activities for which the town may use the mitigation funds, such as to provide for open space or traffic improvements. In the case of Bourne, \$757,276 has been provided and \$249,370 is currently available for various purposes. Please see the enclosed list.

Commission staff would welcome an opportunity to assist you in utilizing these funds. Typically, after an initial assessment to determine if funds can be used for a particular purpose, a scope of work is developed, a Memorandum of Agreement is executed, and funds are provided to the Town on a reimbursement basis.

Please let me know if you have any questions or wish to utilize any of the available funds.

Sincerely,

Kristy Senatori  
Executive Director

Cc: Jennifer Copeland  
Stephen Mealy



Bourne Mitigation Funds

<u>Project</u>	<u>Released</u>	<u>Available 1/1/24</u>	<u>Purpose</u>
Adventure Isle	57,333 61,657 352 9,900	51,913	1/28/09 MOA Town of Bourne/Main Street Streetscape project 1/20/16 MOA/Buzzards Bay Wastewater 6/23/10 MOA - Little Sandy Pond Road project 10/3/2019 - Barlows Landing Road Intersection alternatives to automobile travel
Bourne Waste Mgmt Facility	8,343		1/20/16 MOA/Buzzards Bay Wastewater
Cape Sagamore Highlands	94,540 40,000 40,000 147,000	38,233	12/6/06 MOA w/Housing Authority/73 Adams Street 5/13/09 MOA Town of Bourne/Housing GAP Adjustment & Housing Opportunity Purchase Program 1/20/16 MOA/Buzzards Bay Wastewater Pilgrim Pines housing/Bourne Affordable Housing Trust affordable housing
Cliffside	134,253		affordable housing: \$133,705.94 to Town of Bourne; \$546.76 to Housing Authority/ 5/26/04 MOA/73 Adams Street
Hillcrest Farms	18,451 3,500 3,703 25,460		affordable housing: 1/30/02 MOA Town of Bourne/Shearwater Drive 9/13/06 MOA w/Housing Authority/73 Adams Street 5/26/04 MOA w/Housing Authority/73 Adams Street 12/6/06 MOA w/Housing Authority/73 Adams Street
Nightingale Pond	7,500 2,062		1999 Scenic Highway study - Louis Berger Associates 6/23/10 MOA - Little Sandy Pond Road project
Subaru New England	74,400 1,309		6/11/03 MOA Town of Bourne/Main Street Streetscape (Buzzards Bay Sidewalk Project) 1/28/09 MOA Town of Bourne/Main Street Streetscape project
South Cape Village-Mashpee	19,927 7,586		6/9/10 MOA Town of Bourne/Access Drive 6/23/10 MOA - Little Sandy Pond Road project
Paesano Office Building	-	91,253	nitrogen reduction initiatives in Back River Watershed
Convention Data Services	-	17,319	affordable housing
Atlantic Subaru		\$ 17,349 \$ 1,682 \$ 31,620	alternate modes to automobile travel congestion mitigation or alternates modes of travel open space
	\$ 757,276	\$ 249,370	



VIA EMAIL TO: [mmccollem@townofbourne.com](mailto:mmccollem@townofbourne.com)

February 27, 2024

Marlene McCollem, Town Administrator  
Town of Bourne  
24 Perry Avenue  
Buzzards Bay, MA 02532-3441

Re: Cape Cod Regional Pond Monitoring Program 2023 pond water quality data for the Town of Bourne

Dear Marlene,

On behalf of the Cape Cod Commission and the Association to Preserve Cape Cod (APCC), we are pleased to share with you the data from our successful completion of year one of the Cape Cod Regional Pond Monitoring Program. As you know, this 3-year program was established under the Freshwater Initiative in order to collect regionally consistent data for the purpose of evaluating the effects of land use and climate change on pond water quality, and to inform development of pond restoration and mitigation strategies.

In late 2022 the Commission contracted with APCC to conduct pond monitoring. In 2023 APCC monitored water quality in three ponds in Bourne: Queen Sewell Pond, Flax Pond, and Red Brook Pond. Data were collected monthly from the deepest location in each pond from April through October 2023. Monitoring was conducted according to an EPA-approved Quality Assurance Project Plan (QAPP) which ensures that data are of high quality and useable for the intended purposes (see below). The raw data from this year's monitoring are provided in the attached Appendices A, B, and C.

Water quality data from the Regional Pond Monitoring Program is incorporated into the Commission's regional water quality database. Combined with historical pond monitoring data already in the regional database, data from the Regional Pond Monitoring Program supports regional scale analysis of pond water quality trends, and development of a publicly accessible web portal for visualizing and analyzing pond data. Both of these efforts are under way and expected in 2024.

The benefits of the Regional Pond Monitoring Program to Cape Cod include collection of water quality data of assured quality at a frequency to observe changes throughout the growing season, comparability of data across the region, acceptance of monitoring data and results by state and federal agencies that require a QAPP in order to fund and support local water quality monitoring programs, and enhanced ability to use water quality data to inform the public and

decisionmakers regarding the need for pond protection and restoration.

APCC and the Commission have commenced planning for the 2024 monitoring season. In 2024, the same three ponds will be monitored. Monthly monitoring has provided us with a better understanding of how the structure of ponds changes throughout the year, in particular which ponds experience thermal stratification and when that stratification occurs. In 2024 we will be expanding the monitoring season to include March and November to better capture pond water quality before pond stratification occurs in the spring and after ponds have “turned over” (i.e., become thoroughly mixed) in the fall. Each pond is unique, and although we would ideally monitor all 50 ponds in March and November, we anticipate that weather and safety for our volunteers will limit our monitoring during those months, so we have prioritized the ponds that were already stratified when sampled in April 2023 and/or were still stratified during October 2023 monitoring. In Bourne, this includes Queen Sewell Pond.

