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TOWN CLERK BOURNE

Board of Selectmen Meeting Notice AGENDA



Date

November 6, 2018

Time

6:00 P.M.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

6:00 P.M. – Call Public Session to Order in Open Session

Executive Session: Motion to enter into Executive Session to conduct to discuss strategy with respect to litigation regarding the Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7 P.M.

Roll call Vote to reconvene in Open Session.

Moment of Silence for our Troops and our public safety personnel
Salute to the Flag

Vision:

Bourne is a 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 curable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords 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.

1. Public Comment on Non-Agenda Items
2. Approval of minutes: 08.07.18; 10.09.18
3. Town Administrator Report
 - a. Congratulations to Newly promoted Police Lt. Jonathan MacDougall
 - b. Technology Committee
 - c. Finance Director Recruitment
 - d. Barlow's Landing Intersection
 - e. Community Building
 - f. LCP – Public forum
 - g. Other Matters
4. Establish Holiday Schedule
5. Bond and Bond Anticipation note signing (Bonds will be available on Monday)
6. Adoptions of 2019 Shellfish Regulations

7. Amendments to Aquaculture Regulations and Shellfish Regulations
8. 7:45 PM: Hearing - Aquaculture Grant Expansion for permit holder Bruce Silverbrand
9. Adoption of 2019 Recycling Center Policy
10. Licenses/Appointments
 - a. Bourne Human Services – Housing Auth. Rep – Kara Garcia
 - b. Election Workers – Walter Kliche; Donald E. Ellis; Marie Kane; Martin Greene and Andrew Campbell
11. Selectmen`s Business
 - a. Web Site Working Group
 - b. Friends of Bourne COA Annual Holiday Fair on Saturday, December 1, 2018 – Fee Waiver Request
 - c. Buzzards Bay Park update
12. Correspondence
13. Adjourn

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BOURNE

Barnstable, ss.

20189

SHELLFISH REGULATIONS

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NOTE: Special regulations or amendments covering shellfish bed closures, the harvesting of herring and temporary experimental programs for shellfish grants are published separately and are available upon request. Information is also posted on the Town web site at <http://www.townofbourne.com> .

LICENSING AUTHORITY

At a regular meeting of the Board of Selectmen held ~~Dec~~November 56, 2017~~8~~, the following rules and regulations, which were previously adopted on ~~Nov~~December 225, 2016~~7~~, were amended covering the harvesting of shellfish, herring, eels and sea worms from the waters and flats of the Commonwealth within the limits of the Town of Bourne, effective January 1, 2018~~9~~. Under the authority of Massachusetts General Laws, Chapter 130, Section 52 and Town Meeting vote passed in February of 1959, the Town hereby adopts the following regulations:

1 GENERAL REGULATIONS (Applies To All Permits)

1.1 GENERAL PROVISIONS & HARVESTING: Under the provisions of the

aforementioned laws, all persons are prohibited from harvesting eels, herring (presently prohibited), sea worms, and any shellfish, including, but not limited to, clams, quahogs, mussels, oysters or scallops, from the coastal waters or flats of the Town without a current permit issued by the Town of Bourne, available at the Department of Natural Resources in Room 102 of Town Hall, located at 24 Perry Avenue in the village of Buzzards Bay, during the regular business hours of 8:30 AM to 4:30 PM, Monday-Friday, excluding holidays. "Harvest" means to catch, dig, take, or attempt to catch, dig or take, or otherwise have in possession any species covered by these regulations or amendments. The harvesting of eels, herring, shellfish or sea worms shall be limited to the regulations set forth herein. All permits shall be valid from January 1st through December 31st of each calendar year. Unless otherwise noted, any violation of these regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00).

1.2 RECREATIONAL PERMITS: No more than one (1) Recreational permit will be issued per family, irrespective of the number of parcels of taxable real property owned by the family or the individual members thereof. In this context, a "family" is a person or group of persons, whether or not related by blood or marriage, which share a common domicile. "Domicile" shall be a true, fixed, permanent home and principal establishment. With the exception of Paragraph 1.2.2, the use of this permit is limited to the person to whom the permit was issued or any member of the family as defined herein. Use of this permit is limited to personal, non-commercial purposes, including sustenance. The customer must show to the satisfaction of the licensing authority, such as a valid photo ID and/or a Town real estate tax bill, that they are entitled to a permit and an application form may be required to be submitted and approved before the issuance of the permit. Recreational permit types are as follows:

1.2.1 RESIDENT PERMIT: Issued to a citizen who is domiciled or owns taxable real property in the Towns of Bourne or Sandwich. FEE: \$35.00

1.2.2 SENIOR CITIZEN PERMIT: Issued to a citizen who has attained the age of sixty-five (65) years and is domiciled or owns taxable real property in the Towns of Bourne or Sandwich. *NOTE: The Senior Citizen permit holder must be present and actively harvesting shellfish. If other domiciled family members also wish to shellfish independently, then a Resident permit must be obtained instead of a Senior Citizen permit.* FEE: \$10.00

1.2.3 MASSACHUSETTS RESIDENT PERMITS: Issued to a citizen who is domiciled within the Commonwealth. FEE: \$175.00

1.2.4 NATIVE AMERICAN PERMIT: Issued to a citizen who is of Native American heritage and domiciled or owns taxable real property in the Towns of Bourne or Sandwich. FEE: None

1.3 PERMIT DISPLAY: Permits must be in the possession of the permit holder and in plain view on outer clothing or posted on the boat in a visible manner while harvesting any species. (Fine: \$25.00)

1.4 AGE LIMIT: No child under the age of twelve (12) years shall harvest any

species unless accompanied by an adult holding a valid permit, in which case said adult shall be held responsible for all acts of the child.

1.5 SHELLFISH SIZE LIMITS: No person shall harvest quahogs less than one inch (1") shell thickness (hinge width), soft shelled clams less than two inches (2") in the longest shell length, oysters less than three inches (3") in the longest shell length, or scallops without a well-defined annual growth ring. Any other shellfish not listed shall be in compliance with State Regulations. The harvesting of seed shellfish more than three percent (3%) of any batch is prohibited. *NOTE: Under Paragraph 1.7 below, all shellfish must be measured and realistically no seed should be taken!*

1.6 SHELLFISH GAUGE: A legal gauge for shellfish measurements shall be used while harvesting. (Fine: \$25.00)

1.7 DISPOSITION OF SEED: All shellfish shall be measured prior to placement in harvest containers and all seed shall be immediately returned to the same location from which it was harvested. Quahog seed shall be broadcast back into the water, or lightly covered with soil when dry digging. Clam seed shall be placed in the substrate in an upright position and lightly covered with soil, except that those harvested by Commercial clamming seaward of Mean Low Water shall be broadcast back into the water. Oyster seed longer than one inch (1") attached to adults shall be separated and broadcast below the Mean Low Water line. Oyster seed smaller than one inch (1") must be left on the adult shell, broadcast below the Mean Low Water line and shall not be harvested.

1.8 REMOVAL OF BEACH/MARSH GRASS OR PEAT BANKS: The removal of any grasses or peat for the purposes of harvesting shellfish shall be prohibited.

1.9 ALLOWABLE HARVEST HOURS: All shellfish shall be harvested, culled and landed above the Mean High Water line only during the following hours (Fine: \$50.00):

Daylight Saving Time:	March 4 th through November 3 rd :	Sunrise to 6:00 PM
Standard Time:	November 4 th through March 9 th :	Sunrise to 4:30 PM
Scallop Season:	October 1 st through March 31 st :	Sunrise to 4:30 PM

NOTE: An easy way to remember the right dates: When the clocks go ahead you can stay out later, when the clocks go back you must come in earlier.

1.10 SHOVELS: The use of a shovel or any similar tool for the harvesting of shellfish is prohibited. (Fine: \$25.00)

1.11 CLOSED AREAS: Some areas are permanently closed, other areas are seasonally closed, and some areas may be temporarily closed on a random basis. Always note official signs along the shoreline, check the Town web site, review the closure list, or contact the Department of Natural Resources.

1.11.1 **CLOSED:** June through September, all Town public bathing beaches, a portion of the southeasterly side of Scraggy Neck known as "Sunrise Beach", a portion of Cedar Point Cove (swim beach) defined by two jetties, and all designated oyster beds, as noted in Paragraph 1.12.2, except during the oyster season, as noted in Paragraph 2.3.

1.12 **RECREATIONAL AREAS:** The following areas are restricted for the exclusive use of Recreational shellfishing and Commercial fishing in these areas is prohibited. At no time shall a fisherman be in possession of shellfish in excess of the Recreational limit while utilizing a Recreational area. *Note: Some of the following Recreational Areas may be temporarily closed - See closed area list under separate cover.*

Barlows Landing: All waters and flats north of a line drawn from stone jetty located north of pier (Swim Area) to a shellfish marker on the easterly shoreline by 39/43 Harbor Drive.

Cedar Point: From the end of Cedar Point Drive to stake thence northerly to stone jetty located on northeast side of Cedar Point Cove.

Eel Pond (Seasonal Restriction): During the months of June, July, and August Commercial shellfishing in this area shall be prohibited.

Hen Cove: All waterways and flats landward of shellfish boundary markers positioned at end of Pequot Avenue southerly around entire Cove to marker positioned approximately 400 feet south of Cedar Road on the easterly shoreline of Hen Cove.

Little Bay: All waters and flats north of a line drawn from the sign at 8 Briarwood Lane, which will align with the driveway and large tree at the southern end of the property, to the marker located on the opposite shore.

Queen Sewell Cove: All waterways and flats west (landward) of a line drawn from the sign at the end of Cranberry Road Extension to the sign at the sand spit at the end of Quamhasset Road, and east (landward) of a line drawn from the sign at the end of Cranberry Road Extension to the sign by 27 Lewis Point Road (Cape Cod Nursing Home).

Tahanto Flats: All flats landward of a line beginning at the east jetty of the Pocasset River and running northeasterly to Salt Pond inlet located just southeasterly of Monks Park.

Taylor Point: All waters and flats south of a line drawn westerly from #39 Buttermilk Way to a line drawn westerly from the pilings at the State Pier at the Massachusetts Maritime Academy.

Tobey Island, North Side: All waters and flats south of an imaginary line running from the Monument Beach Ramp northwesterly to a shellfish marker placed on the most northerly end of the sand bar off the north shore of Tobey Island, thence by an imaginary line running in a southerly direction to the wooden pier located on the northerly shoreline point of Tobey Island.

Winsor Cove: All waters and flats easterly of an imaginary line drawn from shellfish

boundary post located on Winsor Point to shellfish boundary post located on Long Point.

1.12.1 SENIOR CITIZEN AREAS: Recommended for use by those persons issued a Senior Citizen Permit or disabled persons approved by the Shellfish Constable (See Paragraph 2.7).

Buzzards Bay (Electric Avenue): All waters landward from a fixed marker located on the Town Pier at the Electric Avenue boat ramp to a fixed shellfish sign at the end of the private pier south of the ramp.

Monument Beach: All waterways landward of markers posted between the Tobey Island Bridge and the Town Pier.

Pocasset (Barlows Landing): All waters from a fixed shellfish marker on Salt Marsh Lane to a painted cement marker on the end of the pier at Barlows Landing.

1.12.2 DESIGNATED OYSTER BEDS: The following designated oyster beds are CLOSED, except during the oyster season (unless closed for propagation), as noted in Paragraph 2.3:

- a) Taylor Point: The waters and flats along the western shore of Taylor Point at Cohasset Narrows north of a line drawn westerly from the beach way at #17 Buttermilk Way and south of a line drawn westerly from the beach way at #39 Buttermilk Way and thence seaward.

1.13 BOATS ON OYSTER BEDS: The use of dredges, tongs, bull rakes, or boats for the purposes of harvesting shellfish on designated oyster beds, as noted in Paragraph 1.12.2, shall be prohibited. (Fine: \$50.00)

1.14 PERMITS NON-TRANSFERABLE: Permits are not transferable and may be suspended or revoked by the Board of Selectmen for any violation of the shellfish rules and regulations, Massachusetts General Laws, Chapter 130, or amendments thereto and subject to rules and regulations of the Town of Bourne, by authority of the vote of this Town passed in February of 1959. Due notice in writing shall be given or mailed to the permit holder of such suspension or revocation.

1.15 VIOLATION HEARING: Shellfish permits may be suspended or revoked for violations of these regulations following a public hearing by the Board of Selectmen.

1.16 SHELLFISH INSPECTION: All persons harvesting or having in their possession shellfish or fish of any kind, in boat or container, shall exhibit such shellfish or fish for inspection upon demand of any Shellfish Constable, Natural Resources Officer or Police Officer.

1.17 DISPOSAL OF PREDATORS & SHELLS: All starfish, or green crabs caught shall be placed above the Mean High Water line. Except that green crabs harvested may be contained in secure storage cages while waiting for market or personal use. Location of

storage cages, cars or rafts are subject to written approval of the Harbor Master. Scallop shells may be disposed of in deep water (six feet {6'} or more at Mean Low Water); but in no case shall shells be disposed of at Town landings, off the end of Town docks, at Town swim beaches, where they may be otherwise considered a hazard, or in any other shallow water. (Fine: \$50.00)

1.18 **TRANSFER OF SHELLFISH:** With the exception of replacing seed shellfish into the waterways or flats as required by Paragraph 1.7, no person other than the appointed Shellfish Constable or his assistants shall plant, relocate, store or transplant, shellfish within any waterways or flats of the Town without written approval from the Shellfish Constable.

1.19 **PENALTIES & FINES:** Whoever violates any rule or regulation made under authority of Massachusetts General Laws, Chapter 130, including the regulations established herein or amendments, shall be subject to a fine or not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), or have their permit suspended or revoked, or both, subject to appeal of such suspension or revocation as provided in Paragraph 1.14. Additionally, Natural Resources Officers (NROs) assigned to the Town of Bourne Department of Natural Resources may, upon observing a violation of said regulations, issue a citation ticket to the offender in accordance with non-criminal process as authorized by MGL Chapter 40, Section 21-D and Town meeting vote of Article 52 of the 1986 Town Meeting and Town By-law Section 6.1.2. Specific fines were established in Special Shellfish Regulations 86-4 and are further stipulated, as amended, herein in parentheses following each appropriate paragraph. Unless otherwise noted, any violation of these regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00).

1.20 **CHANGES & POSTINGS:** These regulations are subject to change by the Board of Selectmen, or in exigent circumstances, by the Town Administrator. Regulations and amendments will be posted at the offices of Town Clerk, Selectmen, Department of Natural Resources and at least three post offices of the Town, or in newspaper having general circulation, and a copy mailed to the Town Clerk of the Town of Sandwich for posting in Sandwich and to the Division of Marine Fisheries.

1.21 **CHANGES & EXIGENCY:** These regulations and any amendments shall remain in effect and in full force unless modified, changed, or revoked by the Board of Selectmen, or in exigent circumstances, by the Town Administrator.

1.22 **TEMPERATURE RESTRICTIONS:** Clams and scallops shall not be harvested and the dry digging of quahogs shall be prohibited when the air temperature is below twenty-eight degrees Fahrenheit (28F), as determined by the Department of Natural Resources.

1.23 **SCALLOP SEASON:** Effective October 1st scallops may be harvested in all Town waters through March 31st.

1.23.1 **HARVESTING:** All scallops taken must be an adult scallop with a well-defined, raised, annual growth line, and any scallop without such a line shall be deemed a "seed" scallop (also see Paragraph 1.23.6 below).

1.23.2 RESTRICTED AREAS: The use of drags shall be prohibited in the following areas until the dates indicated:

a) Hen Cove: All waters and flats northeasterly of an imaginary line drawn from Handy Point to the most Southerly point of land on Patuisset Island until December 1st.

b) Recreational Areas: All designated Recreational areas listed in Paragraph 1.12 until January 1st. However, at no time shall the use of drags interfere with or endanger Recreational fishermen in the water who are using bag rakes, dip nets, or diving.

c) Oyster Beds & Senior Areas: All designated oyster beds and Senior Citizen areas, throughout the season.

1.23.3 SCALLOP DRAG RESTRICTIONS:

a) Frames shall not exceed 36" in width

b) Lead rollers are prohibited.

c) Teeth or scoops on drags are prohibited.

1.23.4 LANDING AREAS: All scallops harvested by use of boat and drags shall be landed only at authorized Town Landings: Barlows Landing Ramp, Bourne Marina Ramp, Eel Pond Beach Way, Electric Avenue Ramp, Gray Gables Beach Way, Hen Cove Ramp, Massasoit Avenue Ramp, Monks Park Ramp, Monument Beach Ramp, Ocean Avenue Beach Way, Parker's Boat Yard Ramp, Pocasset River Ramp, and Squeteague Harbor Beach Way (no vehicles allowed on the beach). "Landed" shall mean that location where shellfish are removed from the shoreline to any point of land above the Mean High Water line. When circumstances warrant it, shellfish may be landed at other areas with prior approval from the Director of the Department of Natural Resources.

1.23.5 DIVERS: Taking of scallops by means of diving shall be limited to Recreational permit holders only and this method shall be prohibited for Commercial permit holders. Divers shall be prohibited in areas where the use of drags is already in progress and must comply with Paragraph 2.6 of the Shellfish Regulations.

1.23.6 CULLING PRACTICE: In the interest of maximum seed survival, it is recommended that seed and by-catch be removed from culling boards into deep water. *NOTE: This practice improves the survival rate of seed.*

1.24 SHELLFISH CONTAINERS: A peck is 537.605 cubic inches, a bushel is 2,150.42 cubic inches, commonly measured level to the top edge of the container, unless otherwise designed/indicated.

1.25 DIG HOLES: All holes created above the Mean Low Water Line while shellfishing shall be back-filled before leaving the area, taking care to not break or crush any seed shellfish.

2 RECREATIONAL PERMIT REGULATIONS (Also See Section 1)

2.1 NON-COMMERCIAL USE: Shellfish taken by the use of this permit are personal, non-commercial use only and are not to be sold.

2.2 AUTHORIZED HARVEST SEASON/DAYS/LIMITS: Total weekly catch not to exceed one (1) peck per species, Sunday through Saturday, nor shall it exceed one (1) bushel of any or all kinds of shellfish. *NOTE: This must be kept in mind during scallop season, when clams, oysters and quahogs may also be harvested.* On days where more than one species may be harvested, catch may be mixed species, but total day's catch is not to exceed one (1) peck.

2.2.1 Summer Season: June through September

Sundays:	Total Limit:	1 peck of quahogs
Wednesdays:	Total Limit:	1 peck of quahogs
Saturdays:	Total Limit:	1 peck of quahogs or clams

2.2.2 Standard Season: October through May

Sundays:	Total Limit:	1 peck of quahogs or oysters during oyster season.
Wednesdays:	Total Limit:	1 peck of quahogs or clams
Saturdays:	Total Limit:	1 peck of quahogs or clams

2.2.3 SCALLOP HARVEST DAYS: Recreational permit holders shall be allowed to shellfish any day of the week.

2.2.4 SCALLOP METHOD OF RECREATIONAL SHELLFISHING: Recreational permit holders may shellfish any day during the season by use of bag rake, dip net, diving or drags.

