

# BOURNE BYLAW COMMITTEE

## NOTICE OF MEETING

Wednesday, March 15, 2023 at 4:30 p.m.

Bourne Police Department Training Room  
35 Armory Road, Buzzards Bay, MA 02532

Meeting will be in person and Zoom will be available.  
Below is the Zoom info you'll need:

Join Zoom Meeting

<https://us06web.zoom.us/j/6652130669?pwd=ZHUJUTkQ2RTAzVWJmTmJNR3BLYzFYZz09>

**Meeting ID:** 665 213 0669

**Passcode:** BYLAW

One tap mobile

+13052241968,,6652130669#,,,,\*772201# US

**Dial by your location**

+1 929 205 6099 US (New York)

**Meeting ID:** 665 213 0669

**Passcode:** 772201

TOWN CLERK BOURNE

2023 MAR -9 AM 10:35

RECEIVED

### MEETING AGENDA

1. Review and approve Minutes of last Board Meeting held Tuesday, September 27, 2022;
2. Old Business.  
None.
3. New Business.
  - A. Review petition submitted by Ms. Julie Keene and other citizens of the Town of Bourne to consider amendment of the Bourne Bylaws Section 3.1.23 Disturbances by adding additional Section "c" to read as follows:
    - c. The fact that the noise is plainly audible at a distance of one hundred fifty (150) feet from the building, dwelling, structure, premises, shelter, boat or vehicle from which it originates and when the noise occurs between 10:00 p.m. and 7:00 a.m. shall constitute prima facie evidence of a violation of this bylaw.

This Petition was submitted by Ms. Julie Keene and a number of other Bourne residents and the signatures on the petition have been certified by the registered voters.

B. Consider amendments to the Town of Bourne Bylaws submitted by the Bourne Conservation Commission consisting of three separate articles as follows:

1. Amendment to the Town of Bourne Wetland Protection Bylaw Article 3.7, Wetland and Natural Resources Protection, Section 3.7.4: Definitions; Regulations.
2. Amendment to the Town of Bourne Wetland Protection Bylaw Article 3.7, Wetland and Natural Resources Protection, Section 3.7.3: Notice of Hearings.
3. Proposed new addition to the Town of Bourne Wetland Protection Bylaw Article 3.7, Wetland and Natural Resources Protection, by adding a Section 3.7.13: entitled Waiver.

Full details of these three proposals are attached as Exhibits A, B & C to this Notice.

4. Other business to be considered.

Nothing at this time.

5. Public Comment.

Respectfully submitted by,

*David T. Gay*  
David T. Gay, Esquire  
Chairman Bourne Bylaw Committee

FINAL. Approved by vote of the Bourne Conservation Commission on 3.2.2023

Proposed Revision: 3.7.4 Definitions; Regulations 'Adjoining Land Areas'

'Adjoining Land Areas' shall mean the land within 100' of any Wetland Resource Area, other than Land Subject to Coastal Storm Flowage (LSCSF) and the Riverfront Area. The area is hereafter referred to as the Buffer Zone. There is no buffer zone to LSCSF or Riverfront Area. No habitable dwelling or accessories thereto or roadway/driveway shall be allowed within the buffer zone any closer than 50' from the boundary of a Wetland Resource Area unless permitted under this bylaw.

- A. For undeveloped lots, the 50' setback is required. For further alteration of lots that contain an existing dwelling, the applicant must attempt to meet the 50' setback to the degree that is practicable with a minimum setback of being no closer than the existing dwelling.
- B. For eroding Coastal Banks that are significant to storm damage prevention or flood control because they supply sediment to coastal beaches or coastal dunes (aka "Sediment-Source Bank"), a 50' setback landward from the top of bank is required.
- C. For non-eroding Coastal Banks that are significant to storm damage prevention or flood control only because they act as a vertical buffer to storm waters (aka "Vertical-Buffer Bank"), a minimum of 10' setback landward from the top of bank is required. Upon a clear showing that a Vertical-Buffer Bank provides insignificant storm damage prevention or flood control the Conservation Commission may waive the setback requirement entirely.

FINAL. Approved by vote of the Bourne Conservation Commission on 3.2.2023

**Proposed: 3.7.13: Waiver**

A waiver to a specific performance standard of these Bylaws may be sought in cases where there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with these regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible and when the waiver is consistent with the intent and purpose of the Bylaw.

A request for a waiver shall be made in writing and shall include, at a minimum, the following information:

- A brief statement of the relief sought;
- A description of all reasonably identifiable alternatives to the applicant's proposal that were considered by the applicant that would avoid or minimize the necessity of the requested relief, along with the reasons why such alternatives were deemed to be inadequate, unworkable, or inadvisable;
- A statement of all efforts that will be undertaken to minimize impact upon the affected resource areas subject to protection under the Bylaw (Bylaw resource area) arising out of the work proposed;
- Detailed plans for proposed mitigation measures; and
- Adequate engineering and expert evidence to permit the Conservation Commission to evaluate the basis for applicant's contentions in support of the waiver requested.

The applicant shall have the burden of demonstrating, by clear and convincing evidence, that the granting of the waiver is consistent with the intent and purpose of the Bylaw and these regulations.

FINAL. Approved by vote of the Bourne Conservation Commission on 2.16.2023

Proposed Revision: Section 3.7.3

Notice of Hearings. Any person filing a Notice of Intent with the Conservation Commission shall give notice thereof in the same manner required by Mass. Gen. Laws, Chapter 131, Section 40, as from time to time amended and supplemented, and the Rules and Regulations, if any, promulgated thereunder, as from time to time amended and supplemented.

Any person filing a Request for Determination of applicability with the Conservation Commission shall give written notice thereof, no less than five (5) business days prior to the scheduled Commission meeting, by certified mail-return receipt requested postage prepaid, by delivery in hand, **or by certificates of mailing**, to all abutters to the proposed project and to the property owner if other than the applicant, according to the most recent records of the Bourne Board of Assessors. The notice shall specify the date, time and location of the Commission meeting, and shall also specify where a copy of the Request for Determination, accompanying plans and documents may be examined and obtained.