APCC will send a separate request to the appropriate town department for permission to place a buoy at the deepest location in the pond to facilitate monitoring at the same location each month and to minimize disturbance of the pond bottom. In addition, APCC will also send a request to the appropriate town department regarding ponds where parking permits are required for access. Please feel free to advise us as to the appropriate town departments and staff for these requests.

We greatly appreciate your assistance with this regionally important monitoring program. If you have any questions, please feel free to reach out.

Sincerely,



Kristy Senatori  
Executive Director, Cape Cod Commission

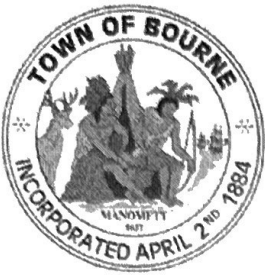


Andrew Gottlieb  
Executive Director, Association to Preserve Cape Cod

Julie Hambrook, Ph.D.  
APCC Project Manager, Pond and Cyanobacteria Monitoring Programs

Attachments:  
Bourne\_Appendix\_A\_FieldData  
Bourne\_Appendix\_B\_In-SituData  
Bourne\_Appendix\_C\_CCS\_LabResults

AG/JH/KS



# Town of Bourne



www.townofbourne.com



24 Perry Ave, Bourne, MA 02532



## TALENT BANK FORM

*The success of any local government depends largely on the participation of its citizen volunteers*

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Name: **Joseph Spinale**

Address: [REDACTED]

Village: **Gray Gables**

Telephone: [REDACTED] [REDACTED]

Occupation: **Attorney**

Please list in order of preference which committee(s) you are interested in:

**Board of Appeals**

**By-Laws Committee**

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications:

I have been a practicing attorney in Massachusetts since 1986 and have experience in the work of both positions applied for during the course of my work.

I believe that I could serve on both the Board of Appeals and By-Laws Committee given the time commitments stated in the online description.

**From:** [Michele White](#)  
**To:** [Stephanie Fitch](#); [Christopher Southwood](#); [Jennifer Copeland](#); [Mary Jane Mastrangelo](#); [Marlene McCollem](#)  
**Cc:** [Kristy Senatori](#); [Erin Perry](#); [Heather McElroy](#)  
**Subject:** Freshwater Initiative Stakeholder Engagement Process  
**Date:** Monday, March 4, 2024 9:34:36 AM  
**Attachments:** [image001.png](#)

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Good Morning,

I am reaching out to invite you to participate in the [Freshwater Initiative](#), an information-driven planning process to enable action to protect and restore Cape Cod's ponds and lakes. The Commission is seeking input from a broad range of perspectives, including municipal representatives, environmental and pond-specific organizations, civic groups, the business community and other interested citizens. For municipal representatives, we are reaching out to town managers and administrators, select board chairs, town planners, conservation agents, and natural resources staff in each town. We invite each of you to participate as appropriate for your town. If there are other municipal representatives we should engage, please feel free to share this invitation with them.

Through the Freshwater Initiative, the Cape Cod Commission and its partners are in the process of completing an analysis of available monitoring data, assessing the overall health of Cape Cod's ponds and lakes, identifying regional trends in water quality, and evaluating the impact of these critical resources on the region's economy. In addition, Commission staff are also developing a comprehensive database of strategies that could be considered to protect and restore Cape Cod ponds. Through the stakeholder process, the Commission will, in part, gather input on key recommendations and strategies to promote pond health.

On Cape Cod, ponds and lakes are heavily influenced by groundwater. As such, stakeholders are being organized into 3 working groups based on regional groundwater lenses. It is anticipated that each group will meet three times between March and June 2024. The **Sagamore Lens group** is tentatively scheduled to meet at the following times:

**March 19, 2024 from 9-10:30am**


**April 23, 2024 from 9-10:30am**

**June 4, 2024 from 9-10:30am**

The first meeting is scheduled to be held in the **MaryPat Flynn Conference Room at the Barnstable County Complex**. Other meetings may be scheduled at a more central location for all stakeholders within the Sagamore Lens.

A calendar invitation for the first meeting will follow this email. Please let us know if you will be able to participate and whether you can attend each of the meetings identified above.

Sincerely,

	<p><b>Michele White</b> Special Projects Coordinator Cape Cod Commission 508-744-1247 <a href="mailto:michele.white@capecodcommission.org">michele.white@capecodcommission.org</a></p>
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## Kathleen Thut

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**From:** Contact form at bournema <cmsmailer@civicplus.com>  
**Sent:** Monday, February 26, 2024 3:51 PM  
**To:** Marlene McCollem  
**Subject:** [bournema] Bourne may be interested in SSA parking burden (Sent by Nat Trumbull, [REDACTED])

Hello mmccollem,

Nat Trumbull [REDACTED] has sent you a message via your contact form (<https://www.townofbourne.com/user/7206/contact>) at bournema.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofbourne.com/user/7206/edit>.

Message:

The Town of Bourne may be interested in learning more about the Steamship Authority's parking burden on the Town of Bourne and the SSA's recent advisory letter request to the MEPA Office. There is an opportunity for comment from the Town of Bourne.