2.2.5 SCALLOP AUTHORIZED CATCH LIMITS: Recreational permit holders shall be entitled to take not more than one (1) bushel per calendar week, during the season, Sunday through Saturday.

2.3 OYSTER HARVEST DAYS: Oysters may be harvested on Sundays only from first Sunday of November through the last Sunday of December.

2.4 EELS, SEAWORMS & OTHER SHELLFISH: Eels, sea worms and other shellfish may be harvested any day throughout the year. The permit entitles the holder to set up to three (3) eel pots for personal, non-commercial use. Pots shall be marked with the Recreational permit number. The flotation device shall be a minimum of six inches (6") by four

inches (4"), capable of floating three (3) pounds eleven (11) ounces, be painted yellow, use only sinking line, and must also have the permit number affixed thereto. Wooden buoys and plastic bottles are prohibited. The harvesting of eels less than nine inches (9") long and in excess of 25 total are prohibited. The placement of eel pots in navigable channels or where they may otherwise create a hazard is prohibited. (Fine: \$50.00)

2.5 REQUIRED SHELLFISH CONTAINER: Permit holders must utilize a standard "one peck wire basket" while harvesting shellfish. Only one basket per permit holder is permitted and no other containers may be utilized. (Fine: \$25.00)

2.6 DIVING: Permit holders may harvest shellfish while using scuba or snorkel equipment, subject to the following conditions:

a) In accordance with the Laws of the Commonwealth, diving flags of proper size must be displayed at all times when divers are in the water. Divers must stay within one hundred feet (100') of the diving flag at all times.

b) The permit shall be displayed on the diver's flag in a visible manner.

c) The harvesting of shellfish shall be prohibited in water depths less than six feet (6').

d) Shellfish shall be harvested by hand only and the use of any mechanical, suction, or air device for the purposes of disrupting the sea bottom to expose shellfish shall be prohibited.

2.7 DISABLED PERSON: Permit holders who are physically disabled and are unable to harvest shellfish at all because of such a disability may request approval for another person to harvest their shellfish for them. Sufficient medical documentation that meets the satisfaction of the licensing authority must be submitted to the Director of the Department of Natural Resources for approval. No person shall be allowed to harvest shellfish for more than one disabled person.

3 COMMERCIAL PERMIT REGULATIONS (Also See Section 1)

3.1 COMMERCIAL PERMITS: Issued to a citizen who is domiciled in the Towns of Bourne or Sandwich, and valid only for the period that the holder maintains the said domicile. Domiciled tenants must submit a current, valid, notarized lease. "Domicile" shall be a true, fixed, permanent home and principal establishment. The use of this permit is limited to the person to whom the permit was issued. The citizen must show to the satisfaction of the licensing authority, such as a valid photo ID and/or a Town real estate tax bill, that he/she is entitled to a permit. A Commonwealth of Massachusetts Commercial Shellfish Permit and an application form shall be submitted, which shall be approved prior to the issuance of the permit. The Department of Natural Resources must be notified immediately of any change of application information.

3.1.1 **AUTHORIZED HARVESTERS:** Citizens who wish to participate in a Commercial fishery must hold a current, applicable Commercial Permit.

3.2 **COMMERCIAL APPRENTICE PERMIT:** Subject to Paragraph 1.2, issued to a minor citizen twelve (12) to sixteen (16) years old inclusive who is domiciled in the Towns of Bourne or Sandwich. The permit may be issued for the purposes of harvesting shellfish provided that an adult member of his immediate family (i.e., parent, grandparent, legal guardian, etc.) is a current holder of a Commercial permit of the same species. Said adult Commercial permit holder shall directly supervise all activities of and shall be held responsible for all acts of the apprentice. Only two (2) Commercial Apprentice permits per domiciled family shall be permitted at any time.

3.3 **COMMERCIAL PERMIT TYPES:**

- a) Clam Permit: FEE: \$250.00
- b) Eel Permit: FEE: \$100.00
- c) Quahog Permit: FEE: \$250.00
- d) Scallop Permit: FEE: \$250.00
- e) Master Permit: (For all Commercial species above) FEE: \$625.00
- f) Apprentice Permit: FEE: \$100.00

3.4 **LANDING AREAS:** All shellfish harvested shall be landed at one of the following Town landing areas: Barlows Landing Ramp, Bourne Marina Ramp, Eel Pond Beach Way, Electric Avenue Ramp, Gray Gables Beach Way, Hen Cove Ramp, Massasoit Avenue Ramp, Monks Park Ramp, Monument Beach Ramp, Ocean Avenue Beach Way, Parker's Boat Yard Ramp, Pocasset River Ramp, and Squeteague Harbor Beach Way (no vehicles allowed on the beach). "Landed" shall mean that location where shellfish are removed from the shoreline to any point of land above the Mean High Water line. When circumstances warrant it, shellfish may be landed at other areas with prior approval from the Director of the Department of Natural Resources.

3.5 **TAGGING:** Once landed and while in transit, all shellfish containers shall be marked clearly by a tag stating date of harvest, place of harvest, State permit number, and name of the harvester. (Fine: \$50.00)

3.6 **MIXING OF CATCH:** The harvesting of different shellfish species on the same day is prohibited. Regardless of the different types of Commercial Permits held, fishermen shall not harvest more than one (1) species on any one (1) day.

3.7 **RECREATIONAL PERMIT USE:** Commercial fishermen must stay in compliance with Section 1; Paragraph 1.12 and abide by the Recreational Shellfish Regulations at all times.

3.8 **ANNUAL CATCH REPORT:** All permit holders must submit a copy of the Commonwealth's Annual Catch Report indicating the number of pounds and types of shellfish and eels harvested during previous twelve months. This report must be submitted to the Director of the Department of Natural Resources before the issuance of a new permit.

4 COMMERCIAL QUAHOG PERMIT REGULATIONS

4.1 **MANPOWER ONLY:** The taking of quahogs other than by manpower is prohibited.

4.2 **AUTHORIZED HARVEST SEASON/DAYS:** The harvesting of quahogs is subject to the following seasonal restrictions:

4.2.1 **Summer Season: May through October:** Quahogs may be harvested Monday through Friday only. No fishing is allowed on Saturdays or Sundays.

4.2.2 **Winter Season: November through April:** Quahogs may be harvested Monday through Saturday only. No fishing is allowed on Sundays, or the Thanksgiving and Christmas holidays.

4.3 **DAILY LIMIT:** Shall not exceed three (3) level U.S. bushels; which will be contained in one (1) bushel plastic totes.

4.3.1 **APPRENTICE DAILY LIMIT:** Shall not exceed one (1) level U.S. bushel of quahogs; which will be contained in a one (1) bushel plastic tote.

4.4 **METHOD RESTRICTIONS:** Quahogs shall not be taken by means of skin-diving, snorkels, scuba gear, or shadow box.

4.5 **RESTRICTED AREAS:** Specific areas are closed to all commercial shellfishing. See Paragraph 1.12 and closure list published separately.

5 COMMERCIAL EEL PERMIT REGULATIONS

5.1 **POTS/TRAPS:** All eel pots shall be marked with the permit number assigned at the time of issuance. The flotation device shall be a minimum of six inches (6") by four inches (4"), capable of floating three (3) pounds eleven (11) ounces, be painted the colors assigned at issuance, use only sinking line, and have the permit number affixed thereto. Wooden buoys and plastic bottles are prohibited.

5.2 **SETTING:** Eel pots shall not be set in navigable established channels or where they may otherwise pose a hazard.

5.3 **SIZE:** Eels less than nine inches (9") in length shall not be taken.

6 COMMERCIAL CLAM PERMIT REGULATIONS

6.1 **AUTHORIZED HARVEST SEASON:** The harvesting of (soft-shelled) clams shall

be allowed only from May 1st until the first day of Scallop Season each year, with the following exception: Any areas under State mandated seasonal closures (i.e., Red Brook Harbor) will be opened March 1st, provided that the State has approved the opening of such closures.

6.1.1 AUTHORIZED HARVEST DAYS/HOURS: Clams may be harvested only on Mondays through Fridays between the hours of 8:00 AM to 5:00 PM.

6.2 AUTHORIZED HARVEST EQUIPMENT: Clams may be harvested by means of plunger or jet pump (manifold) which must not exceed four feet (4') in width with two inch (2") long one-quarter inch (1/4") nozzles at three inch (3") spacing along the width of the manifold which shall be restricted to only penetrate nine inches (9") below the bottom surface. This manifold specification may be altered with prior approval of the Director of the Department of Natural Resources. Clams are to be removed from the waters by hand or hand held rakes with a three-quarter inch (3/4") mesh opening to allow for free passage of seed clams. Pump engines shall be equipped with adequate muffler device to ensure that noise levels are kept to an absolute minimum and in no case shall noise levels exceed Federal or State minimum standards. The pump shall be rated at no more than five and one half (5.5) HP.

6.3 AUTHORIZED HARVEST AREAS: The harvesting of clams shall be restricted to the following areas, and shall be "Sub-Tidal" only, meaning six feet (6') seaward of the Mean Low Water line, or as otherwise noted below:

Back River East: That portion of Back River east of the Shore Road bridge up to the outer mouth of the Eel Pond inlet.

Bassetts Island East: From the stream located mid-island southerly to southern end of island.

Bassetts Island West: The entire westerly shoreline of Bassetts Island.

Buttermilk Bay: All of Buttermilk Bay.

Hen Cove: All of inner Hen Cove, outside of the Recreational shellfish markers and in deep water only.

Hospital Cove: All of Hospital Cove.

Little Buttermilk Bay: All of Little Buttermilk Bay.

Mashnee Dike West: The entire West Side of Mashnee Dike.

Phinney's Harbor: From the ramp at Chester Park to shellfish marker located at the house on stilts.

Red Brook Harbor: From Handy Point to most seaward portion of Long Point.

Scraggy Neck: The entire shoreline of Scraggy Neck.

Squeteague Harbor: All of Squeteague Harbor, excluding that portion north of a line drawn from a stationary marker on the westerly side of Squeteague Harbor to the end of Ocean Avenue.

Tobey Island East: The easterly shoreline of Tobey Island southerly from a marker at the beginning of Emmons Cove to sand spit at the south end.

Tobey Island West: The entire westerly shoreline of Tobey Island south to the sand spit.

Wings Neck: The southeasterly shoreline of Wings Neck, excluding Barlows Landing (see Closure BB: 49.3).

6.4 DAILY LIMIT: Shall not exceed three (3) level U.S. bushels to be contained in one (1) bushel plastic totes.

6.4.1 APPRENTICE DAILY LIMIT: Shall not exceed one (1) level U.S. bushel of clams; which will be contained in a one (1) bushel plastic tote.

6.5 BOAT RESTRICTION: No more than two (2) Commercial Clam or Master Permit and one (1) Apprentice Permit holders per boat shall be permitted. The term "boat" as used herein shall mean a registered boat fully equipped with motor, jet pump and associated equipment capable of jet clamming independently of another boat.

6.6 HARVESTING: In Sub-Tidal areas, clams dislodged by means of jet pumping or hand plunger may be harvested inside the six foot (6') seaward Mean Low Water line by hand or hand held rakes, as outlined in Paragraph 6.2, provided that the pump motor has been shut off and the manifold and/or plunger unit has been placed on board the boat.

7 COMMERCIAL SCALLOP PERMIT REGULATIONS

7.1 RESTRICTED DAYS: Commercial permit holders shall be allowed to shellfish every day during the scallop season, as noted in Paragraph 1.23 except Sundays, Thanksgiving and Christmas.

7.2 DAILY LIMIT: Commercial permit holders shall be entitled to a daily limit of not more than five (5) level bushels in Town of Bourne approved one (1) bushel plastic totes.

7.2.1 APPRENTICE DAILY LIMIT: Shall not exceed one (1) level U.S. bushel of scallops; which will be contained in a one (1) bushel plastic tote.

7.3 BOAT RESTRICTION: Any one (1) boat shall be limited to not more than ten (10) level bushels of scallops per day for Commercial purposes.

*The Board of Selectmen adopted these Shellfish Rules and Regulations on ~~Dec~~November 56, 2017~~8~~.

PER ORDER OF THE BOARD OF SELECTMEN

Peter J. Meier, Chairman

Judith MacLeod Froman, Vice Chairman

James L. Potter, Clerk

George G. Slade

Jared P. MacDonald

Statement of method and time of publication, as required by Chapter 130, Section 52:

These regulations were duly posted at the Office of the Board of Selectmen, Buzzards Bay, Monument Beach and Pocasset Post Offices, and a certified copy was mailed to the Division of Marine Fisheries Director and to the Town of Sandwich Town Clerk.

TOWN OF BOURNE

AQUACULTURE LICENSES / SHELLFISH GRANTS

Rules & Regulations & Application Requirements

At a regular meeting of the Board of Selectmen held on December 6, 2011 the following rules and regulations were adopted covering Aquaculture Licenses and Shellfish Grants.

8.1 The Board of Selectmen may license specific areas of the waters of the Town of Bourne to individuals for the purpose of granting exclusive rights to plant, grow, and take shellfish from that area, said license to be subject to the provisions of MGL Ch. 130, Sec. 57 and any terms, conditions, and/or restrictions set forth in the regulations of the State, Town, its By-laws, or any specific conditions or restrictions set forth in the license. Applicants shall be considered on a first come first serve basis. The Board of Selectmen may deny a license or establish a moratorium on the issuance of licenses at any time this action is deemed to be in the best interest of the Town.

8.2 Licenses will be issued only to domiciled residents of the Town of Bourne who have the knowledge, experience, and resources to fulfill the responsibilities specified in the license. The applicant shall furnish evidence of residency as part of the application process. Said evidence to include, but not necessarily be limited to, the following: a current motor vehicle driver's license issued by the Commonwealth of Massachusetts, a valid, current real estate tax bill issued by the Town of Bourne, and evidence of current ownership or tenancy by rental of real estate of a primary residence within the Town of Bourne. At such time as a licensee ceases to be domiciled in the Town of Bourne, it is the responsibility of the licensee to notify the Board of Selectmen of this change of residence. The Board of Selectmen will then remove the name of that individual from the license. This permit shall not be sold or transferred without written permission from the Board of Selectmen.

8.3 The Board of Selectmen will accept and process applications for aquaculture licenses in accordance with MGL 130, Sec 57. Applicants desiring a shellfish grant are required to complete and submit all information required by the Town's application form. Applicants shall also furnish a detailed proposal to include short term and long term plans for developing the Aquaculture/Grant site. Proposals must include shellfish species, amounts and sizes intended to introduce to the waters. Must also include the number of racks, pens, cages, floats, etc. that you

intend to use and their dimensions. Applicant must also provide detailed information regarding their experience with aquaculture. Licenses will be granted or denied within sixty days of receipt of application.

8.4 This license does not grant any property rights. This license does not authorize any injury to private property or invasion of private property rights. The issuance of this license is not a determination of title or ownership.

8.5 The initial term for a new license will be two (2) years. The term for renewals will be two (2) years. Renewal will be subject to approval of the Board of Selectmen and any other appropriate and /or required governing bodies as set forth by Chapter 130 Section 60 of M.G.L. License holder must show that a reasonable amount of shellfish have been produced on the grant during the preceding year. This amount shall not be less than what is required in Chapter 130 Section 65 of M.G.L.

8.6 Licenses will be issued for a one (1) acre maximum the first year. Once planted and established, licensee can apply for more acreage if the lease demonstrates productivity and the capability to expand.

8.7 Means of harvesting shellfish from the approved grant area will be limited to the use of quahog rake, tongs, scuba gear or conventional scallop dredge unless specific written approval to use other means is obtained from the Board of Selectmen and the shellfish constable. Harvesting will not take place between the hours of one half hour after sunset and one half hour before sunrise.

8.8 The placement of moorings and ground tackle for rafts, racks and floats, or any other structure will be subject to approval from the Harbormaster, Conservation Commission and the Corps of Engineers. Rafts and racks may or may not be approved for the grant area (depending on the location of the specific site). Shellfish will not be rafted outside the perimeters of the approved grant area without written permission from the Harbormaster and Shellfish Constable.

8.9 It will be unlawful for the Grant-Holder or any person to take seed shellfish from any waterways or flats of the Town other than the designated grant area without written consent to do so from the Selectmen and the Director of the Division of Marine Fisheries.

8.10 The Shellfish constable and / or his assistants, in the presence of the permit holder or his agent, will have authority to inspect the Grant area to include the contents of any and all rafts, floats and other containers.

8.11 If in any given year, it is determined by the Shellfish Constable that there is a marketable concentration of scallops in the grant area, then it will be the responsibility of the Grant-Holder to relocate said scallops to an area designated by the Shellfish Constable. The Grant-Holder by agreement with the Shellfish Constable may elect to allow the harvesting of scallops by licensed members of the general public upon his grant area for the sole purpose of harvesting scallops by either dip netting or dragging. If the grant-Holder elects to allow the harvesting of scallops

upon his grant a mutually agreed time period, method of taking, etc. shall be specifically established to permit this by the Grant-Holder, the Shellfish Constable and the Board of Selectmen.

8.12 If at any time it becomes necessary to dredge and / or otherwise accomplish maintenance dredging on or within the vicinity of the grant area to improve or maintain channels for navigation purposes the Grant-Holder will agree under terms of the contract not to obstruct said dredging plans and operations. The Grant-Holder will be given 90 days notice prior to commencement of any dredging operations. Prior to, during and after dredging operations are completed and if in the opinion of the Grant-Holder, the Shellfish Constable and the State Marine biologist, that said bottom conditions are considered temporarily unsuitable for planting or maintaining shellfish, immediate and temporary permission for relocation of Grant-Holders stock shall be considered by the Board of Selectmen. All the foregoing regulations shall apply to any temporary placement of said shellfish. In the event that shellfish need to be relocated under these conditions they shall be relocated at the expense of the Grant-Holder.

8.13 When a Grant is discontinued and / or terminated for any reason, the Permit Holder will be required to remove all rafts, racks, floats, boxes, pens, boundary markers and equipment from the waters and substrate within 90 days from the Grant expiration date. In addition, the Permit Holder will be required to provide proof of a General Liability Insurance Policy in the amount of \$1,000,000.00 naming the Town of Bourne as an additional insured.

8.14 Written permission must be obtained from the Board of Selectmen, the Shellfish constable and the Conservation Commission prior to any alterations being made in or on the ground area of the Grant that were not made part of the initial Grant application.