Please see the attached comments. Thank you. Sincerely,  
Nat Trumbull



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

Maura T. Healey  
GOVERNOR

Kimberley Driscoll  
LIEUTENANT GOVERNOR

Rebecca L. Tepper  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1081  
<http://www.mass.gov/eea>

June 15, 2023

By E-mail

Nathaniel Trumbull  
SMART Citizens Task Force  
11 Church Street  
Woods Hole, MA 02543  
E-mail: [smartcitizenstaskforce@gmail.com](mailto:smartcitizenstaskforce@gmail.com)

Re: Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (SSA)

Dear Mr. Trumbull:

On behalf of Secretary Rebecca Tepper, I write to respond to your letter of February 26, 2023 ("February 26 letter"), in which you requested reconsideration of a prior advisory ruling issued by this Office on February 24, 2023 (and corrected on February 27, 2023) (the "February 24 ruling") in relation to operations of Woods Hole, Martha's Vineyard and Nantucket Steamship Authority.<sup>1</sup> The February 26 letter was sent on behalf of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force. At your request, further consultation was conducted with the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority ("SSA" or "the Authority"), SMART, and this Office on March 30, 2023. Supplemental information was provided by SSA on March 8 and April 21, 2023, and a response from you was sent on May 21, 2023. Your letter also required consultation with the Massachusetts Department of Transportation (MassDOT).

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<sup>1</sup> After issuing the advisory ruling on February 24, 2023, I received your February 26 letter noting two technical errors, namely, the reference to SSA (not SMART) in connection with the input from Mr. Edward DeWitt and an erroneous reference to inches (not feet) in footnote 4. These errors were corrected prior to publication in MEPA's Recent Decisions webpage (<https://eeaonline.eea.state.ma.us/EEA/MEPA-eMonitor/recentDecisions>) on February 27, 2023; the ruling also appeared in the March 8, 2023 Environmental Monitor (<https://eeaonline.eea.state.ma.us/EEA/MEPA-eMonitor/home>). Your February 26 letter included a request that I withdraw this advisory ruling in light of additional facts; your letter was treated as a request for reconsideration, to which this ruling responds.

### Background

Your February 26 letter continues to seek a ruling that certain operations of the SSA are subject to review under the Massachusetts Environmental Policy Act (“MEPA”) and implementing regulations at 301 CMR 11.00.

As indicated in prior correspondence from you dated November 27, 2022 (the “November 27 letter”), you have asserted that SSA operations “have grown to be a public nuisance in the form of excessive noise, traffic volume, pollution, and threats to public safety.” While the SSA operates ferry service between Woods Hole and Martha’s Vineyard, and between Hyannis and Nantucket, your letter indicated concern with the former route. The November 27 letter stated that SMART has advocated for the opening of an “off-Cape freight port” to transport provisions, supplies, and fuel to Martha’s Vineyard and Nantucket (collectively, “the Islands”), and made note of Executive Order 425 (2000), which created a task force to study the potential for expanding ferry service from off-Cape locations such as New Bedford. The task force produced a report with recommendations in 2001.<sup>2</sup>

The November 27 letter asserted that SSA has made certain operational changes since 2001, which have increased traffic along a six-mile long SSA ferry corridor in Falmouth. Such changes included lengthening/widening vessels to carry more passengers and vehicles, replacing smaller ferries with larger ferries, and expanding off-site parking availability. However, as indicated in the February 24 ruling, the statistics provided with your November 27 letter failed to demonstrate that SSA’s operational changes have resulted in an increase in average daily trips (adt) corresponding to any MEPA review thresholds, including those in 301 CMR 11.03(6) (Transportation).

Your February 26 letter continues to assert that SSA’s operations have resulted in traffic increases that exceed MEPA review thresholds, noting, in particular, traffic counts performed at certain roadway segments in the vicinity of the SSA ferry terminal. Your letter also discusses changes in parking availability at off-site lots. In its March 8, 2023 response, the SSA indicated that parking improvements implemented by the Authority were previously reviewed by MEPA (EEA #14559), and received a Certificate on a Final Environmental Impact Report (FEIR) on October 28, 2011. However, the SSA acknowledged during the March 30, 2023 consultation meeting that the use of the Cataumet Lot continued after completion of the 2011 MEPA review, and provided more details about use of the lot in supplemental information provided on April 21, 2023.

### Determination

MEPA review is required if there is “Agency Action” for a Project, and one or more review thresholds in 301 CMR 11.03 are triggered. See 301 CMR 11.01(2)(a)-(b). As defined in 301 CMR 11.02, “Agency Action” consists of either an Agency directly undertaking a Project, or, if the Project is undertaken by a Person, any action that “grants a Permit, provides Financial Assistance, or closes a Land Transfer.” MEPA jurisdiction is broad (or “full scope”) when a Project is undertaken by an Agency or involves Financial Assistance. 301 CMR 11.01(2)(a).

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<sup>2</sup> <https://smartmassachusetts.files.wordpress.com/2017/11/2001-task-force-report.pdf>

As previously stated in the February 24 ruling, while the SSA acknowledges that it is an “Agency” under MEPA, prior correspondence from you failed to demonstrate that SSA’s operations have resulted in an increase in adt that exceeds applicable MEPA review thresholds at 301 CMR 11.03(6)(a)6. and 11.03(6)(b)13. & 14. While your February 26 letter provides traffic counts at certain roadway segments, it provides no information to demonstrate that the increase in traffic at those locations is attributable to operations of the SSA. Your May 21 response continues to assert that actions taken by SSA to increase capacity of the ferry terminal should be considered a form of “induced demand” for new vehicular traffic. However, correspondence with MassDOT confirms that ferry terminal operations are not associated with standard “land use code” (LUCs) that provide trip generation estimates by land use types. And, in any event, the actions challenged here amount to modest changes to schedules and vessel sizes, and do not alter the overall capacity of the terminal as a whole.

With regard to parking, MEPA review thresholds acknowledge that an increase in parking may result in potential environmental impacts. For this reason, SSA’s prior parking proposal was reviewed by MEPA (EEA #14559), as it exceeded mandatory EIR thresholds at 301 CMR 11.03(1)(a)2.: *creation of 10 or more acres of impervious area* and 11.03(6)(a)7.: *construction of 1,000 or more New parking spaces at a single location*. The SSA has acknowledged that it has continued its use of the Cataumet Lot since 2011, notwithstanding indications to the contrary in the FEIR Certificate for EEA #14559. While SSA’s April 21 response states that use of the lot was limited to the summer months and has been suspended since 2019, it notes that the lot has a total capacity of 900 spaces and that SSA renewed its lease for the space in 2019. Under these circumstances, I find that SSA’s continued use of the Cataumet Lot is a material change to the project reviewed under EEA #14559, and requires the filing of a Notice of Project Change (NPC). Under amended 301 CMR 11.10(6) effective January 6, 2023, the SSA may request an advisory opinion under 301 CMR 11.01(6) that a project change is insignificant in terms of its environmental consequences, such that an NPC filing would not serve the purpose of MEPA review and should not be required. The Secretary retains discretion to publish any such request for advisory ruling for public comment.

\* \* \* \* \*

Based on the foregoing, the SSA is directed to file an NPC or request for advisory ruling to disclose the environmental impacts associated with changes to SSA’s utilization of parking lots since issuance of the FEIR Certificate for EEA #14559. The filing should discuss the use of the Cataumet Lot and any other surrounding parking lots by the SSA since 2011, as well as any future plans for use. To the extent SSA intends to make reduced use of any lots to support ferry operations (for instance, on a seasonal basis), it should specify the means by which any such reduced use would be enforced or verified, identify any traffic impacts that would result from such use including through a revised traffic study conducted in consultation with MassDOT and/or other local transportation officials, and describe any mitigation measures that may be warranted. Consistent with the FEIR Certificate for EEA #14559, the SSA should confirm that it has no plans for future development on Parcels 2 and 4, and should provide an update on its usage of Lot 10 for parking.

Aside from the requirement to file an NPC or request for advisory ruling, I hereby affirm my prior ruling that MEPA review is not required for any of the operational changes (except parking utilization) identified by your November 27 and February 26 letters because, while there is Agency Action, the changes identified do not meet or exceed any MEPA review thresholds. As previously noted,

traffic impacts are also well within the scope of impacts that were foreseen when the 1998 amendments to 301 CMR 11.00 were promulgated; accordingly, fail-safe review does not appear to be warranted under 301 CMR 11.04(1)(b)1.

If you have any questions regarding this determination, please contact the MEPA Office at [MEPA@mass.gov](mailto:MEPA@mass.gov).

Sincerely,

/s/ *Tori T. Kim*

Tori T. Kim

Assistant Secretary

cc: Terence G. Kenneally, SSA General Counsel



## **Re: Steamship Authority Needs to Properly Account for Parking Operations**

February 25, 2024

Dear Assistant Secretary Kim,

The tone and tenor of the Steamship Authority's January 18, 2024 letter is that 1) the Authority is the best judge of its environmental impacts, 2) it is a waste of time for MEPA to review its actions particularly related to parking, and 3) MEPA thresholds do not apply to the Authority. There is no apology for claiming the same mitigation (abandonment of certain parking lots) for multiple projects and never carrying out the mitigation (abandonment). There is no explanation why the Authority failed to notify MEPA of its change in mitigation strategy (at a minimum a Notice of Project Change). There is no remorse. There is no explanation why it took the Authority so long to respond to the June 15, 2023 MEPA decision. There is no legal authority cited for the Authority's position or behavior.

The MEPA thresholds related to parking are clear and unambiguous:

Addition of 1,000 new parking spaces at a single location requires an ENF and mandatory EIR. 310 CMR 11.03 6. (a)(7);

Addition of 300 new parking spaces at a single location requires an ENF and potential additional review if the Secretary requires. 310 CMR 6. (b)(14).<sup>1</sup>

The Authority's actions have also been clear and unambiguous:

The Authority twice relied on abandonment of the Cataumet parking lot as mitigation in exchange for favorable environmental review. The Authority never abandoned the lot and instead of letting its lease simply expire, it

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<sup>1</sup> The number of new parking spaces threshold is reduced to 150 if certain ADT parameters are crossed. 310 CMR 6.(b)(13). Based on the previous review, the Authority does not effectively track ADT.



extended the lease and acquired an option to purchase the property. At a minimum, a Notice of Project Change was/is required.

The Authority also relies on abandonment of Gifford Street as past mitigation. As noted in the Authority's letter the Gifford Street lot remains a parking lot for trucks, construction equipment, and materials. That is not abandonment and requires, at a minimum, a Notice of Project Change.

The Authority parking space numbers are and have never been consistent. The number for Palmer Avenue as far back as 2015 was 1,800 spaces and not 1,508 spaces as claimed in its letter. "After Phase 2 is completed in May 2014, the Steamship Authority will have up to 1,800 spaces at its Palmer Avenue parking lot, representing an overall increase of approximately 350 spaces." (*Steamship Authority 2013 Annual Report*, page 8). No ENF could be found for the 350 additional spaces at Palmer Avenue. The 350 additional spaces at Palmer Avenue required at a minimum an ENF.

In its pending request, the Authority has used footnotes to avoid counting actual parking spaces from Table 1 in its letter. The Ice Arena (footnote 1) is an Authority lot. According to Table 2 in the Authority's letter more than 26,886 people have parked at that lot. The 300 spaces at the Ice Arena required at a minimum an ENF. SMART believes it is listed as a footnote because it reaches a MEPA threshold.