8.15 The Grant-Holder will be required to hold a Town of Bourne Commercial Permit and required state permits to handle seed and propagate shellfish in compliance with the MGL Chapter 130. The Grant-Holder will be required to comply with all rules and regulations governing shellfish and grants as forth by the Town of Bourne and MGL Chapter 130, Section 57 thru 68 and MGL Chapter 131, Section 40. Failure to comply with the aforementioned laws and regulations will be deemed cause to revoke the Grant Permit.

8.16 If the Grant sites are approved, the applicant must have the grant site(s) surveyed at his own expense and submit a recorded plan of the specified grant area to the Board of Selectmen. The survey and the plan must be completed by a registered engineer or surveyor and the plan must be stamped accordingly. Boundaries of said Grant must be clearly identified by plastic pipe, wooden posts or floatation buoys and shall be subject to inspection and approval by the Harbormaster. Type and specific location of said boundary markers shall be shown on the plan prepared by the registered engineer or surveyor. As a minimum at least each corner of the grant area shall be marked by a boundary marker. A sign indicating the Grant permit number and name of the grant-Holder must be displayed on each corner post in compliance with MGL Chapter 130, Section 61. A sign indicating the Grant permit number and name of the grant-Holder must be displayed on each vessel moored or working within the boundaries of the approved grant.

8.17 Fees

- a) An advertising fee of \$125 for the public hearing shall be payable at the time of submitting the application form.
- b) Permit – An annual permit fee of \$25 per acre (or any part thereof) payable at time of Grant approval and then upon renewal of each year shall be required.

8.18 Grant Approval

The approval of this Grant shall be subject to the following:

- a. Any legal appeal process as outlined by the MGL Chapter 130 or Chapter 131 and/or any other law which may apply.
- b. Federal, State and Local laws, rules and regulations and amendments thereto.
- c. Annual review by the Board of Selectmen as stipulated by Town Regulations.
- d. State certification in compliance with Chapter 130, Section 61.
- e. Receipt of survey and plan stamped by a registered engineer or surveyor in compliance with section 61 of chapter 130 and local regulations.

8.19 Any violation of these rules and regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00)

These Aquaculture License and Shellfish Grant Rules and Regulations were adopted by the Board of Selectmen on December 6, 2011.

PER ORDER OF THE BOARD OF SELECTMEN

Donald J. Pickard, Chairman

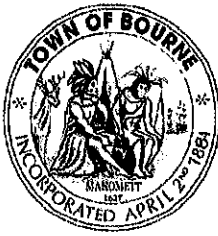
John A. Ford Jr., Vice Chairman

Peter J. Meier, Clerk

Jamie J. Sloniecki

Earl V. Baldwin

Timothy W. Mullen, Shellfish Constable



Department of Natural Resources

Memorandum

To: Tom Guerino, Board of Selectmen
From: Tim Mullen
Date: October 25, 2018
Subject: Shellfish Grant Moratorium

In September of 2016 I recommended a moratorium on accepting applications for new aquaculture grants or the expansion of existing aquaculture grants. At the time we had just approved two new grants, one grant expansion, and a second expansion was pending. Two years later all of the pending permits have been approved and three of the four grant operations are doing well. The fourth operation located on the canal side of Mashnee Dike was the last to be approved and is proceeding accordingly.

On January 3, 2017 the board unanimously voted to amend the moratorium to exclude private docked upweller aquaculture operations. This change allowed two aquaculture permit holders to expand their upweller operations located in the back basin of Kingman Yacht Center. As aquaculture was starting to boom there was a big demand for more seed for the local growers in Southeastern Massachusetts and the Cape and Islands. Both operations located at Kingman are very successful and helped meet the demand and are providing locally grown seed to municipalities and private growers.

Today I am recommending we continue with a moratorium on new aquaculture applications. I am recommending we once again amend the moratorium to allow existing permit holders to apply to expand their grants. Two of the four grants are already at their maximum size of 3 acres. The other two are one acre each. The current moratorium prevents both of these operations from the ability to expand. One of them permitted to Bruce Silverbrand is enjoying great success. The operation has already been selling market sized oysters in their second year of production. They have already outgrown their one acre parcel. They are also under contract with The Nature Conservancy and growing all the oysters that will be planted on the Bourne and Wareham oyster reefs that were created in September in Buttermilk Bay in Wareham and Little Buttermilk Bay in Bourne. These reefs and the oysters being grown for them were funded with proceeds of the Bouchard Oil Spill (B120) in 2003.

As we're all aware, suitable locations are few and far between in Bourne as most of the growing areas in town are productive which would preclude a grant from being approved by the Mass Division of Marine fisheries. They will not approve licenses for areas that already have an existing shellfish population. Bourne also has a large transient boating community and over 2000 permanent moorings in town. We also have many public beaches, designated family shellfish areas, and in general not a lot of locations for grants that would not interfere with other's opportunities to enjoy the waterfront. The Silverbrand grant is located on a flat in the middle of Buttermilk Bay. The grant size could increase by two acres and still not interfere with any other activities. More oysters in Bourne waters can only benefit the local fishery and water quality. Without another amendment to the moratorium Mr. Silverbrand will be unable to expand.

When I and the BOS developed the Aquaculture Regulations in 2011, we included language that enables the town to establish a moratorium on the issuance of licenses at any time the BOS deems it to be in the best interest of the town. This can be found in Section 8.1 of the regulations (below). I am recommending we amend the moratorium to exclude the expansion of existing grants.

8.1 The Board of Selectmen may license specific areas of the waters of the Town of Bourne to individuals for the purpose of granting exclusive rights to plant, grow, and take shellfish from that area, said license to be subject to the provisions of MGL Ch. 130, Sec. 57 and any terms, conditions, and/or restrictions set forth in the regulations of the State, Town, its By-laws, or any specific conditions or restrictions set forth in the license. Applicants shall be considered on a first come first serve basis. The Board of Selectmen may deny a license or establish a moratorium on the issuance of licenses at any time this action is deemed to be in the best interest of the Town.

**Town of Bourne
Selectmen/Town Administrator's Office
24 Perry Ave.
Buzzards Bay, Massachusetts 02532
(508) 759 - 0600, ext. 1307**

PUBLIC HEARING NOTICE

Notice is hereby given in accordance with the provisions of MGL Chapter 130, Section 60 as amended and Rules and Regulations and Application Requirements promulgated by the Bourne Board of Selectmen, that Bruce Silverbrand, of 18 Bayberry Road, Buzzards Bay, MA 02532 filed an application on October 12, 2018 to expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne. The proposed expansion will be for two additional acres for a total of a three acre aquaculture site. The proposed three acre site is located in the northern portion of Buttermilk Bay. There are no abutters to the existing or proposed acreage. The application, including a plan showing the specific location of the proposed grant, can be viewed at Town Hall.

A public hearing will be held on November 6, 2018 at 7:45 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532

BOARD OF SELECTMEN

**Peter J. Meier, Chm.
Judith MacLeod-Froman, Selectman
James L. Potter, Clerk
George G. Slade, Selectman
Jared P. MacDonald, Chairman**

10/25/18



CAPE COD TIMES

PROOF OF PUBLICATION

Date: 10/25/18

Town of Bourne
Selectmen/Town Administrator's Office
24 Perry Ave.
Buzzards Bay, Massachusetts 02532
(508) 759-0800, ext. 1307

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A public hearing will be held on November 8, 2018 at 7:45 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532

BOARD OF SELECTMEN
Peter J. Meier, Chm.
Judith MacLeod-Froman, Selectman
James L. Potter, Clerk
George G. Slade, Selectman
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10/25/18

10/18/182018

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Jared P. MacDonald, Chairman

10/25/18

AQUACULTURE/SHELLFISH GRANT PERMIT APPLICATION



TOWN OF BOURNE
Department of Natural Resources

24 Perry Avenue - Room 102
Buzzards Bay, MA 02532-3441
<http://www.townofbourne.com>

Shellfish Constable, Marinas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More



OFFICE: (508) 759-0621
POLICE: (508) 759-4451
MARINAS: (508) 759-3105
FAX: (508) 759-8026

Requirements are specified in the accompanying Aquaculture/Grant Regulations; If all requirements are met, complete this Application and submit with the appropriate payment (Payable to "Town of Bourne") to the Department, along with a copy of your Drivers License or State ID Card, and any supporting documentation specified in the Regulations, requested by the Department or indicated below, or that you feel may assist us in making a determination to approve your Application. The burden of any proof regarding eligibility and requirements rests solely with the Applicant. * **Complete all information and print clearly***

NEW: RENEWAL:

PROPOSED LOCATION OF GRANT: Describe below the specific measurements in feet of the desired area using land boundaries when possible. Attach a sketch or locus map indicating the boundaries and total square feet.

PRIMARY SITE REQUESTED: Site will extend 104' to NE/And will
RUN 416' TO SOUTH 104' x 416' THE OTHER PORTION
will extend 208' x 208' A 1 ACRE SQUARE
87,560 FT

ALTERNATE SITE REQUESTED: _____

NAME (FULL): Bruce H Silverbrand

DATE OF BIRTH: 2-13-65 PLACE OF BIRTH: Worcester MA
 LEGAL ADDRESS: 18 Bayberry Rd Bourne MA 02532
 HOME PHONE: 508-743-9580 CELL PHONE: 508-312-0542
 EMAIL ADDRESS: four-star-1234 @ comcast . net
 TIME AT ABOVE ADDRESS: 21 yrs
 IF LESS THAN 1 YEAR, PREVIOUS ADDRESS: _____
 *ATTACH EVIDENCE OF RESIDENCY
 MAILING ADDRESS (if Different): _____
 CURRENT/PREVIOUS TOWN PERMITS & DATES: None
 OTHER/PREVIOUS TOWNS & DATES PERMITTED IN: None
 LIST ANY DENIALS/VIOLATIONS IN ANY TOWN: _____
 *ATTACH MA COMMERCIAL PERMIT - PERMIT #: _____ YEARS HELD: 29 yrs
 PRIMARY OCCUPATION: Carpenter / Fisherman
 EMPLOYER/ADDRESS/PHONE: Self employed
 *ATTACH PRIMARILY USED VEHICLE REGISTRATION - REG #: BeaSTR
 VEHICLE MAKE: Ford VEHICLE MODEL: 1994 VEHICLE COLOR: Red/white
 *ATTACH BOAT REGISTRATION - MS/DOC #: MS 8525 BE
 BOAT LENGTH: 20' BOAT COLOR: White BOAT TYPE: Jason

- ANY CHANGES IN THIS INFORMATION MUST BE REPORTED TO THE D.N.R. IMMEDIATELY!

I, the undersigned and as named on Page 1, affirm that the information on Pages 1 & 2 of this Application is true, complete and correct and affix my signature hereto under the pains and penalties of perjury. By signing below, I agree to abide by the Shellfish Regulations and any other applicable rules and regulations of the Town of Bourne, as well as all applicable laws, rules and regulations of the Commonwealth of Massachusetts. I understand that perjury, misleading statements, or failure to abide by any laws, rules and regulations may result in permit denial, suspension, or revocation; without compensation or reimbursement, if suspended or revoked.

SIGNED: Bruce Silverman EMPLOYEE: _____

Shellfish Grant Expansion Proposal

A BRIEF OYSTER HISTORY

- Oyster aquaculture has been around since Roman times, where Romans cultivated oysters on their shores long ago
- Oyster and quahog aquaculture thrived on Cape Cod, especially on the shores of Bourne and Wareham, in the late 1800s until the construction of the Cape Cod canal
- While dredging the canal, they raised up tons of silt, killing off the aquaculture industry in the Towns of Bourne and Wareham in the early 1900s
- In present day, aquaculture in the state of Massachusetts has taken off with over 150 shellfish farms covering 800 acres in the state

Who We Are:

Buttermilk Bay Oyster Company

We are a Family run Farm with no Business Partners.

My wife, Rebecca, daughters, Sabrina and Samantha, are the Partners.

With our 270,000 oysters plus the Natures Conservancies oysters we are cleaning approximately 20,300,000 gallons of water everyday. That figure was used at 35 gallons a day which is a conservative estimate. We have also found oyster spat (baby oysters) on our gear. This means oysters on our farm are propagating in to Buttermilk Bay.

We have 270,000 of our own oysters and 300,000 baby oysters that we are growing for the Nature Conservancy. The Nature Conservancy oysters are being grown to then be planted in predetermined areas for the Towns of Bourne and Wareham.

We sold our first oysters on July 25th, 2018, 54 weeks from initial planting. As of October 1st, 2018, we have brought 10,000 oysters to Market.

The feedback from Town residents, who live on Buttermilk Bay, and other Town residents has been very positive. As far as we know there have been no complaints.

We have taken great care in the care of and well-being of our site.

We are here tonight to ask for an additional two acres. Granting this would put us at three acres, giving the farm more space to grow.

Currently there are 100 cages on site 50 of which are for the Nature Conservancy and 50 cages belonging to us growing our oysters. We have also planted 80,000 oysters on the bottom of the grant. As you can imagine with 80,000 oysters planted and 100 cages we have no more space.

If we are granted more acreage we would use some for planting quahogs, and we would like to employ a floating bag system like the Town of Bourne currently uses. We will continue to use cages and bottom planting in addition to the bag system.

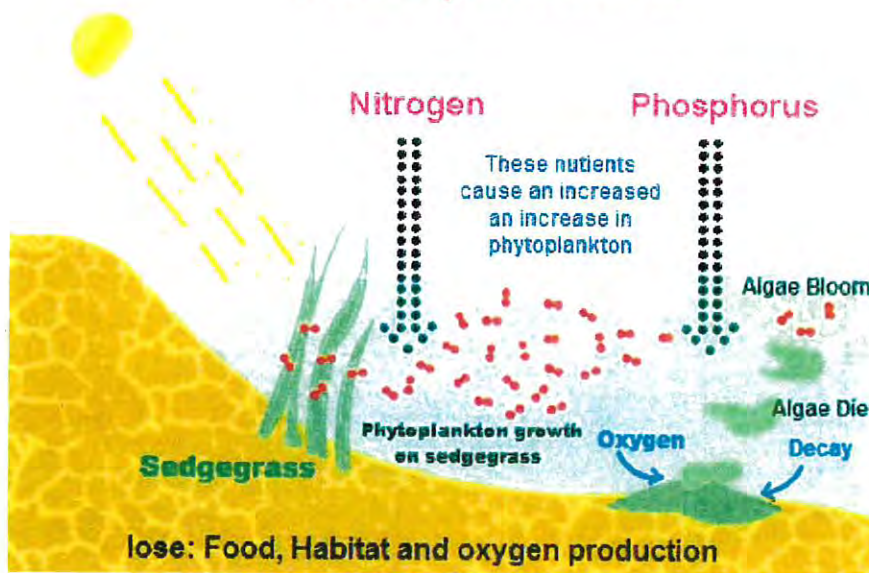
In closing, we think that we have shown viability, sustainability and profitability, moving forward our hope is this will continue. We thank the Director of the Department of Natural Resources, Tim Mullen, and the honorable Board of Selectmen for your consideration of this proposal.

The Silverbrand Family

WHY SUPPORT AQUACULTURE?

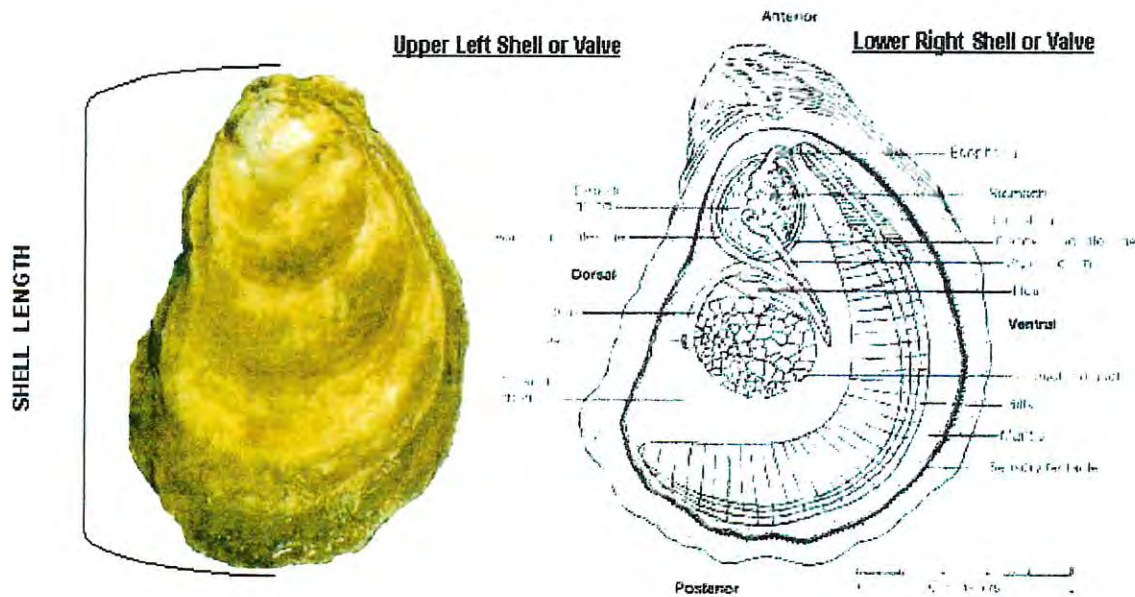
- A single oyster pumps 50 gallons of water a day, and eventually we would grow ½ a million oysters a year, that would mean 25 million gallons of water being filtered per day.
- This large amount of water filtration leads us to believe that this amount would actually make a difference in the 530 acre Bay, contributing a positive difference to the water quality of the Bay
- Oysters effect on eutrophication in Buzzards Bay and Buttermilk Bay would be a positive one, reducing the amount of nitrogen that would be contributing to large dead zones from the overlying algal blooms
- They also remove nitrogen from the water and they remove carbon from their surrounding water to form and develop their shells and tissues
- Obviously carbon is one of the biggest concerns we have with the marine ecosystem, as carbon is causing our oceans to warm at a more rapid pace, along with atmospheric change

Eutrophication



WHY SUPPORT AQUACULTURE?

- We face ever mounting pressures from rainfall runoff, acid rain, eutrophication and sewage threatening the water quality of Buzzards Bay and Buttermilk Bay, we believe by placing an oyster grant in greater Buttermilk Bay it would be good for the bay, therefore good for the Town of Bourne
- Yes, this is a business venture, but we believe that it will be beneficial to the bay in both water quality and future shellfish stocks, with a predominantly SW wind from May to October all of the spat/ seed from the grant would proliferate in the bay and sandbar north and east of the grant site
- Obviously this would not happen overnight, we estimate 5-7 years down the road before seeing a substantial benefit to shellfish stocks
- We would also be giving the Town of Bourne all of the shorts, or runt oysters, for the Director of the Shellfish Department to plant where he/she sees fit in the Town of Bourne
- Shorts or runts are oysters that after 2 years haven't grown to marketable size taking valuable cage space therefore they would be given to the Town of Bourne



Source : Maryland Sea Grant

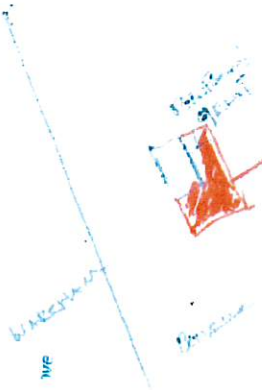


Google Maps

51 Packard St
Buttonwood Dr
Red Brook Rd
Head of the Ray Rd
Burhead Shores Rd
Oakley Ave
Pine Ridge Rd
Pine Ridge

Knobview Rd
Windy Rd

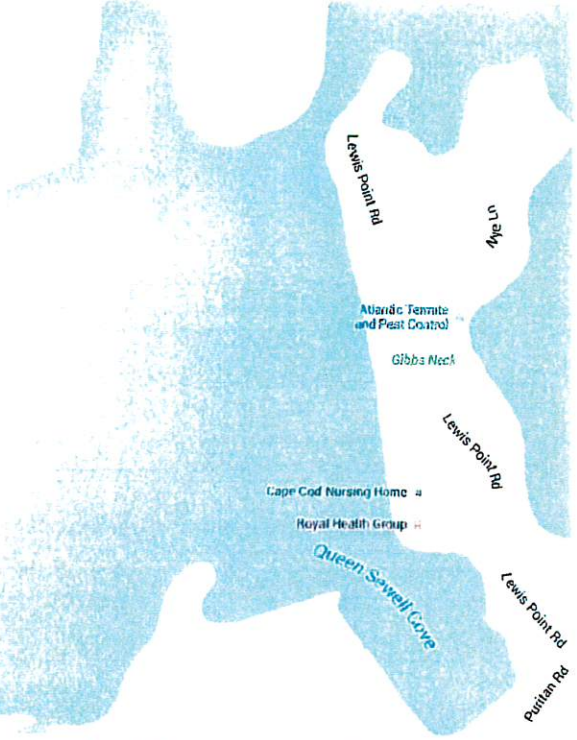
Alwatha Rd



Proposed expansion

Buttermilk Bay

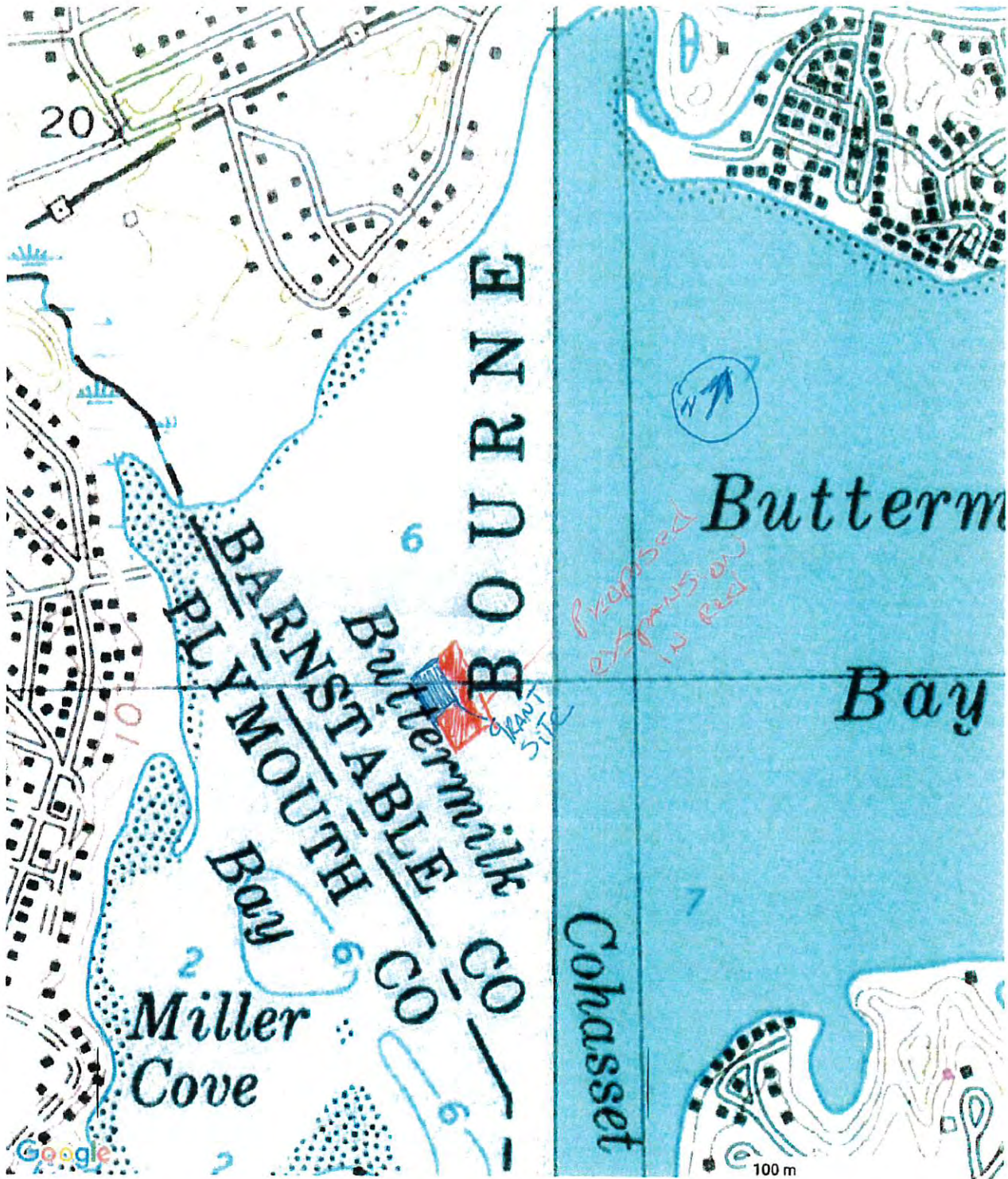
Google



Map data ©2016 Google 500 ft

Google Maps

Buzzards Bay Topo Map in Barnstable County Massachusetts



[Print this map](#)

Map provided by TopoZone.com

WORKS CITED

https://biochem1362.files.wordpress.com/2013/03/fig_2_ovster-huitre-eng.jpg

<http://images.tutorvista.com/cms/images/81/eutrophication.png>

ACCEPTABLE ITEMS (prices may change)

- Bulky items: each household will get 4 bulky item stickers, good for 2019 only, that can be used for free disposal of the items below. Bulky item stickers must be presented or charges will apply. The charges are:
 - Appliances (including microwaves) - \$10
 - Flat screen monitors and TVs, computers (CPUs), Cathode Ray Tubes (TVs, monitors) - \$20
 - Mattresses, boxsprings, sofa beds - \$20
 - Fluorescent bulbs - One sticker per bundle of up to 8 - \$4 each bulb
 - Tires - up to 4 small tires per sticker allowed. Auto/motorcycle/vehicle/mower < 16" - \$10, vehicle/truck 16" - 20" - \$20, vehicle/truck > 20" - \$60
- Recyclables, scrap metal
- Yard waste, brush and stumps
- Residential garbage and rubbish
- Bulky items and furniture
- Construction & demolition debris/shingles
- Propane tanks (20 lbs. only)
- Batteries- Ni-Cad, auto/marine, lithium
- Mercury containing items- thermometers, thermostats, switches
- PCB ballasts
- Paint- March 30th through October 19th, 10 can limit/day
- Waste oil and antifreeze (5 gallon limit each), oil filters, no gasoline

SWAP SHOP

- Only leave items in good condition.
- No loitering over 20 minutes or harassing others.
- Items are to be left and taken free of charge. No financial transactions of any kind allowed.
- The Swap Shop is not for commercial users.

Do not leave at Swap Shop

- Items with sharp broken parts, water damage or mildew.
- Mattresses, boxsprings, futons, sleeper sofas, pillows.
- Fluorescent bulbs, child car seats
- Televisions, computer monitors
- Paint, hazardous products
- Rubbish
- Clothing (use textile containers)

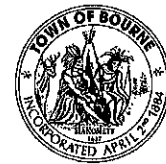
PAY FOR AT SCALE (sticker holders only)

- Campers, boats and RVs.
- Scale availability during residential recycling center hours; Mon. – Fri., 7:00 a.m. – 3:00 p.m. Saturdays 7:00 a.m. – noon. Closed Sundays. Subject to seasonal schedule.

FOR SALE

Compost bins - \$40

Bourne Board of Selectmen Recycling Center Policy Calendar Year 2019



Approved by the Selectmen of Bourne:

Peter J. Meier, Chair
Judith MacLeod-Froman, Vice Chair
James L. Potter, Clerk
George G. Slade
Jared P. MacDonald

HOURS OF OPERATION

Labor Day to Memorial Day
Wed. – Mon., 7:00 a.m. to 3:00 p.m.
Closed Tuesdays & Holidays

Memorial Day to Labor Day
7 days a week, 7:00 a.m. to 3:00 p.m.
Closed Holidays
Exact dates to be posted later

IMPORTANT PHONE NUMBERS

ISWM Office	508-759-0800, ext. 4
Recycling Center	508-759-0643
Scale	508-759-0639
Town Hall	508-759-0800
Bourne Board of Health	508-759-0600, ext. 1341
DPW (curbside)	508-759-0800, ext. 3
Website	www.townofbourne.com

Recycling/Disposal Sticker

- 1st sticker \$30; 2nd sticker \$15
- Seniors (60), 1st \$20, 2nd \$10
- Replacement sticker \$10
- Limit of two (2) stickers per property owner/residential household.
- Credit/debit card or check only. NO CASH.

GENERAL RULES

- **No Smoking.**
- Stickers remain the property of the Town of Bourne.
- Any violations of these rules may result in loss of sticker.
- **State waste disposal bans must be followed.** These items include: commercial organic material, recyclable paper, single resin narrow neck plastic containers, metal and glass containers, yard waste and leaves, lead acid batteries, whole tires, cathode ray tubes, white goods (appliances), metal, asphalt pavement, brick, concrete, wood (>5 cu. yd. loads).
- Fluorescent bulbs must be recycled.
- Stickers only issued to Bourne **residential** property owners and renters with proof of residence.

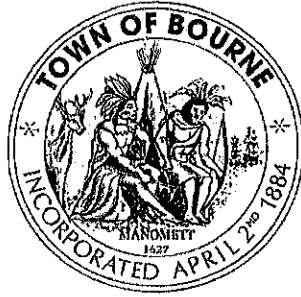
Raw landowners, JBCC residents and MMA students do not qualify.

- Stickers will not be applied to Vehicles with:
 - Dump bodies or dump trailers
 - Trailers greater than 12 feet
 - Beds longer than 8 feet
 - Sidewalls higher than cab
 - Bodies larger than a standard passenger van
 - Dealer plates or rental cars
- Proof of residence or ownership required including:
 - Current driver's license and
 - Current vehicle registration
 - One of the following shall be required:
 - Current property tax bill
 - Current lease
 - Current deed with stamps
 - Other current substantive documentation
- Department personnel will apply all stickers to vehicles and remove old stickers.
- Hazardous wastes/products and business wastes are prohibited.
- No high-pressure cylinders.
- The Town may track and question excessive numbers of loads or ask for proof of a building permit.

- Builders who build houses on speculation must bring that waste over the scale and pay.
- The acceptance of C&D and bulky items is dependent upon the Town's ability to replace full containers and may be suspended periodically.
- Trailers are not to be used for commercial "dump runs."
- Areas other than the residential recycling center and department offices are off limits.
- All scrap metal and other recyclables are the property of the Town. Picking is prohibited.
- Site is under video surveillance.
- **Abusive language toward employees will not be tolerated.**
- The Town recognizes that special circumstances may arise. In these situations, a temporary sticker or other arrangements may be made. Sticker holders must be present with the load unless otherwise approved. Please call or visit the ISWM office in advance.

HAZARDOUS PRODUCTS

Regional waste collection days held each April - October, dates TBA. Look for a separate mailing, local ads or visit the ISWM website.



Town of Bourne

Board of Selectmen

Bourne, MA November 6, 2018

Kara Garcia, 35 Corrine Drive, East Falmouth, MA 02536

The undersigned Selectmen of Bourne has this day appointed you

**Bourne Human Services Committee
Housing Authority Representative**

This appointment is valid until: **June 30, 2019**

Sworn to before me

Thisday of

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Town Clerk

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Selectmen
of
Bourne

TOWN OF BOURNE - FY19 Bourne Human Services Committee

EXP	LAST	FIRST	STREET	CITY	STATE	ZIP	HOME #	EMAIL
June 30, 2019	Garcia	Kara	35 Corrine Drive	East Falmouth	MA	02536	563-7485	kgarcia@bournehousing.org
June 30, 2020	Bombaci	Leona	PO Box 570 - 100 Williams Avenue	Pocasset	MA	02559	563-6647	Lbabdm@aol.com
June 30, 2020	Carr	Lois	PO Box 290 - 50 Club House Drive	Pocasset	MA	02559	563-9498	lcarr@townofbourne.com
June 30, 2020	Davidson	Craig	Dir of Student Services					cdavidson@bourne.k12.ma.us
June 30, 2020	Monteiro	Felice	239 Main Street	Buzzards Bay	MA	02532	759-0600 x5226	fmonteiro@townofbourne.com
June 30, 2020	Vacancy							
June 30, 2021	Murray	Andrew E.	PO Box 203 - 2 Cove Lane	Pocasset	MA	02559	563-3591	sheilaandy@comcast.net
June 30, 2021	Vacancy							

*Filling an unexpired term
Staggered three (3) year terms*

Rebello, Mary

From: Debra Jordan <djordan@bournehousing.org>
Sent: Wednesday, October 17, 2018 8:12 AM
To: Rebello, Mary
Cc: Kara Garcia
Subject: RE: Bourne Human Services Committee

Hi Mary,
I have asked Kara Garcia, Bourne Housing Authority Leasing Coordinator to serve on the committee in my place. Please let us know what paperwork needs to be completed.
Thanks
Deb

*Debra Jordan
Executive Director
Bourne Housing Authority
871 Shore Road
Pocasset, MA 02559
508-563-7485
djordan@bournehousing.org*

From: Rebello, Mary <MFebello@townofbourne.com>
Sent: Monday, June 11, 2018 3:52 PM
To: Debra Jordan <djordan@bournehousing.org>
Subject: RE: Bourne Human Services Committee

Hi Debra..
Your appointment is due to expire June 30, 2019.
According to the makeup, I think we need a housing authority representative to fill your vacancy.
Thanks
Mary

Bourne Human Services Committee

There shall be a standing Committee of nine members established by the Board of Selectmen entitled The Bourne Human Services Committee. The Board of Selectmen shall initially appoint members for two, three and four year terms and thereafter appoint members on a rotating basis for three-year terms.

The Committee shall preferably consist of a Representative of the Bourne Police Department, Council on Aging, Bourne Housing Authority, a youth representative, and 4 members at large. School Department representative added at Selectmen's meeting 12/12/07

Three Year Term

*Mary Rebello
mrebello@townofbourne.com*

508.759.0600 x1503

508.759.0420 - fax

From: Debra Jordan [<mailto:djordan@bournehousing.org>]

Sent: Monday, June 11, 2018 3:46 PM

To: Rebello, Mary <MRebello@townofbourne.com>

Subject: Bourne Human Services Committee

Hi Mary,

I no longer wish to serve on this committee as I have too many other work commitments. What is the process to resign?

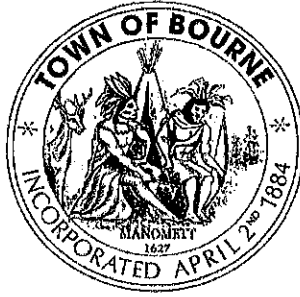
Thanks

Debra

Debra Jordan
Executive Director
Bourne Housing Authority
871 Shore Road
Pocasset, MA 02559
508-563-7485
djordan@bournehousing.org

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Town of Bourne

Board of Selectmen

Bourne, MA **November 6, 2018**

Walter Kliche, 3 Carl Gardner Road, Bourne, MA 02532

The undersigned Selectmen of Bourne has this day appointed you

Election Worker

This appointment is valid until: **June 30, 2019**

Sworn to before me

Thisday of

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Town Clerk

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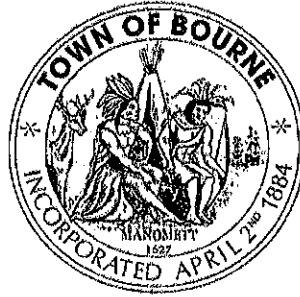
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Selectmen

of

Bourne



Town of Bourne

Board of Selectmen

Bourne, MA November 6, 2018

Donald E Ellis, PO Box 330 - 50 Pleasant Street, Sagamore, MA 02561

The undersigned Selectmen of Bourne has this day appointed you

Election Worker

This appointment is valid until: **June 30, 2019**

Sworn to before me

Thisday of

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Town Clerk

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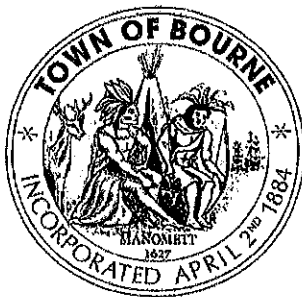
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Selectmen

of

Bourne



Town of Bourne

Board of Selectmen

Bourne, MA November 6, 2018

Marie C. Kane, 405 Barlows Landing Road, Pocasset, MA 02559

The undersigned Selectmen of Bourne has this day appointed you

Election Worker

This appointment is valid until: **June 30, 2019**

Sworn to before me

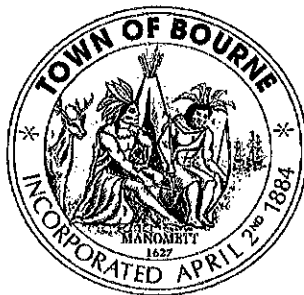
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Town Clerk

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Selectmen
of
Bourne



Town of Bourne

Board of Selectmen

Bourne, MA **November 6, 2018**

Martin Greene, 6 Maryland Avenue, Bourne, MA 02532

The undersigned Selectmen of Bourne has this day appointed you

Election Worker

This appointment is valid until: **June 30, 2019**

Sworn to before me

Thisday of

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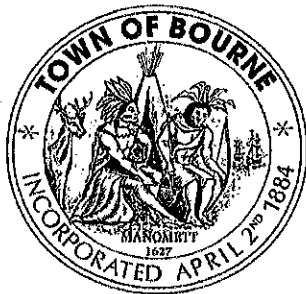
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Selectmen

of

Bourne



Town of Bourne

Board of Selectmen

Bourne, MA **November 6, 2018**

Andrew G. Campbell, 13 Bell Road, Bourne, MA 02532

The undersigned Selectmen of Bourne has this day appointed you

Election Worker

This appointment is valid until: **June 30, 2019**

Sworn to before me

Thisday of

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Town Clerk

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Selectmen
of
Bourne

Judge, Debbie

From: Guerino, Thomas
Sent: Tuesday, October 30, 2018 11:50 PM
To: Judge, Debbie
Subject: Fwd: Holiday Fair

Licenses and appointments
 Sent from my iPhone

Begin forwarded message:

From: "Meier, Peter" <PMeier@townofbourne.com>
Date: October 30, 2018 at 11:40:35 PM EDT
To: Carol MacDonald <macmimi6@gmail.com>, "Guerino, Thomas" <TGuerino@townofbourne.com>, "James L. Potter" <jlpotter@townofbourne.com>
Cc: "Slade, George" <gslade@townofbourne.com>, "jamespotter@townofbourne.com" <jamespotter@townofbourne.com>, "jforman@townofbourne.com" <jforman@townofbourne.com>, "MacDonald, Jared" <JMacDonald@townofbourne.com>
Subject: Re: Holiday Fair

Thank you for all that you do for the elderly and less fortunate in town.