The Cowdry Road (Woods Hole) entry in Table 1 omits the short-term and queuing parking spaces.<sup>2</sup> Those areas are also parking spaces.

In 2000, the number of parking spaces in Falmouth was 3,400.<sup>3</sup> SMART calculates the current number as not less than 4,301 in 2024. This is a 26.5 percent increase in spaces with essentially no environmental review.

The Authority cannot be relied upon or trusted to provide an accurate picture of its parking operations. Because of this fact, SMART can only report on the total number of parking spaces as being not less than 4,301 in Falmouth and not less

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<sup>2</sup> Short-term and queuing parking have a major impact on ADT.

<sup>3</sup> *Falmouth Enterprise*, July 21, 2000, page 8. The article goes into detail about the use of various Authority parking lots.



than 900 at Cataumet.<sup>4</sup> The Falmouth numbers, by SMART's calculations, do not include Gifford Street or the short-term and queuing areas in Woods Hole.

Based on the totality of facts in the records before MEPA related directly or indirectly to parking, Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force requests that the Authority be directed to complete and file an EIR that addresses 1) the history and expansion of parking lot operations over the past 20 years, 2) all of the Authority's past lapses in MEPA compliance, 3) the impact of the Authority's parking lot operations on ADT, 4) parking lot stormwater management, 5) MEPA threshold adherence moving forward, and 6) management actions to address MEPA compliance.

The Authority prefers that MEPA look at the Cataumet lot in isolation. As noted in these comments there is a systematic ignoring of MEPA thresholds across the entire spectrum of the SSA's parking operations. MEPA needs to send a very strong message to the Authority. SMART asks you to grant our requested relief.

Sincerely,

A handwritten signature in blue ink that reads "Nathaniel S. Trumbull".

Nathaniel Trumbull  
SMART Citizens Task Force  
[nat@teia.org](mailto:nat@teia.org), 508 540 0308

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<sup>4</sup> The actual number of spaces at the Cataumet lot is difficult to measure because spaces are not marked. The Authority has consistently used the number 900 plus. It is likely that the lot actually falls into the 1,000 plus spaces category. Reactivation required an EIR.



Cc:

Falmouth Select Board Chair Nancy Taylor and Select Board members

Falmouth Town Manager Mike Renshaw

Maura O'Keefe, Falmouth Town Counsel

Robert Davis, Steamship Authority General Manager

Terence Kenneally, Steamship Authority General Counsel

SSA Board Chair Robert Jones and Board members

Senator Susan Moran

Representative Dylan Fernandes

Ed DeWitt

Corres

BOURNE BD OF SELECTMEN  
RCUD 2024 MAR 6 AM 11:05

# PUBLIC MEETING

## Notification to Abutters

Pursuant to the Massachusetts Wetlands Protection Act  
and  
The Town of Bourne Wetlands Protection Bylaw

Please be advised that the BOURNE Conservation Commission will review the Request for a Determination of Applicability (RDA) application of David Noble, for work proposed at 166 Wing's Neck Road, Pocasset, MA (Assessors Map 37.4 - Parcel 023). The purpose of this notification is to allow the public the opportunity to review and comment on the proposed work.

### PROPOSED WORK:

The applicants propose to: Replace a failed septic system with fully compliant Title 5 system on a property subject to storm flowage (VE 17.0 Flood Zone)

The *Abutters List* was prepared by the Assessor's Department of Bourne and the list indicates that you are one of the abutters to the locus (see the enclosed map & list). We look forward to your participation in the review process.

The PUBLIC MEETING on this matter is scheduled for:

**Date: March 21, 2024**

**Time: 6:30 P.M.**

**Place: Bourne Veteran's Community Center  
239 Main Street  
Buzzards Bay, MA 02532**

The PLAN & the RDA application concerning this matter are on file with the Bourne Conservation Commission. They may be reviewed during normal business hours Monday-Friday from 8:30 AM to 4:30 PM. You may call the Commission at 1-508-759-0600 X 1344 to arrange an appointment or to ask questions. The Conservation Commission Agent is Stephanie Fitch.

Additional questions can be directed to:

Darren Meyer, RS  
Meyer and Sons, Inc.  
508-360-3311  
Meyerandsonstitle5@gmail.com



650 Suffolk St., Suite 200  
Lowell, MA 01854

T 978.970.5600  
TRCcompanies.com

CORRES

BOURNE BD OF SELECTMEN  
RCUD 2024 MAR 4 AM 11:19

**TRC Reference Number: 481412**

February 28, 2024

Board of Selectman  
Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532-3441

**RE: Notice of Availability  
Permanent Solution with No Conditions Statement Report  
Former AmeriGas Lease Property  
993 Sandwich Road  
Bourne, Massachusetts  
MassDEP Site RTN 4-29137**

Dear Board of Selectman:

On behalf of the AmeriGas Propane, LP, and pursuant to 310 CMR 40.1403 of the Massachusetts Contingency Plan (MCP), TRC Environmental Corporation (TRC) has prepared this letter to inform you of a Permanent Solution with No Conditions Statement submittal for the Former AmeriGas Lease Property in Bourne, Massachusetts.

The Permanent Solution with No Condition Statement for the above-referenced property can be reviewed at the Massachusetts Department of Environmental Protection, Southeast Region Main Office, 20 Riverside Drive, Lakeville, Massachusetts 02347, or on-line through the MassDEP's on-line Waste Site & Reportable Releases search engine using the above noted Release Tracking Number. If you have any questions concerning this letter, or would like a copy of the documents submitted, please contact David Sullivan at TRC at (978) 970-5600.