This will be on the agenda for 11/6/18 for consideration.

Sent from my iPhone

Peter J Meier
 Chairman - Bourne Board of Selectmen
 Member - Bourne Board of Sewer Commissioners
 24 Perry Avenue
 Buzzards Bay, MA 02532
PMeier@townofbourne.com
 508-759-0600 - Office
 508-759-7809- Home
 508-274-7184- Cellular

On Oct 30, 2018, at 11:24 PM, Carol MacDonald <macmimi6@gmail.com> wrote:

The Friends of Bourne COA will be having their Holiday Fair on Saturday, December 1, 2018 from 9:00 A.M. - 2:00 P.M. This event showcases our senior Crafters, Quilters, Knitters and Rug Hookers. We will be using the Veterans Center in the Veterans Memorial Community Building.

All proceeds benefit the Friends Food Pantry and the needs of our community.

The Friends ask for a waiver of fees for this event.

Sincerely,

Carol MacDonald, President
Friends of Bourne COA

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Bourne Veteran's Memorial Community Building Reservation Policies

11B

How to request a room/gym at the Community Building:

Availability for all locations can be found on www.bournerec.com. Click on "Facilities" then select calendar. From the drop down menu you can select a specific location.

1. The requesting group must have an account on www.bournerec.com. Accounts should be set up for the organization, not an individual household.
 - a. Once an account is created, the request is to be made online. Login to your account and click on the "Reserve" icon then follow the prompts to complete your request.
2. Gym requests are pending and will not be approved without receipt of the following:
 - a. Indemnification and Release (Acknowledged during online request process)
 - b. Copy of Certificate of Insurance. Coverage will be required in the minimum amounts of \$2,000,000 per person, \$3,000,000 per occurrence for all private groups/organizations. Proof of insurance must be uploaded to your bournerec.com account prior to your request.
3. Any non-profit group must submit the following:
 - a. Copy of current Non-Profit Certification (Upload to your account prior to request)
4. Once the above listed documents are received, the request will be reviewed by the Recreation Department. Notification of the status will be sent to the email listed on the account.
5. Once approved, full payment must be made prior to the permit start date. There are no refunds for dates reserved and not used.

Rental Information:

Availability of space is not a guarantee of approval for use.

Meeting space can be reserved in 3 hour blocks. Rooms will be available at the requested time. The 3 hour block includes set-up/breakdown time needed by the group.

Town of Bourne sanctioned or sponsored committees, functions, activities, or events will take precedent over all other events or activities.

Town of Bourne Departments, Committees and local support groups can reserve rooms up to 12 months in advance. All others may reserve up to 3 months in advance.

Reservations may be cancelled based on the needs of Town Departments and/or Committees. We will do our best to provide a minimum of 24 hours' notice for all cancellations. Fees will be credited for future use for all cancellations made by the Town of Bourne. If no future reservations are needed, a refund will be issued if cancelled by the Town of Bourne. Groups requesting a cancellation will be issued a credit/refund if cancelled 7 or more days prior to the date.

Any person or organization granted the use of Town property shall assume full liability for any damage to the property, injury to participants, damage to or loss of equipment. If the person or organization applying shall not be deemed to be of sufficient responsibility, no permission will be granted.

Bourne Veteran's Memorial Community Building Reservation Policies

The use of Town property must not violate any local, state, or federal law or regulation, and any such violation shall be deemed sufficient cause for the refusal of any subsequent application by the person or organization involved.

Scheduling Information:

In inclement weather, the Town of Bourne reserves the right to close the Community Building and cancel all scheduled activities. Any decision to close is made by the Town Administrator. Fees will be credited for future use.

Meeting rooms are often scheduled back to back. Rooms will be available at the requested time.

We reserve the right to change room assignments.

Building Policies:

Alcoholic beverages are not permitted on Town property.

Smoking is not allowed on Community Building Property.

Exterior doors in Rooms 1 and 2 are emergency exits only. These doors are not accessible from the outside and need to remain closed except in case of emergency.

All visitors to the Community Building must enter and exit through either the main lobby doors or the rear door located in the back of the building.

After 4:30pm, all visitors must enter through the main lobby doors.

All exterior gym doors are to remain closed at all times.

All groups are responsible for the set-up and break-down of the room. Rooms need to be returned to the original set-up after all meetings. If extra time is needed, please build that into your reservation request, but please note fees are based on a 3 hour block.

Due to limited space, supplies needed for group meetings and gym rentals cannot be left in the building. The Town of Bourne is not responsible for items left behind.

All participants must adhere to any other policy/rules set by the Town of Bourne.

Restrictions:

We do not allow rentals for individual profit in the Community Building. For profit use will be restricted to in-house trainings, etc., no fee based trainings, clinics or seminars are allowed.

Bourne Veteran's Memorial Community Building Reservation Policies

Fee Information:

In-town boards, committees and State/Federal agencies can reserve meeting rooms at no charge. Fees listed below are for events scheduled during regular operating hours, Monday – Friday 9:00am – 8:45pm and Saturdays 9:00am – 5:00pm (September – June). The building reduces evening/weekend hours in July and August. The 3-hour time block includes set-up/breakdown time.

Room Fees and Set-Up:

- Room 1:* Small groups (under 15 people): \$40/up to 3 hours
All other groups: \$60/Up to 3 hours
Corporate Meetings/Trainings: \$75/Up to 3 hours
Capacity: 32 people. Tables set in 2 rectangle sets of 16
Sunday Rental: \$270 for up to 3 hours. Includes room and custodial fees
- Room 2:* Small groups (under 15 people): \$50/up to 3 hours
All other groups: \$70/Up to 3 hours
Corporate Meetings/Trainings: \$100/Up to 3 hours
Capacity: 40 people. Permanent U-Shaped conference table at one end. Appropriate for boards and committees. 5 rows with 8 chairs each. This room comes equipped with a screen and projector.
Sunday Rental: \$300 for up to 3 hours. Includes room and custodial fees
- Room 3:* Small groups (under 18 people): \$40/up to 3 hours
Corporate Meetings/Trainings: \$75/Up to 3 hours
Capacity: 18 people. Tables set in 1 large rectangle.
Sunday Rental: \$270 for up to 3 hours. Includes room and custodial fees
- Cafeteria:* Small groups (under 15 people): \$50/up to 3 hours
All other groups: \$70/Up to 3 hours
Capacity: 56 people. Round tables of 8. Kitchen use not included.
Sunday Rental: \$300 for up to 3 hours. Includes room and custodial fees
- Gym:* Registered non-profit: \$40/Up to 2 hours 1/2 gym; \$80 whole gym
All others: \$80/Up to 2 hours 1/2 gym; \$160 whole gym
Game Rental: \$50/Up to 3 hours: Includes use of our scoring equipment
Capacity: Up to 4 teams for practice (full gym).
Sunday Rental: \$630/whole gym, up to 3 hours. Includes rental and custodial fees

After hours/Sunday scheduling may be available but is not guaranteed. There are no half-gym rentals on Sundays. Per the Board of Selectmen, two special event waivers per non-profit group may be requested in a calendar year. Any waiver would not include the custodial fee of \$150 (Up to 4 hours) or \$300 (Up to 8 hours).



Selectmen's Correspondence

November 6, 2018

- A. ISWM Quarterly Groundwater and Landfill Gas Monitoring Results
- B. Various letters from the DEP regarding denial of mooring/float/raft permits.
 - a. John Rudnicki – Mooring 15-R – Mashnee Island
 - b. Brian K. Bergin – Mooring 41-A – Dolphin/Hayfield
 - c. Peter Normandin
- C. Office of the Attorney General open meeting law complaint filed by Ethan Genter.
- D. Letter from Richard W. Conron regarding goals workshop.
- E. Letter from Protect Our Cape Cod Aquifer [POCCA] regarding week killer Roundup.
- F. Notice of Hearing from Cape Cod Commission regarding ISWM Phase 6 meeting.
- G. Letter from DEP regarding conditional approval Landfill Phase 4, Stage 1.
- H. Letter from DEP regarding Landfill administrative consent order and amendments.
- I. Abutter Notification 130 Red Brook Harbor Road Conservation Commission request for determination.
- J. Upper Cape Cod Regional Technical School District Committee Meeting Minutes.
- K. Upper Cape Cod Regional Technical School District Committee seeking advice on future strategic plan.
- L. Cape Light Compact monthly Energy Efficiency Report.
- M. Sealer of Weights and Measures Quarterly Report from 07.01.2018 – 09.30.2018.
- N. Letter to Haven Center confirming town meeting vote on medical use sales and cultivation of medical cannabis.
- O. Outline of goal to improve user-ability of town website by January 2019.
- P. Letter from DEP sent to Kathleen Driscoll of MMA and Bernard Paul regarding Diesel Fuel Release, 101 Academy Drive, Buzzards Bay – Notice of Responsibility
- Q. Copy of Joint US EPA and MassDEP Letter on Cape Cod Water Quality Issues letter from the Cape Cod Commission.
- R. Letter from Governor Baker regarding additional Chapter 90 funds in the amount of \$121,516 for our community.
- S. Bourne Board of Appeals abutter notification of Public Hearing 101 and 105 Williams Avenue.
- T. Letter from Executive Office of Energy and Environmental Affairs regarding funding for the Bourne Rail Trail/Shining Sea Bikeway Extension.
- U. Division of Marine Fisheries: Status: Open to Shellfishing – Monument Beach
- V. Division of Marine Fisheries: Status: Open to Shellfishing – Back River



TOWN OF BOURNE
Department of
Integrated Solid Waste Management



Mailing:
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext. 4

Location:
201 MacArthur Blvd.
Bourne, MA 02532

October 9, 2018

Mr. Mark Dakers, Solid Waste Section Chief
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

Re: Bourne ISWM Facility Quarterly Groundwater and Landfill Gas Monitoring Results.

Dear Mr. Dakers:

Please find attached the results of the spring 2018 groundwater, surface water, leachate and landfill gas monitoring conducted at the Bourne Integrated Solid Waste Management (ISWM) Facility. Also included is a memorandum written by ISWM facility engineer of record Mr. A. Raymond Quinn, PE, of SITEC Environmental, Inc. Mr. Quinn's correspondence, dated August 22, 2018 contains an analysis of each well sampled this quarter and a comparison of historic data to identify potentially emerging trends in groundwater quality.

The arsenic MMCL and the groundwater MCL of 0.01 mg/l was exceeded at the following wells; MW11D which had a detectable level of 0.02 mg/l, MW18D had a detectable level of 0.014 mg/l, MW12D had a detectable level of 0.019 mg/l, MW14DD had a detectable level of 0.023 mg/l and MW5D had a detectable level of 0.06 mg/l.

MW 5D exceeded the MCL of 0.05 mg/l for selenium with a detectable level of 0.23 mg/l. MW14S met the MCL of 10 mg/l for nitrate.

In recent monitoring rounds MW's 11S and 18S have consistently shown slow recharge/insufficient water to purge and sample. MW10S was recently reactivated in accordance with conditions contained in the Final Comprehensive Site Assessment issued on June 5, 2017, it too has demonstrated slow recharge/insufficient water to purge and sample. In a letter dated April 5, 2018 Mr. Quinn proposed replacement of these three wells. In an email dated April 5, 2018 you approved with conditions, Mr. Quinn's proposed well replacement. ISWM is currently moving forward with this project in accordance with all applicable regulatory requirements including those contained in your April 5, email. We will keep you apprised of our progress.

The gas monitoring data results for the first quarter 2018 show all captured and recorded methane levels detected in the gas monitoring probes were well below the regulatory requirement for methane at the facility property line.

The attached graphs depict concentrations over time for contaminants tracked for the Board of Health. These include nitrate, arsenic, cadmium, benzene, chlorobenzene, sodium, vinyl chloride and 1, 4 – dichlorobenzene.

Very truly yours,



Daniel T. Barrett
General Manager

Cc: Board of Health; including laboratory report
Thomas Guerino, Town Administrator
Attachments



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

RECEIVED
OCT 10 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

BGS

Mr. John Rudnicki
24 Harvestwood Drive
West Bridgewater, Ma. 02379

Dear Mr: John Rudnicki

The Waterways Regulation Program (WRP) of the Department of Environmental Protection (DEP) has reviewed correspondence submitted by you dated August 23, 2018 seeking further DEP review of the denial of a 10a permit application by Town of Bourne harbormaster for a mooring, float, or raft.

The DEP has reviewed the request and, pursuant to 310 CMR 9.07(5), affirms the harbormaster's decision to deny. The DEP has based its determination on the following regulatory criteria:

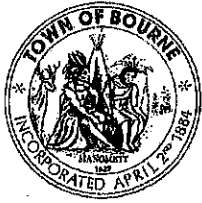
- * that said denial was not arbitrary, capricious, or an abuse of discretion;
- * that the denial did not conflict with an overriding state, regional, or federal public interest;
- * that it did not fail to meet any requirement of 310 CMR 9.07;
- * that said denial was not based on plans or other documentation submitted with the application which contained substantially inaccurate or incomplete depictions of the structure or its surroundings;
- * said denial did not allow floats, rafts, or small structures which significantly interfere with public rights to use waterways for fishing, fowling, and navigation or for other lawful purposes.

The Department's upholding of the harbormaster's denial is the final administrative review under 310 CMR 9.07; there is no right to an adjudicatory hearing in this matter.

Yours very truly,

Ben Lynch

Cc: Town of Bourne, Harbormaster
Town of Bourne, Board of Selectmen
John Rudnicki



TOWN OF BOURNE
Department of Natural Resources
24 Perry Avenue - Room 102
Buzzards Bay, MA 02532-3496
www.townofbourne.com



Shellfish Constable, Marinas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More

TIM MULLEN
DIRECTOR

OFFICE: (508) 759-0621
POLICE: (508) 759-4451
MARINAS: (508) 759-3105
FAX: (508) 759-8026

September 21, 2018

Ben Lynch, Program Chief
Waterways Regulation Program
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Mooring 15-R, Mashnee Island

John Rudnicki
24 Harvestwood Drive
West Bridgewater, MA 02379

Dear Mr. Lynch,

On December 8 of 2017 Mr. Rudnicki was sent a bill for \$100.00 for his 2018 mooring permit. The bill was due within 30 days. Enclosed with the bill was a copy of the Bourne Waterway Regulations and a cover letter advising the permit holder that the enclosed **Annual Mooring Renewal Application** needed to be completed and returned with **Proof Of Boat Ownership** to the Harbor Master annually by July 1st.

- On May 1 of 2018, a reminder postcard was sent to Mr. Rudnicki and all of the other permit holders who had not submitted various documentation, advising them of the July 1st deadline for submissions.
- On July 12, 2018, a letter was sent to Mr. Rudnicki advising him that his 2018 **Annual Mooring Renewal Permit Application** along with **Proof of Boat Ownership** must be submitted by August 1st to avoid his mooring permit being revoked as per section 2.2.2 of the Town of Bourne Waterway Regulations. Also, in accordance with section 2.2.2, a \$25 late fee was assessed at this time.
- Having never received the required documentation, a letter was sent to Mr. Rudnicki on August 16, 2018 stating that the mooring permit was revoked in accordance with the aforementioned Bourne Waterway Regulations.

We regret that Mr. Rudnicki's mooring permit has been revoked but feel we made every effort to make the permit holder aware of the requirements placed on him.

Please contact me should you have any additional questions. I can be reached at 508-759-0600 ext. 1312 or at tmullen@townofbourne.com.

Sincerely,

Tim Mullen, Director/Harbormaster



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Mr. John Rudnicki
24 Harvestwood Drive
West Bridgewater, Ma. 02379

Dear Mr: John Rudnicki

The Waterways Regulation Program (WRP) of the Department of Environmental Protection (DEP) has reviewed correspondence submitted by you dated August 23, 2018 seeking further DEP review of the denial of a 10a permit application by Town of Bourne harbormaster for a mooring, float, or raft.

The DEP has reviewed the request and, pursuant to 310 CMR 9.07(5), affirms the harbormaster's decision to deny. The DEP has based its determination on the following regulatory criteria:

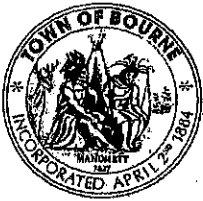
- * that said denial was not arbitrary, capricious, or an abuse of discretion;
- * that the denial did not conflict with an overriding state, regional, or federal public interest;
- * that it did not fail to meet any requirement of 310 CMR 9.07;
- * that said denial was not based on plans or other documentation submitted with the application which contained substantially inaccurate or incomplete depictions of the structure or its surroundings;
- * said denial did not allow floats, rafts, or small structures which significantly interfere with public rights to use waterways for fishing, fowling, and navigation or for other lawful purposes.

The Department's upholding of the harbormaster's denial is the final administrative review under 310 CMR 9.07; there is no right to an adjudicatory hearing in this matter.

Yours very truly,

Ben Lynch

Cc: Town of Bourne, Harbormaster
Town of Bourne, Board of Selectmen
John Rudnicki



TOWN OF BOURNE
Department of Natural Resources

24 Perry Avenue; Room 102
Buzzards Bay, MA 02532-3496
<http://www.townofbourne.com>

Shellfish Constable, Marinas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More

TIMOTHY W. MULLEN
HARBOR MASTER, DIRECTOR

OFFICE: (508) 759-0600
POLICE: (508) 759-4451
MARINAS: (508) 759-3105
FAX: (508) 759-8026

AUGUST 16, 2018

RUDNICKI JOHN Z
24 HARVESTWOOD DRIVE
WEST BRIDGEWATER, MA 02379

RE: **Mooring #: 15-R**
COVE: Mashnee
BILL #: 436

We regret to inform you that, in accordance with, Section 2.2.2 of the Town of Bourne Waterway Rules & Regulations, your **mooring permit** is not being issued for 2018 and subsequently **revoked** for failing to provide the following; **DOC**

- Copy of current: **Proof of Boat Ownership**
- May 1, 2018, a reminder postcard was forwarded to the address on record, which indicated the remaining compliance requirement, with a July 1, 2018 deadline.
- July 12, 2018, a late notice with a \$25.00 fee, was mailed to the address on record with an August 1, 2018 deadline.

All attempts made by the town to collect this documentation have been unsuccessful.

Any appeal of this decision must be submitted in writing; as per 310CMR 9.07(5) within thirty (30) days of this notice, at this address;

The Massachusetts Department of Environmental Protection (DEP)
Division of Wetlands and Waterways
One Winter Street
Boston, MA 02108-4747

Please refer to: **The Town of Bourne Waterways Rules & Regulations** available on-line @ www.townofbourne.com, link to DNR.

If you have any further questions regarding this matter, please contact Jennifer Chisser, 508-759-0600 ext. 1309.

Respectfully,

Tim Mullen
Director / Harbormaster

SEE OTHER SIDE



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

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Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

RECEIVED

OCT 10 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Mr Brian Bergin
4 Warren Road
Bourne, Ma. 02532

Dear Mr: Brian Bergin

The Waterways Regulation Program (WRP) of the Department of Environmental Protection (DEP) has reviewed correspondence submitted by you dated (no date provided on letter) seeking further DEP review of the denial of a 10a permit application by Town of Bourne harbormaster for a mooring, float, or raft.

The DEP has reviewed the request and, pursuant to 310 CMR 9.07(5), affirms the harbormaster's decision to deny. The DEP has based its determination on the following regulatory criteria:

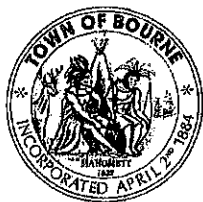
- * that said denial was not arbitrary, capricious, or an abuse of discretion;
- * that the denial did not conflict with an overriding state, regional, or federal public interest;
- * that it did not fail to meet any requirement of 310 CMR 9.07;
- * that said denial was not based on plans or other documentation submitted with the application which contained substantially inaccurate or incomplete depictions of the structure or its surroundings; or
- * said denial did not allow floats, rafts, or small structures which significantly interfere with public rights to use waterways for fishing, fowling, and navigation or for other lawful purposes.

The Department's upholding of the harbormaster's denial is the final administrative review under 310 CMR 9.07; there is no right to an adjudicatory hearing in this matter.

Yours very truly,

Ben Lynch

Cc: Tim Mullan, Harbormaster
Bourne Board of Selectmen
Brian Bergin



TOWN OF BOURNE
Department of Natural Resources
24 Perry Avenue - Room 102
Buzzards Bay, MA 02532-3496
www.townofbourne.com



Shellfish Constable, Marinas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More

TIM MULLEN
DIRECTOR

OFFICE: (508) 759-0621
POLICE: (508) 759-4451
MARINAS: (508) 759-3105
FAX: (508) 759-8026

September 21, 2018

Ben Lynch
Waterways Regulation Program
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Mooring 41-A, Dolphin/Hayfield

Brian K Bergin
4 Warren Road
Bourne, MA 02532

Dear Mr. Lynch,

On December 8 of 2017 Mr. Bergin was sent a bill for \$100.00 for his 2018 mooring permit. The bill was due within 30 days. Enclosed with the bill was a copy of the Bourne Waterway Regulations and a cover letter advising the permit holder that the enclosed **Annual Mooring Renewal Application** needed to be completed and returned with **Proof Of Boat Ownership** to the Harbor Master annually by July 1st.

- On May 1 of 2018, a reminder postcard was sent to Mr. Bergin and all of the other permit holders who had not submitted various documentation, advising them of the July 1st deadline for submissions.
- On July 12, 2018, a letter was sent to Mr. Bergin advising him that his 2018 **Annual Mooring Renewal Permit Application** along with **Proof of Boat Ownership** must be submitted by August 1st to avoid his mooring permit being revoked as per section 2.2.2 of the Town of Bourne Waterway Regulations. Also, in accordance with section 2.2.2, a \$25 late fee was assessed at this time.
- Having never received the required documentation, a letter was sent to Mr. Bergin on August 16, 2018 stating that the mooring permit was revoked in accordance with the aforementioned Bourne Waterway Regulations.

We regret that Mr. Bergin's mooring permit has been revoked but feel we made every effort to make the permit holder aware of the requirements placed on him.

Please contact me should you have any additional questions. I can be reached at 508-759-0600 ext. 1312 or at tmullen@townofbourne.com.

Sincerely,

Tim Mullen, Director/Harbormaster



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

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Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

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OCT 10 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Boys

Mr. Peter Normandin
60 Edro Isle Road
Westminister, Ma. 01473

Dear Mr: Peter Normandin

The Waterways Regulation Program (WRP) of the Department of Environmental Protection (DEP) has reviewed correspondence submitted by you dated August 28, 2018 seeking further DEP review of the denial of a 10a permit application by Town of Bourne harbormaster for a mooring, float, or raft.

The DEP has reviewed the request and, pursuant to 310 CMR 9.07(5), affirms the harbormaster's decision to deny. The DEP has based its determination on the following regulatory criteria:

- * that said denial was not arbitrary, capricious, or an abuse of discretion;
- * that the denial did not conflict with an overriding state, regional, or federal public interest;
- * that it did not fail to meet any requirement of 310 CMR 9.07;
- * that said denial was not based on plans or other documentation submitted with the application which contained substantially inaccurate or incomplete depictions of the structure or its surroundings; or
- * said denial did not allow floats, rafts, or small structures which significantly interfere with public rights to use waterways for fishing, fowling, and navigation or for other lawful purposes.

The Department's upholding of the harbormaster's denial is the final administrative review under 310 CMR 9.07; there is no right to an adjudicatory hearing in this matter.

Yours very truly,

Ben Lynch

Cc: Tim Mullan, Harbormaster
Bourne Board of Selectmen
Peter Normandin

8-26-18

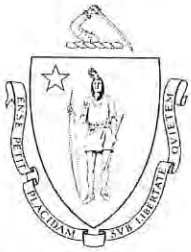
To whom it may concern

I am appealing the decision of the
Department of Natural Resources Town of
Bourne revoking my mooring permit.

I certainly intended to renew my application.
but honestly forgot about it. Of course
I'll pay any fees that apply. Myself and
my family would be grateful.

Sincerely

Peter Normandin



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

RECEIVED
OCT 12 2018
TOWN OF BOURNE
BOARD OF SELECTMEN
(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

October 9, 2018

VIA EMAIL ONLY

Beth Treffeisen
btreffeisen@capecodonline.com

RE: Open Meeting Law Complaint

Dear Ms. Treffeisen:

Thank you for contacting the Attorney General's Office. On October 9, 2018, we received your Open Meeting Law complaint, which was originally filed by Ethan Genter and received by the Bourne Board of Selectmen on or about June 11, 2018. We will review your complaint and will contact you in the event that we require additional information. We will notify you of our determination following our Office's review.

Your complaint may be resolved through either a formal order or informal action. Formal orders contain a detailed discussion of the alleged violation, applicable legal requirements, and may order any of the remedies provided in G.L. c. 30A, § 23(c). If a complaint is appropriate for informal action, we will attempt to resolve the matter by speaking to the parties, followed by a brief letter noting whether or not there was a violation and what remedial action was taken.

For additional information on the Open Meeting Law and the complaint process, please visit our website at www.mass.gov/ago/openmeeting. Please do not hesitate to contact the Division of Open Government with any further questions.

Sincerely,

Mira Netsky
Paralegal
Division of Open Government

cc: Ethan Genter, Cape Cod Times (by mail)
Robert S. Troy, Esq., Troy Wall Associates (by mail)
Bourne Board of Selectmen (by mail)

Richard W. Conron
29 Mashnee Road
Gray Gables
Bourne, MA 02532

RECEIVED
OCT 12 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

Sunday, October 7, 2018

Board of Selectmen
Town of Bourne
24 Perry Ave
Buzzards Bay, MA 02532

Dear Members of the Board,

Looking at your October 9th agenda I see that you are again spending time on a “goals workshop”. Goal #4 is focused on town policies. From my point of view, this is a very important task. Documented policies and procedures insures the stability of town government and enables Bourne to keep moving forward in order to improve our quality of life.

Here are three topics I would ask you to consider as possible candidates for written town policies.

These topics are:

1. Communication methods between residents and the Board of Selectmen.

Over the years, I have often sent letters to the Board as attachments to Emails sent to “selectmen@townofbourne.com”. It was my expectations that these letters, sent electronically would be included as items in the correspondence section of the weekly Board meeting. My e-mail letters were never listed in the Board weekly meeting correspondence. When I inquired about this situation, I was told that only “mailed” correspondence is included each week. Another example that points to the need for a communication policy occurred when I sent a question via email to a member of the current Board. As of the date of this letter, I still have not received a reply. The email was sent on 7/25/18. Today, there are many options of electronic messaging available. I see a need to create a policy that defines how a resident communicates with the full Board or members of the Board and when residents should expect a response.

2. A policy to define the process to prepare, publish and report annual goals and their outcome/results.

Goals are a key performance indicator that residents can us to gain appreciation for the efforts of town government to add value to the town and improve the quality of life for residents. Other than the “publish due date” that is specified in the charter, I feel residents have a very limited understanding of the goals process. How goals are chosen. How defined goals impact town government and our quality of life. Part of a goals policy should include a formal annual report that documents what annual goals were achieved or deferred. This goals report should be presented at the last weekly Board meeting prior to our local Election Day.

3. Formalize and publish a policy for the Board's detailed process to conduct the annual performance review of the Town Administrator.

One of the most critical tasks that the Board is required to annually perform is the Town Administrator's evaluation. A written performance appraisal policy that includes definitions of terms within the evaluation document helps to standardize and bring consistency to the Town Administrator's evaluation process. This also eliminates any personal interpretation of terms on the evaluation form. Publishing a written policy for the T/A evaluation is important because the Board of Selectmen is in constant flux and each year is made up of new and different individuals who have very diverse skills, knowledge and background. A written policy unifies the process for the 5 evaluators and supports year to year evaluation consistency.



Richard W. Conron



September 2018 ~

Dear Cape Cod Municipal Officials:

Today, I write to you in light of new evidence discovered in California last month, new developments occurred about the weed killer Roundup® being harmful to people.

Recently there was a landmark lawsuit in California in which a jury found Roundup®, made by Monsanto Co., was liable for causing a Northern California school custodian/groundskeeper's cancer from his exposure through use to the weed killer.

The active ingredient in Roundup® is Glyphosate. It is classified as a probable carcinogen by the World Health Organization. It is recommended that all towns should suspend the use of Roundup® in all public places immediately. It is up to town officials to protect your constituents and worker's health and your own legal liability.

Note: Roundup® is one of the more popular weed killers or invasive plants control product used, but there are a number of other trade names and manufacturers for Glyphosate based weed killers. If your community utilizes another weed killing or invasive plants control product we urge you to read the label(s), to see if the product contains Glyphosate or Glyphosate combined with other chemicals.

1 - My first ask is for all towns on Cape Cod, Martha's Vineyard and Nantucket to stop allowing the use on municipal owned or controlled land; parks, school grounds, streets, ball fields, sport fields, town hall properties, libraries, police stations, fire stations, windmill grounds, parks, walking & bike paths, dog parks, and any other areas not listed that a town may oversee where people and their families roam.

2 - My next ask is for all towns to write a letter, or post on their web sites, to all their land owners, residents, businesses, tax payers, conservation trusts, requesting they halt the use of Roundup® due to the fact it is harmful to people according to the latest developments in a major court case in California.

POCCA ~ Protect Our Cape Cod Aquifer * www.poccapecod.org * poccapecod@gmail.com



What if the health of residents is affected? Would residents come to town boards (of health) for answers? Would they take legal action against their town?

Please have the forethought to prevent this from occurring by taking the first steps to protecting your town and thus our community, for all those who live and visit here. There are other far less toxic and more natural ways to control weeds and invasive plants i.e. poison ivy, feel free to contact us for suggestions or to meet with you or your board (s).

Also in September 2018 a new study came out of the University of Texas in Austin stating Glyphosate is harming bees. Please do your own research and do what is best for your town.

Thank you for your continual dedication to your town and our beloved Cape Cod community.

Respectfully,

Laura Kelley
Eastham resident
President of POCCA Cape Cod
POCCA = Protect Our Cape Cod Aquifer
Helping to protect our quality of life on Cape Cod ~

RECEIVED

OCT 15 2018

TOWN OF BOURNE
BOARD OF SELECTMEN3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630CAPE COD
COMMISSION(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

HEARING NOTICE
CAPE COD COMMISSION
DEVELOPMENT OF REGIONAL IMPACT
Bourne Integrated Solid Waste Management Facility—Phase 6 (EIR-DRI-17024)
October 29, 2018

The Cape Cod Commission will conduct a public hearing on **Monday, October 29, 2018 at 5:30 p.m. at the Bourne Community Building (Veterans Memorial Community Center), Room 2 – Jim Mulvey Room, 239 Main Street, Buzzards Bay, Bourne, MA.** This project will be heard pursuant to Sections 12 and 13 of the *Cape Cod Commission Act*, as amended, and Section 2(d)(i) of the Cape Cod Commission *Enabling Regulations Governing Review of Developments of Regional Impact*, as amended. The Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs has issued a Certificate on the Project's Single Supplemental Environmental Impact Report under the Massachusetts Environmental Policy Act (MEPA), determining that the project adequately and properly complies with MEPA. This project is being reviewed and considered for Development of Regional Impact approval. This notice is being published as required by Section 5 of the *Cape Cod Commission Act*.

Project Name: Bourne Integrated Solid Waste Management Facility—Phase 6

Project Applicant: Town of Bourne

Project Location: 201 MacArthur Boulevard, Bourne, MA

Project Description: Proposed expansion of existing landfill operations onto a previously developed (up to approximately 9.82 acre) portion of the landfill for continued waste handling and storage capacity. Phase 6 incorporates landfill lining, leachate collection and landfill gas management infrastructure.

Anyone wishing to testify orally will be welcome to do so. Written comments may also be submitted at the hearing, or delivered or mailed to the Cape Cod Commission, P.O. Box 226, 3225 Main Street, Barnstable, MA 02630 for receipt on or before the date of the hearing. The Single Supplemental Environmental Impact Report, plans and other relevant documents are available for the public to review at: <http://www.capecodcommission.org/meetingnotices> and are also available at the Cape Cod Commission, 3225 Main Street, Barnstable MA by calling the Commission office at (508) 362-3828 to schedule an appointment between the hours of 8:30 a.m. and 4:30 p.m. **If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact the Cape Cod Commission at (508) 362-3828; for Telecommunications Relay Services (TRS) dial 711.**

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI da MPO pelo telefone (508)362-3828 or Para serviços de retransmissão de telecomunicações, disque 711.



Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

RECEIVED

OCT 15 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

October 11, 2018

Mr. Daniel Barrett
Bourne Department of Integrated Solid Waste Management
24 Perry Avenue
Buzzards Bay, Massachusetts 02532

RE: **CONDITIONAL APPROVAL**

Application for: BWP SW 43
Landfill Closure Completion – Phase 4, Stage 1 Landfill Area
Transmittal Number: X269125

AT: Bourne Integrated Solid Waste Management Facility
201 MacArthur Boulevard
Bourne, MA
Facility No. 39101, R.O. No. 172356

Dear Mr. Barrett:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its review of the Town of Bourne Department of Integrated Solid Waste Management's ("ISWM") Landfill Closure Completion Report, BWP SW43 permit application (the "Application") listed above regarding completion of construction of a final cover system over Phase 4, Stage 1 Landfill Area of the Bourne Landfill (the "Landfill") and determined that the Application is administratively technically complete. MassDEP hereby approves the Application subject to the conditions herein.

The permit Application was prepared and submitted on behalf of the ISWM (the "Applicant" or the "Operating Party") by SITEC Environmental ("SITEC") of Marshfield, Massachusetts on February 4, 2016.

I. APPLICATION SUMMARY:

The following submittals represent the complete Application reviewed by MassDEP under 310 CMR 19.000 *Solid Waste Management Regulations* and MassDEP's *Landfill Technical Guidance*

The Application consisted of a transmittal form assigned number X269125, application form, BWP SW 43; Landfill Closure Completion, a Construction Quality Assurance Report, Summary Specifications, and a set of eight Project Design Drawings, contained within a bound document entitled:

**Town of Bourne – Department of
Integrated Solid Waste Management
Application For:
Determination of Landfill Closure
BWP SW43, Landfill Closure Completion
Phase 4 Stages 1
January 29, 2016
Transmittal No. X269125**

II. PROJECT BACKGROUND:

The Landfill is located on MacArthur Boulevard (Route 28) in Bourne, Massachusetts, on a 99-acre parcel of land. The Landfill is bordered to the north by property owned by Monument Beach Sportsman's Club. The easterly bordering property consists of primarily undeveloped land on Joint base Cape Cod. Vacant woodland and gravel pit border to the south and Route 28 borders the Facility to the west.

The Facility is owned and operated by the Town of Bourne (the "Town") and consists of: the inactive unlined, capped landfill areas designated as Phase 1A, 1B, and 1C (approximately 23-acres); an unlined area designated as Phase 1D (5.7 acres) which has been reclaimed and no longer exists and is the subject of this approval; an inactive lined and capped area known as Phase 2 (approximately 7.3-acres), the inactive double composite lined landfill area designated as Phase 3 (approximately 12-acres), an inactive double composite lined landfill area designated as Phase 2A/3A (approximately 17.1-acres), and the currently active Phase 4 (approximately 9.9-acres) Landfill. MassDEP approved the construction of Phase 5 (approximately 6.2 acres) on June 16, 2016 and issued the Authorization to Operate Phase 5 on March 30, 2017. On July 16, 2018, MassDEP approved an Authorization to Construct application (BWP SW 06, transmittal # X272912) for Phase 6 of the Landfill. Phase 6, which will encompass either 6.69 acres or 9.82 acres of land depending upon future expansions, is currently under construction.

Closure of the Landfill is being completed in phases in accordance with the following permit applications:

- Phase 1-ABC, Final Closure – Corrective Action Design BWPSW 25, Transmittal No. W005919, July 1, 1999;
- Phase 2, Phase 3 Final Closure – Corrective Action Design BWPSW 25, Transmittal No. W019833, May 1, 2001;

- Phase 3 Partial Closure -- Corrective Action Design BWPSW25, Transmittal No. W085034, June 20, 2006;
- Phase 2A/3A Partial Closure -- Corrective Action Design BWPSW25, Transmittal No. X232470, July 29, 2010;
- Phase 2A/3A Partial Closure -- Major Modification of Corrective Action Design BWPSW 11, Transmittal No. X251940, June 18, 2012; and
- Phase 4 Final Closure -- Corrective Action Design BWPSW 25, Transmittal No. X264812, May 19, 2015.