Sincerely,  
TRC Environmental Corporation

David M. Sullivan, LSP  
Licensed Site Professional David Sullivan, LSP  
Sr. Project Manager

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number 23-WW01-0143-APP  
Thomas Cibotti**

**NOTIFICATION DATE: February 23, 2024**

Public notice is hereby given of the Waterways application by Thomas Cibotti to construct and maintain a walkway, seasonal pier, ramp and float at 394 Scraggy Neck Road in the municipality of Bourne, in and over the waters of Hospital Cove. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (30) days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

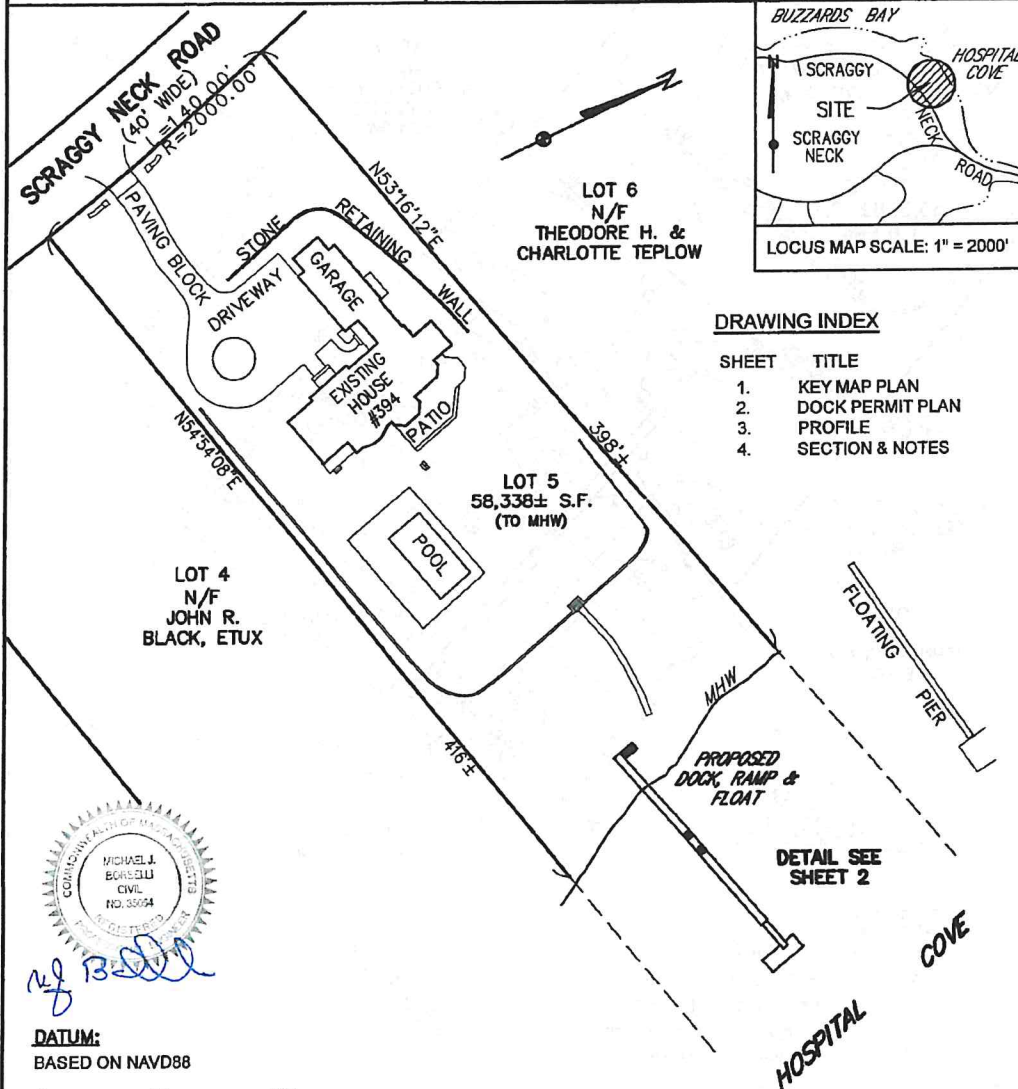
Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "394 Scraggy Neck Road" in the Search Page as the Location Address). If you need assistance, please contact [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov) or if you do not have access to email, please leave a voicemail at (508) 946-2707 and you will be contacted with information on alternative options.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov).

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*M. J. Belli*  
NAME

2-16-24  
DATE

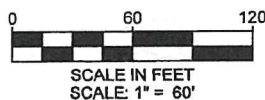


**DRAWING INDEX**

SHEET	TITLE
1.	KEY MAP PLAN
2.	DOCK PERMIT PLAN
3.	PROFILE
4.	SECTION & NOTES



**DATUM:**  
BASED ON NAVD88



**KEY MAP**  
SHEET 1 OF 4  
NOVEMBER 9, 2023

PLAN ACCOMPANYING PETITION OF THOMAS CIBOTTI TO PERMIT A PROPOSED DOCK WITHIN HOSPITAL COVE AT #394 SCRAGGY NECK ROAD, BOURNE, BARNSTABLE COUNTY, MASSACHUSETTS

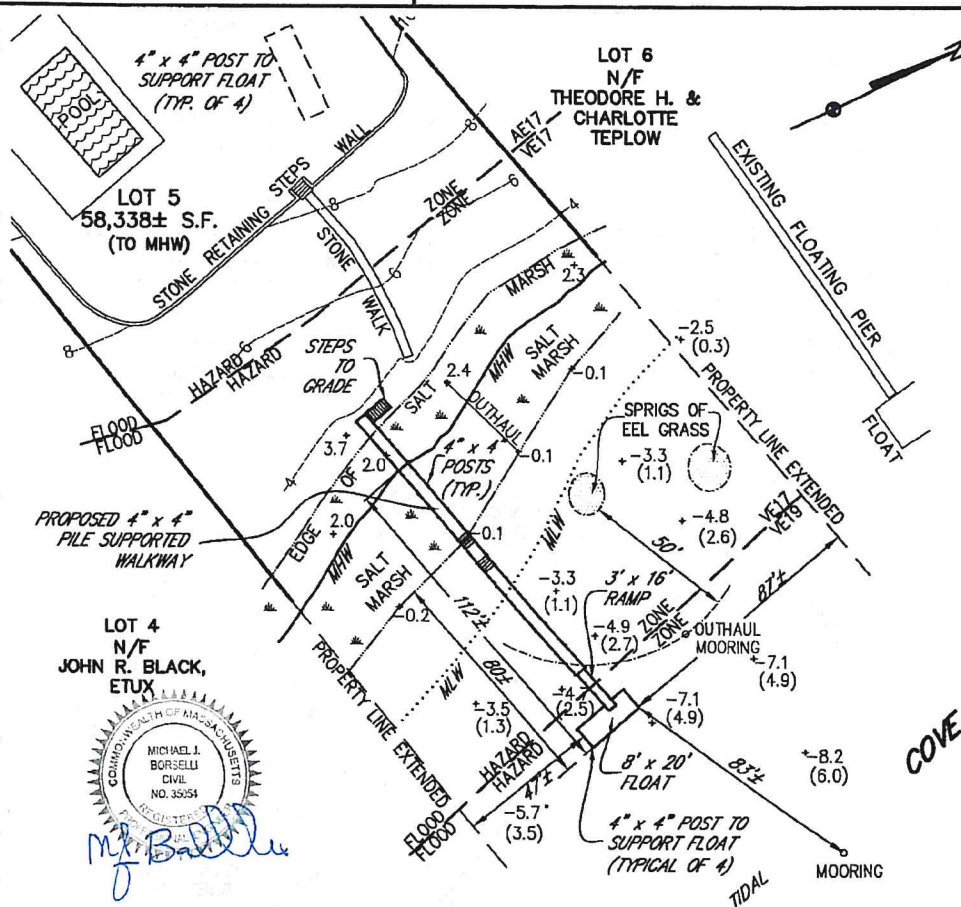
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*agroll*

2-16-24

NAME

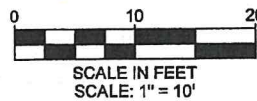
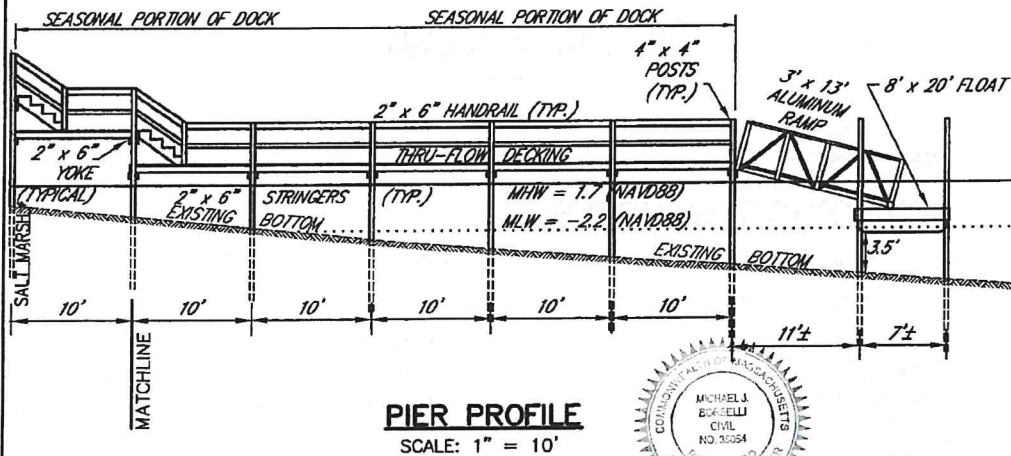
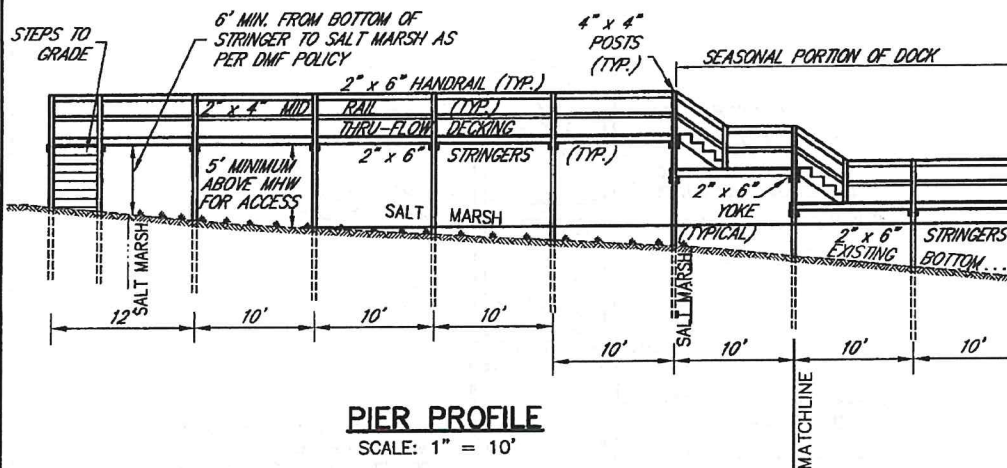
DATE