III. LANDFILL FINAL COVER SYSTEM:

Construction of the 4.63 acre Phase 4, Stage 1 final closure system commenced in July 2015 and was completed by November 2015.

Pursuant to MassDEP's May 19, 2015, approval of the Phase 4 Corrective Action Design application, the construction of the Phase 4, Stage 1 final closure system included the following general components:

Final Cover System:

1. Installation of a Gas Extraction system;
2. Installation of a 6-inch gas venting layer;
3. Deployment of a 40-mil High Density Polyethylene (HDPE) textured geomembrane cap;
4. Installation of a 12-inch drainage layer;
5. Installation of a 9-inch vegetative support layer, and
6. Installation of stormwater management controls.

Storm water control system: The Phase 4 stormwater management system was designed to control run-off and run-on from the 25-year, 24-hour rainfall event during operations and after final closure, and includes:

- Earth diversion berms, constructed above the vegetative layer to divert run-off to side slope let-down channels.
- Side slope let-down channels, stone lined to convey slope run-off from the diversion berms to perimeter drainage swales at the toe of the slopes.
- Perimeter swales, lined with vegetation rip-rap lining constructed along the toe of the Landfill to convey stormwater to a storm water management basin.
- Storm water basins on the Landfill property to capture sediment and control peak discharge rates.
- Sub-drains, constructed of perforated pipe, installed above the geomembrane cap. Sub-drains will divert drainage water that has percolated through the topsoil layer to the letdown channels and the perimeter swales, and will minimize the build-up of drainage water within the drainage layer.

Phase 4, Stage 1 stormwater runoff flows to existing Basin No. 1 located on the northwest corner of the Landfill. To add additional volume, the western side of the existing basin was further excavated to increase the capacity from 460,000 cubic feet to 664,000 cubic feet which exceeds the calculated 25-year, 24-hour storm event run-off volume of approximately 237,921 cubic feet and the 100-year, 24-hour storm event run-off volume of approximately 391,738 cubic feet. The basin was also designed to handle stormwater flow from future Phase 6 buildout.

Existing Retention Basin No. 2 is located in the southwest corner of the site. The construction of Phase 4 Landfill did not affect the catchment area or the volume of stormwater that will discharge into Stormwater basin 2.

Former Retention Basin No. 3 was located within the footprint of the Phase 4 Landfill. This basin was relocated to the area south of the Phase 3, Stage 3 Landfill, as part of the South Stage construction. This basin is being abandoned as part of Phase 6 construction.

Landfill gas collection system: Landfill gas vents are located over the entire closed area spaced approximately 200 feet on center. The well components include wellheads, flexible hose connections to lateral risers. All vertical gas extraction wells are connected with 8" or 10" gas header piping with 6" HDPE lateral piping. All piping was installed at a minimum slope of 5% to ensure that condensate generated within the piping will not become trapped, blocking gas flow.

IV. APPROVAL WITH CONDITIONS:

As a result of its review, MassDEP has determined that the Application is satisfactory and in accordance with the authority granted pursuant to M.G.L., C. 111, §150A hereby approves the closure certification of Phase 4 Stage 1 of the Bourne Landfill, final cover system in the area designated on the Landfill final cover plans submitted by SITEC on May 19, 2015, subject to the following conditions.

1. The Landfill shall be operated and maintained in accordance with the requirements of 310 CMR 16.00 and 19.000, the Landfill Authorization to Operate permit, and the Landfill Operations and Maintenance Plan.
2. Pursuant to 310 CMR 19.130(15)(d)(3), the Operating Party is required to maintain the final cover system to prevent erosion and to ensure the integrity of the final cover system.
3. Pursuant to 310 CMR 19.142 the Operating Party shall maintain, care for and monitor the closed areas of the Landfill.
4. Pursuant to 310 CMR 19.043(5)(i) "Duty to Inform" and 19.133(1)(c) "Maintenance of Environmental Control and Monitoring Systems", the Operating Party must notify MassDEP of any damage to the final cover system, stormwater control system, and/or environmental monitoring system.
5. Pursuant to 310 CMR 19.130 (15)(d)(1), the Operating Party is required to periodically begin to apply final cover based on various circumstances specified within the regulations. The Operating Party shall submit an appropriate cap construction application for MassDEP approval prior to

commencing cap construction in Landfill areas not covered by previous permits.

6. MassDEP reserves the right to require additional assessment or action as deemed necessary in order to protect and maintain the environment free from objectionable nuisances, dangers and/or threats to public health.

V. PERMIT LIMITATIONS:

The issuance of this conditional approval is limited to the closure of Phase 4, Stage 1 of the Bourne Landfill and does not relieve the Operating Party from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health or the environment.

VI. APPLICATION REVIEW AND DECISION PROCESS:

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): Applicable Permit Procedures and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's decision regarding the proposed activities shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b). MassDEP has determined that non-provisional decision is appropriate for this Application.

MassDEP has reviewed the Application pursuant to 310 CMR 19.000: *Solid Waste Regulations* and MassDEP's *Landfill Technical Guidance Manual, May 1997* (the "Manual").

VII. REVIEW OF DECISION

Pursuant to 310 CMR 19.033(4)(b), if the Applicant is aggrieved by MassDEP's decision to issue this decision, they may within twenty-one days of the date of issuance file a written request that the decision be deemed provisional, and a written statement of the basis on which the Applicant believes they are aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final decision on the effective date. Failure by the Applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute waiver of the Applicant's right to appeal.

VIII. RIGHT TO APPEAL:

Right to Appeal:

This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*, of the "*Solid Waste Management Regulations*". Pursuant to 310 CMR 19.033(5), any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111,

Section 150A and M.G.L. Chapter 30A no later than thirty days of issuance of the final permit decision to the Applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal:

Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Transmittal No. X269125 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application, if applicable at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

Please direct any questions regarding this matter to me at (508) 946-2847 or Dan Connick (508) 946-2884 or write to the letterhead address.

Sincerely,



Mark Dakers, Chief
Solid Waste Management Section
Bureau of Air and Waste

D/DC

W:\BAW\Solid Waste\Bourne\Landfill\Phase IV\Bourne LF Closure Cert Phase 4 Stage 1.doc



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

H

Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

October 10, 2018

Mr. Daniel Barrett
Bourne Department of Integrated Solid Waste Management
24 Perry Avenue
Buzzards Bay, MA 02532

RE: ADMINISTRATIVE CONSENT ORDER AND AMENDMENTS
ACO-SE-96-4016
DETERMINATION OF COMPLETION

and

APPROVAL - LANDFILL CLOSURE COMPLETION
PHASE 1D RECLAMATION PROJECT
CERTIFICATION REPORT - BWPSW 43
TRANSMITTAL NO. X253097

AT: Bourne Integrated Solid Waste Management Facility
MacArthur Boulevard
Bourne, MA
Facility No. 39101 Regulated Object No. 172356

Dear Mr. Barrett:

The Massachusetts Department of Environmental Protection, ("MassDEP"), has completed its review of the status of Administrative Consent Order ACO-SE-96-4016 ("ACO"), issued on July 30, 1996, and as amended, and the "Landfill Closure Completion Phase 1D Certification Report" ("Certification Report") for the Bourne Sanitary Landfill located off MacArthur Boulevard (Route 28) in Bourne, Massachusetts. MassDEP has determined that the Town of Bourne ("Town") has fulfilled the obligations of the ACO as amended regarding closure of Phase 1D,

and that the ACO may be formally closed. Accordingly MassDEP is issuing this Determination of Completion for the ACO.

MassDEP has also determined that the Certification Report is administratively and technically complete and hereby approves the Certification Report.

I. SITE DESCRIPTION

The Town of Bourne Integrated Solid Waste Management Facility (the "Facility") is located off MacArthur Boulevard (Route 28) in Bourne, Massachusetts on a 99-acre parcel of land. The Facility is owned and operated by the Town of Bourne (the "Town") and consists of: the inactive unlined, capped landfill areas designated as Phase 1A, 1B, and 1C (approximately 23-acres); an unlined area designated as Phase 1D (5.7 acres) which has been reclaimed and no longer exists and is the subject of this approval; an inactive lined and capped area known as Phase 2 (approximately 7.3-acres), the inactive double composite lined landfill area designated as Phase 3 (approximately 12-acres), an inactive double composite lined landfill area designated as Phase 2A/3A (approximately 17.1-acres), and the currently active Phase 4 (approximately 9.9-acres) Landfill. MassDEP approved the construction of Phase 5 (approximately 6.2 acres) on June 16, 2016 and issued the Authorization to Operate Phase 5 on March 30, 2017. On July 16, 2018, MassDEP approved an Authorization to Construct application (BWP SW 06, transmittal # X272912) for Phase 6 of the Landfill. Phase 6, which will encompass either 6.69 acres or 9.82 acres of land depending upon future expansions, is currently under construction.

The Landfill is abutted to the north by the Monument Beach Sportsmen's Club; to the south by a 25-acre parcel that is used by ISWM for solid waste handling/transfer operations and soil stockpiling and beyond that woodland that has recently been acquired by the Town of Bourne; to the east by primarily undeveloped land on the Joint Base Cape Cod ("JBCC") facility; and to the west by Route 28 and commercial and residential properties on the opposite side of the highway.

Activities currently occurring at the Facility include: the active lined landfill, construction and demolition debris transfer station, residential recycling center; single stream recyclable collection and transfer; and composting. The Town Department of Public Works facilities and related activities are no longer located on the 99-acre parcel.

On June 5, 2017, MassDEP approved a Comprehensive Site Assessment ("CSA") for the Landfill. The CSA was submitted with a BWP SW 23 permit application and assigned number 104699. This CSA approval summarized the results of environmental monitoring performed at the Landfill and provided the requirements for the continued environmental monitoring, which consists on groundwater monitoring, leachate sampling, and soil gas monitoring.

II. ACO BACKGROUND

In May 1996, during conductance of a Comprehensive Site Assessment of the Landfill, an area of previously deposited solid waste material was identified. The waste disposal area was determined to be not contiguous to the main existing area of waste deposition and the area was designated as Phase 1D.

As a result of discussion held between MassDEP and the Town, the ACO was executed on July 30, 1996, establishing a schedule for the assessment and capping of Phase 1D. The ACO requirements and timeframes were revised via a series of amendments to the ACO. These revisions included requiring submittal of the necessary permit applications to remove all the waste materials in Phase 1D in lieu of constructing a final cover system in those areas.

ACO Amendments:

Amendment #1 issued on February 3, 1998, extended the dates for submittal of the Final CSA and Draft CAAA.

Amendment #2 issued on July 2, 1999, extended the dates for: submittal of a final CSA, submittal of a final CAAA, submittal of a final closure plan, and awarding a contract for final capping. Dates were added for submittal of additional assessment work, submittal of a CAD permit application, completion of capping of Phase 1D, submittal of a waste reclamation application, and authorization of funding.

Amendment #3 issued on November 3, 2000, extended date for completion of capping of Phase 1A, 1B and 1C from December 31, 1999 to October 31, 2000.

Amendment #4 issued on February 1, 2002, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from December 31, 2001 to October 31, 2003.

Amendment #5 issued on July 3, 2003, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2003 to October 31, 2004.

Amendment #6 issued on November 4, 2004, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2004 to October 31, 2005.

Amendment #7 issued on November 9, 2005, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2005 to October 31, 2006.

Amendment #8 issued on December 1, 2006, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2006 to October 31, 2008.

Amendment #9 issued on September 3, 2008, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2008 to October 31, 2009.

Amendment #10 issued on October 27, 2009, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2009 to October 31, 2010.

Amendment #11 issued on August 25, 2011, extended the Phase 1D reclamation completion date in Paragraph 10K of Section IV of the ACO from October 31, 2010 to October 31, 2011.

III. LANDFILL CLOSURE AND CERTIFICATION REPORT

On July 26, 2002, MassDEP approved a Corrective Action Design permit application (BWP SW 25, transmittal # W009595) for the Phase 1D Reclamation project and required the submittal of a report certifying that the project was performed in accordance with MassDEP's permit. The Certification Report was prepared by SITEC Environmental and submitted to MassDEP on September 11, 2015, with a BWP SW 43 Landfill Closure Completion application assigned transmittal # X253097. The Certification Report describes the removal and reclamation of all the solid waste materials from Phase 1D, which covered approximately 5.7 acres along the western portion of the Landfill.

During the reclamation process, soils were screened to 2-inch minus, tested for contaminant levels, and reused for daily cover material, slope stabilization, and as grading and shaping material pursuant to a Beneficial Use Determination issued by MassDEP on June 10, 2003. (BWP SW 13, transmittal #W035063). Residual materials were landfilled in the active Landfill area. Rocks, boulders, metal objects and materials currently banned from disposal in landfills (tire, white goods, stumps) were segregated and reused or recycled as appropriate.

Reclamation activities began in January 2003 and were completed in December 2011, during which time 213,842 cubic yards of material were excavated. To facilitate waste reclamation, a residential recycling and solid waste drop-off area was relocated from the norther part of the Facility in Phase 1D to the southern part of the Facility. Throughout the reclamation process, odor monitoring was conducted. There were no odors detected that caused the project to exceed permitted thresholds.

Confirmatory sampling of in-situ soils in the former Phase 1D unlined disposal area was conducted at the completion of reclamation activities to ensure all waste materials and potentially contaminated soils were removed. The Phase 1D area has subsequently been used for development of landfill phases constructed with double composite liners with leak detection.

IV. APPROVAL

MassDEP has determined the Application for approval of the Closure Completion Phase 1D Certification Report is satisfactory and in accordance with the authority granted pursuant to Massachusetts General Laws, Chapter 111, Section 150A, hereby deems the Phase 1D area closed. Given that new phases of the Landfill have been constructed above the former Phase 1D area. No further action in this area is required under this approval.

MassDEP has also determined that the Town has complied with all the terms and conditions of the ACO regarding closure of Phase 1D, and that the ACO is formally closed.

V. APPLICATION REVIEW AND DECISION PROCESS

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): Applicable Permit Procedures and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's

decision regarding the proposed activities shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b). MassDEP has determined that non-provisional decision is appropriate for this Application.

MassDEP has reviewed the Application pursuant to 310 CMR 19.000: *Solid Waste Regulations* and MassDEP's *Landfill Technical Guidance Manual, May 1997* (the "Manual").

VI. REVIEW OF DECISION

Pursuant to 310 CMR 19.033(4)(b), if the Applicant is aggrieved by MassDEP's decision to issue this decision, they may within twenty-one days of the date of issuance file a written request that the decision be deemed provisional, and a written statement of the basis on which the Applicant believes they are aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final decision on the effective date. Failure by the Applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute waiver of the Applicant's right to appeal.

VII. RIGHT TO APPEAL

Right to Appeal: This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, of the "*Solid Waste Management Regulations*". Pursuant to 310 CMR 19.033(5), any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days of issuance of the final permit decision to the Applicants. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal: Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Transmittal No. X253097 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application, if applicable at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions or comments regarding this approval letter, feel free to contact me at (508) 946-2833 or Dan Connick at (508) 946-2884 or at the letterhead address.

Very truly yours,



Mark Dakers, Chief
Solid Waste Management Section
Bureau of Air and Waste

D/DC/

W:\BAW\Solid Waste\Bourne\Landfill\ACO SE 96 4016\1996 ACO -SE-96-4016 completion.docx

cc: Board of Selectmen
24 Perry Avenue
Buzzards Bay, Massachusetts 02532

Bourne Department of Public Works
24 Perry Avenue
Buzzards Bay, MA 02532

ec: Bourne Board of Health
TGuarino@townofbourne.com

Bourne Integrated Solid Waste Management
pgoddard@townofbourne.com

Cape Cod Commission
jjidman@capecodcommission.org

Sitec Environmental, Inc.
rquinn@sitec-engineering.com

DEP-BOSTON
ATTN: R. Blanchet

DEP – SERO
ATTN: M. Pinaud
M. Dakers

RECEIVED

OCT 16 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

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 BOURNE CONSERVATION (applicants/owners) for work TRUST proposed at 130 Red Brook Harbor Bourne, MA (Assessors Map -Parcel). The purpose of this notification (BCT) is to allow the public the opportunity to review and comment on the proposed work.

PROPOSED WORK:

The applicants propose to:

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: Oct 19th

Time: 7:00 P.M.

Place: Bourne Town Hall, 24 Perry Avenue, Buzzards Bay, MA (to be held in the down stairs conference room).

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 1-508-759-0615 X 1344 to arrange an appointment or to ask questions. The Conservation Commission Agent is Mr. Samuel Haines.

Additional questions can be directed to:

We received the BCT Notification to Abutters - 150 Red Brook Harbor Rd.

- 10/16/18 Debbie Fudge
 - 9/29/18 Deborah Guehert (Robert A. Guehert)
 - 9/29/18 Mark [unclear] (MARK S SACKETT)
-
- 7-27-18 Lynn Johnson + Joe Myerson 124 RED BROOK HARBOR RD.
LYNNE E. JOHNSON + JOSEPH MYERSON

10/3/18 Daniel N. [unclear] PR [unclear] @ Red Brook Harb. Rd

Project description-- 130 Red Brook Harbor Rd.

This property was acquired by the Bourne Conservation Trust (BCT) in 1992 and has been maintained as a scenic vista for public enjoyment.

The front area (Area A) has been mowed and landscaped on a regular basis through the spring and summer growing season.

The side and rear area (Area B) has been brush cut generally once a year since we have owned the property. We are requesting permission to continue to control the scrub Oak and Cedar in the rear Area B to maintain the scenic view from Red Brook Harbor Rd. on an annual basis. A Gravely type brush cutter manages this area effectively.

FOR REGISTRY USE ONLY

Red Brook Harbor

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED PLANNERS OF THE COMMONWEALTH OF MASSACHUSETTS."

DATE: 6/8/2015

GARY S. LABRE P.L.S.

"I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES OF THE EXISTING OWNERSHIPS AND THE LINES OF THE EXISTING SHOW ARE THOSE OF PUBLIC OR PRIVATE LOTS ALREADY ESTABLISHED AND THAT NO NEW LOTS OR DIVISION OF EXISTING OWNERSHIP OR FOR NEW LOTS ARE SHOWN."

DATE: 6/8/2015

GARY S. LABRE P.L.S.