I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*mf. B. S. L.*  
NAME

2-16-24  
DATE



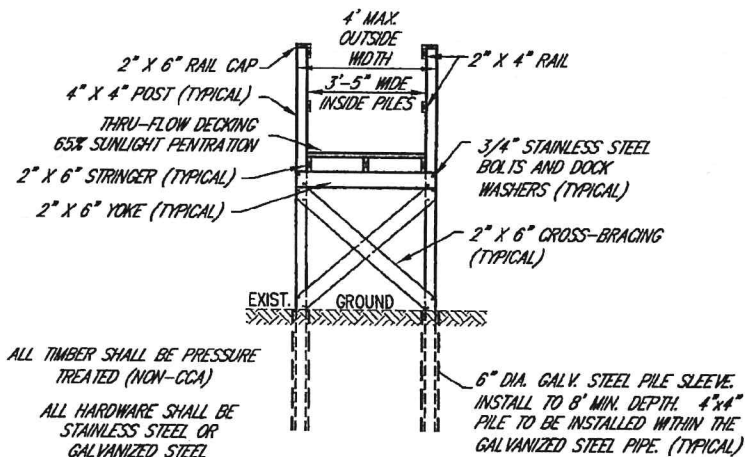
PROFILE PLAN  
SHEET 3 OF 4  
NOVEMBER 9, 2023

PLAN ACCOMPANYING PETITION OF THOMAS CIBOTTI TO PERMIT A PROPOSED DOCK WITHIN HOSPITAL COVE AT #394 SCRAGGY NECK ROAD, BOURNE, BARNSTABLE COUNTY, MASSACHUSETTS

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*mg Bello*  
NAME

2-16-24  
DATE



## TYPICAL SECTION

SCALE: N.T.S.

## CONSTRUCTION NOTES:

1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
2. ALL WOOD MATERIALS SHALL BE NON CCA TREATED.
3. PILES SHALL BE DRIVEN, NOT JETTED, TO A MINIMUM DEPTH OF 15' OR REFUSAL.
4. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOCK WASHERS, HURRICANE CLIPS OR THRU BOLTS FOR STRINGER CONNECTION TO YOKES OR AS INDICATED ON THE PLANS.
5. ALL DOCK LIGHTING SHALL NOT EXCEED 0.2 FOOTCANDLE (FC).
6. THE STRUCTURE IS DESIGNED AND COMPOSED OF MATERIALS APPROPRIATE FOR THE SITE CONDITIONS AND USAGE.

SECTION & NOTES PLAN  
SHEET 4 OF 4  
NOVEMBER 9, 2023

PLAN ACCOMPANYING PETITION OF THOMAS CIBOTTI TO PERMIT A PROPOSED DOCK WITHIN HOSPITAL COVE AT #394 SCRAGGY NECK ROAD, BOURNE, BARNSTABLE COUNTY, MASSACHUSETTS



# Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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March 5, 2024

Air Force Civil Engineer Center/JBCC  
Attn: Kimberly J. Gill  
Remediation Program Manager  
322 East Inner Road  
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**  
Release Tracking Number: 4-0000037  
Joint Base Cape Cod (JBCC)  
**Draft Comprehensive Site Evaluation  
Phase II Former Ammunition Supply Point-  
East RCL, Comments**

Dear Ms. Gill:

The Massachusetts Department of Environmental Protection (MassDEP) has received the Air Force Civil Engineer Center (AFCEC) response to comments letter (RCL) dated January 19, 2024, issued in response to MassDEP comments dated August 6, 2019, on the document **“Draft Comprehensive Site Evaluation Phase II Former Ammunition Supply Point-East”** (Draft CSE Phase II) dated April 2017. The RCL included a red-lined Revised Draft CSE Phase II dated January 2024. The Former Ammunition Supply Point-East is located on U.S. Air Force-leased property owned by the Commonwealth of Massachusetts and was operated as a military munitions storage area during the 1940s and 1950s. The Draft CSE Phase II was prepared for the AFCEC under the Military Munitions Response Program (MMRP). The MMRP at JBCC addresses the investigation and remediation of munitions and explosives of concern (MEC), munitions constituents and related hazardous substances, pollutants, and potential contaminants of concern potentially located on current and former military installations, with the goal of making munitions response areas safe for reuse and to protect human health and the environment. MassDEP offers the following comments on the RCL and the Revised Draft CSE Phase II.

1. Page 1-4, Section 1, Introduction, Section 1.4, Project Scope, Table 1-1, Project Personnel:  
Please update Table 1-1, Project Personnel to the current telephone number (617-694-2644) and email address ([leonard.pinaud@mass.gov](mailto:leonard.pinaud@mass.gov)) for Len Pinaud, MassDEP RPM.
2. Page 4-2, Section 4, MEC Intrusive Investigations, Section 4.2, Grids, Figure 4-1:  
Please complete the Legend for Figure 4-1, Former ASP East Grids and Transect Investigation Areas.
3. Page 8-2, Section 8, Summary and Conclusions, Section 8.4, Conclusions and Recommendations:  
The text states **“However, without a MEC investigation that addresses the entire MRS acreage, the presence of unknown MEC remains a possibility. A streamlined Remedial Investigation/Feasibility Study is recommended to allow the completion of a Record of Decision to establish a long-term protective remedy at the FASP-E MRS”**. MassDEP agrees with this recommendation.

Please incorporate this letter into the Administrative Record for the munitions response site Former Ammunition Supply Point – East. If you have any questions regarding this matter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Pinaud", enclosed within a circular outline.

Leonard J. Pinaud, Chief  
Federal Site Management  
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards  
Upper Cape Boards of Health  
JBCC Cleanup Team  
MassDEP Boston/Southeast Region