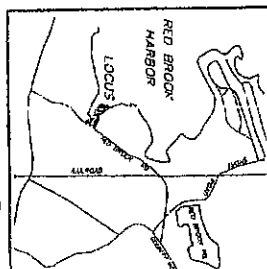


GRAPHIC SCALE

FERNIE S. ROBINSON

ZONE: R-40
ASSESSOR'S MAP: 51.1
PLAN REFERENCE: BOOK 489 PAGE B3

MARGARET W. STUBBS



LOCUS MAP
Not to Scale



PLAN OF LAND

PREPARED FOR

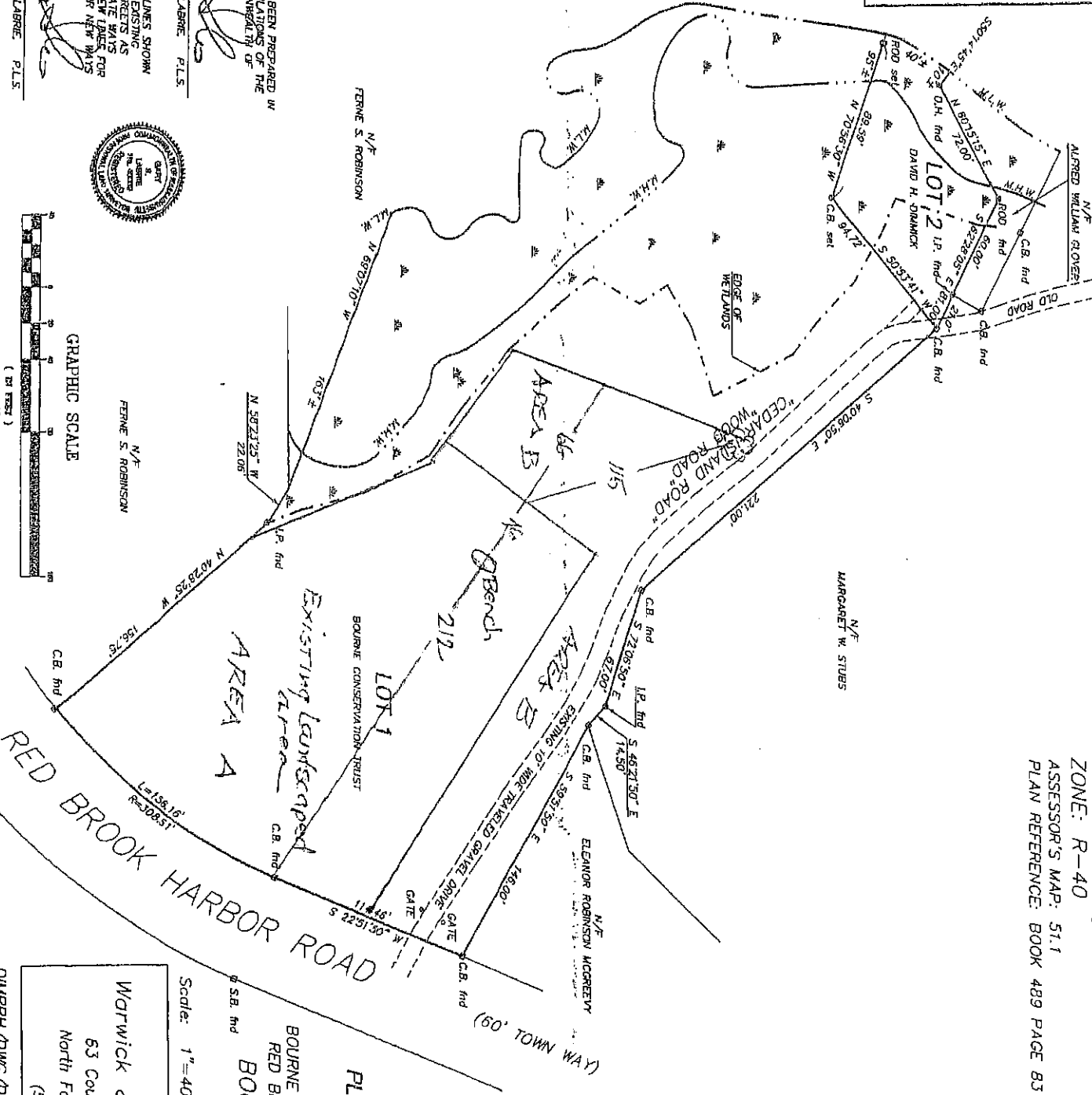
BOURNE CONSERVATION TRUST
RED BROOK HARBOR ROAD
BOURNE, MASS.

Scale: 1"=40' Date: 05/19/2015

Warwick & Associates Inc.

63 County Road Box 801
North Falmouth, Mass 02556
(508) 563 - 7777

DMRBH/DWG/DMBCT Revised: 06/05/2015



RECEIVED

OCT 22 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE

SEPTEMBER 6, 2018 MEETING HELD AT THE SCHOOL

PRESENT: Robert Fichtenmayer, Chair; Dominic Cammarano; Steven Chalke; Thomas Corriveau; Mary Crook; Michael Degan; Maryann Smith; Robert Dutch; Roger Forget; Sharon Brito, Recording Secretary.

ABSENT: Julie Wing.

RECEIVED

OCT 19 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

The meeting was called to order at 6:15 p.m. followed by the Pledge of Allegiance to the Flag. The Chair announced that the meeting was being recorded through an audio device.

STUDENT ADVISORY REPRESENTATIVE: Seniors Jillian Taylor and Joey Rotondo from the Environmental Technology program reported on recent student activities including the fall sports teams' successes thus far. The students discussed the SkillsUSA national competition which took place as the school year ended and resulted in two gold medal national champion teams and a silver medalist in Internetworking as well as a sixth place finish in Cabinetmaking. They informed the committee that two teams from UCT will be competing at the national Future Farmers of American convention in October. Finally, the students discussed the drama club, the Homecoming dance, and Virtual High School.

STUDENT SPOTLIGHT / CURRICULUM UPDATE: No report.

PUBLIC PARTICIPATION: None.

APPROVAL OF MINUTES: A motion was made by Mr. Degan, seconded by Ms. Crook, for approval of the minutes of the July 12, 2018 regular meeting. Mr. Cammarano and Mr. Fichtenmayer abstained. Motion passed.

COMMUNICATIONS: Dr. Dutch read a letter from Judith Blake, Guidance Office secretary, indicating her intention to retire in September of 2019.

REPORT OF COMMITTEES:

Budget – Mr. Chalke, Chair of the Budget Sub-Committee, reported that the next meeting will be held on September 17th at 5:00 p.m.

TREASURER'S REPORT: Mr. Degan summarized warrants #4, 6, 8, and 10 highlighting some of the larger expenditures including health premiums, phone system upgrade, bussing contracts, and the purchase of iPads and Chromebooks. He also reported on student activities warrant #1 as well as the Revenue Enhancement Fund and the Sunshine Fund.

SUPERINTENDENT'S REPORT: Dr. Dutch informed the committee that the upgrade to the phone system is 99.9% complete and the changeover is proceeding smoothly. The damaged sign at the entrance to the school is being dismantled tomorrow with construction of the new sign slated to begin next week. The Superintendent and Mr. Forget met with the Sandwich Town Administrator last week to discuss potential locations for an off-site veterinary technician program. Ideally, they are looking to secure a location that would include a cranberry bog and a community garden. They will also be meeting with a selectman from the Town of Bourne to discuss possible sites in that town as well. Dr. Dutch shared that the school will be celebrating its 50th anniversary in 2019 and the school community is in the process of selecting a logo to be used on memorabilia associated with the celebration. He will forward the logo choices to the school committee for their input. Finally, Dr. Dutch discussed the membership of the committee stating that Ms. Wing did not file papers for re-election and no residents from the town of Bourne submitted election papers for inclusion on the November ballot. The town of Marion has been notified of Ms. Magauran's resignation from the committee and they are currently seeking a replacement for that vacancy.

PRINCIPAL'S REPORT: Mr. Forget shared some important upcoming dates with the committee including:

- September 26 – Meet the Teacher Night
- October 10 – Fall Program Advisory
- October 18 – Grade Eight Open House
- October 20 – Homecoming Dance (rally to be held on October 19)
- November 17 & 18 – Craft Fair

He also provided an update on the construction projects stating that framing will begin on the Wellness Center shortly.

NEW BUSINESS:

Sub-Committee Assignments – With vacancies occurring as a result of the departure of two committee members, the Chair asked for volunteers to serve on the affected sub-committees. Ms. Smith agreed to serve on the Negotiations and Policy Book Sub-Committees; Mr. Degan agreed to serve on the Health and Safety Sub-Committee, and Mr. Fichtenmayer agreed to serve on the Policy Book Sub-Committee.

School Opening Report – Dr. Dutch presented a PowerPoint presentation updating the committee on staffing changes, newly-hired staff members, enrollment numbers, and topics addressed at the summer leadership retreat. The theme for the 2018-2019 school year is “50 Years of Unlocking Careers Together.”

Appointment of Capital Campaign Consultant – Dr. Dutch displayed architectural renderings of the proposed field house and the planned location of the building on campus. He stated that two proposals were received in response to the Request for Proposals for a capital campaign consulting firm to solicit funding for the building. The 501c3 committee scored the proposals and telephone interviews were held with representatives from both companies. Mr. Degan made a motion, seconded by Mr. Chalke, to follow the recommendation of the Superintendent and award the capital campaign consulting contract to the Institute for Philanthropic Excellence and to establish a reserve fund transferring \$150,000.00 from the LPN Fund Balance (#02-8920-0000-00) to Capital Consultant Reserve Fund (#02-8960-0000-00.) Motion passed unanimously.

MASC Voting Delegate – Mr. Chalke nominated Mr. Degan to serve as the voting delegate at the Massachusetts Association of School Committees annual business meeting to be held on November 9, 2018 at 3:15 p.m. Mr. Cammarano seconded the nomination. Nomination passed unanimously.

Mr. Cammarano made a motion, seconded by Ms. Smith, to enter into Executive Session at 7:39 p.m. for the purpose of discussing pending litigation and the approval of executive session minutes and to return to Open Session for the purpose of adjournment. Roll call vote – Motion passed unanimously.

Open Session resumed at 7:50 p.m. Mr. Corriveau made a motion, seconded by Mr. Degan, to adjourn the regular meeting at 7:50 p.m. Motion passed unanimously.

A True Copy Attest

Date: October 11, 2018
(Seal)

Robert A. Dutch
Dr. Robert A. Dutch, Secretary

Documents reviewed / referred to:

- September 6, 2018 School Committee package
- Letter of retirement dated 8/2/2018 from Judith Blake
- Treasurer's Notes 9/6/2018
- School Opening PowerPoint Presentation
- Architectural Renderings of Proposed Field House

Upper Cape Cod Regional Technical School

220 SANDWICH ROAD, BOURNE, MASSACHUSETTS 02532

www.uppercapetech.com

Dr. Robert A. Dutch
Superintendent

Telephone: 508-759-7711
FAX: 508-759-7208

RECEIVED

OCT 22 2018

October 19, 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Mr. Thomas Guerino
Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

Dear Mr. Guerino: *Tom*

For fifty years Upper Cape Cod Regional Technical School has provided an educational opportunity to students who are seeking to enhance their educational program with a highly relevant career and technical experience. Dramatic growth in student enrollment and academic programs is witness to our reputation for educational excellence.

As we move further into the 21st century, we are uniquely positioned to improve and expand opportunities to provide even greater experiences for students and the community. However, as we develop strategic plans for this time period, we need your assistance.

Specifically, we are seeking the advice and insight of a select group of key community leaders on the school's vision for its future. These projects are seen as critical to the continued excellence of Upper Cape Cod Regional Technical School. To help us continue to be responsive to our communities, we have commissioned a feasibility study that will allow us to test the support for these major components of the school's plan. The *Institute for Philanthropic Excellence* will conduct the study between the dates of October 20, 2018 and November 30, 2018.

You have been identified by your peers as a community leader whose advice and counsel is of critical importance to the feasibility study. Within a few days, you will be contacted by a representative of the school to schedule a confidential interview at your convenience. The interview will last approximately 45 minutes to an hour. We have enclosed a preliminary Case for Support and ask that you review this document prior to your interview.

You can be sure that your comments will be held in strictest confidence. The feasibility study report will identify no comments by name and will cover only summary results and recommendations. Again, the purpose of this interview is to seek your counsel, not to solicit funds.

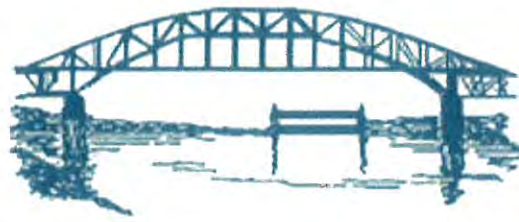
On behalf of Upper Cape Cod Regional Technical School, our Foundation Board of Directors, School Committee, faculty, staff, students, and alumni, we thank you in advance for your valuable assistance.

Sincerely,

Robert A. Dutch

Robert A. Dutch, Ed.D.
Superintendent





The Campaign for Upper Cape Cod Regional Technical School **Preliminary Case Statement**



For fifty years, Upper Cape Cod Regional Technical School has existed to foster a lifelong commitment to learning, community, personal responsibility, and career growth. “Upper Cape Tech” welcomes a diverse student population of 21st century learners and integrates academic and technological proficiency while preparing students to be effective members of society. Celebrating its 50th anniversary, the school has a unique opportunity to strengthen and expand its position as one of the premier institutions for the vocational learner. The projects outlined in this Preliminary Case Statement are critical to the continued excellence and future growth of Upper Cape Cod Regional Technical School and are intended to test the community’s support for these areas.

ABOUT UPPER CAPE COD REGIONAL TECHNICAL SCHOOL



As a regional school for the towns of Bourne, Wareham, Falmouth, Sandwich and Marion, Upper Cape Cod Regional Technical School provides a vocational education at the high school level. Its dedicated faculty and staff use innovative, relevant, individualized, and flexible approaches to education that connect individuals’ unique and diverse lives to their personal learning goals.

The school is committed to adhering to a philosophy of intensive occupationally specific instruction integrated with strong academic preparations. These employable skills coupled with strong academic preparation empower students to realize lifelong employment and educational goals.

We are acknowledged locally for the high-quality programs our students receive and have become a school of choice for the students in the five towns we serve. Today, the school enrolls 715 students and employs an in-depth admissions process to ensure the school attracts well-rounded, passionate and well-prepared students.

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL FACTS

- Established in 1966
- 14 Areas of Study
- Serves five towns; Bourne, Falmouth, Marion, Sandwich and Falmouth
- 715 students enrolled across four grade levels
- 60% of students are male, 40% are female
- Each program is advised by a volunteer board comprised of local business leaders



SCHOOL LEADERSHIP

Robert Dutch, Ed.D., Superintendent
Roger Forget, Assistant Superintendent/Principal
James McCue, Dean of Students

SCHOOL COMMITTEE

Robert Fichtenmayer, Chair
Thomas Corriveau, Vice Chair
Michael Degan, Treasurer
James Bride
Dominic Cammarano
Steven Chalke
Mary Crook
Maryann Smith



CAMPAIGN INITIATIVES



The initiatives outlined below focus on advancing student access and success, growing athletics, positioning Upper Cape Cod Regional Technical School for the future, expanding its current programming, and providing community space for the arts.

With the increased interest in the academic offerings at Upper Cape Cod Regional Technical School, the current building is at maximum capacity. In recent years, the School has added multiple separate buildings to house specific programs. These buildings have allowed the school to reconfigure space in order to maximize usage of the original building. Every space in the current main building is used 98% of the school day.

Initiative 1: Field House Project

\$20 Million

In order to increase the useable space in the current building, the School is at the beginnings stage of consideration of a separate Field House building. This building would house both its physical education classes and athletics programs. In the past decade, Upper Cape Cod Regional Technical School has expanded its athletic offerings to sixteen sports fielding 28 teams across three seasons. A new Field House would allow for multiple teams to practice at one time, which is currently not a possibility.

This new Field House would also include multiple spaces that the community would be able to access. These areas include a fitness center, small group exercise rooms, multiple indoor basketball courts, and an indoor elevated track.

The current gymnasium would be converted into useable academic space which could include a science laboratory, small group instruction rooms, a media center\library, and traditional classrooms.

Initiative 2: Performing Arts Center**\$8 million**

As the school continues to expand, there has also been discussion of building a separate performing arts center for use by both Upper Cape students and the greater community. The Performing Arts Center would include a large performance space as well as smaller space for classes and meetings. This space may also include an outdoor performance venue. This project would allow Upper Cape Cod the opportunity to expand student's exposure to technical theatre training as well as a more comprehensive arts program.

The driving force behind this initiative is the need for a state-of-the-art performing arts space on the Upper Cape. This Performing Arts Center could also include space for community meetings and activities.

Initiative 3: Sustaining Day-to-Day Excellence**\$5 million**

Establish an endowed fund to support Upper Cape Cod Regional Technical School that would provide ongoing support and would have the greatest immediate impact on the school, its faculty, and students. The annual proceeds from this fund would be spent to fund new initiatives, purchase necessary equipment, and to support faculty and student development, and various academic priorities across the institution.



Cape Light Compact JPE
261 Whites Path, Unit 4, South Yarmouth, MA 02664
Energy Efficiency 1.800.797.6699 | Power Supply 1.800.381.9192
Fax: 774.330.3018 | capelightcompact.org

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RECEIVED

OCT 19 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

April 18, 2018

Mr. Thomas Guerino
Town Administrator
24 Perry Avenue
Buzzards Bay, MA 02532

Dear Mr. Guerino,

Attached for your information and dissemination to your Board of Selectmen/Town Council is the Cape Light Compact's (Compact) monthly Energy Efficiency Report. The Report reflects the program activity for all of Cape Cod & Martha's Vineyard and breaks out the detail on a town-by-town basis.

Below is a summary of the activity in your town for the month of August, 2018. To view each of your monthly reports from 2006 forward, please visit our website at www.capelightcompact.org/reports.

- 3031 residents and/or businesses participated* in the program.
- \$177244 in incentive dollars were distributed to the 3031 participants.
- 822470 kWh was saved through implementation of these energy efficiency measures.

If you have any questions on the attached report, please contact me at (508) 375-6636.

Sincerely,

Margaret T. Downey

Administrator

Enclosure

cc: Robert Schofield

**Please note that the number of participants may not correspond directly to the number of customers in your Town. As required, the Compact reports a customer as a participant for each energy efficiency program in which a customer participates. For example, if a customer has a home energy assessment and submits a dehumidifier rebate, they are counted as "two participants." Additionally, pre-determined lighting assumptions quantify participants dependent upon number of bulbs sold.*

Working Together Toward A Smarter Energy Future

Aquinnah | Barnstable | Bourne | Brewster | Chatham | Chilmark | Dennis | Dukes County | Eastham | Edgartown | Falmouth
Harwich | Mashpee | Oak Bluffs | Orleans | Provincetown | Sandwich | Tisbury | Truro | Wellfleet | West Tisbury | Yarmouth

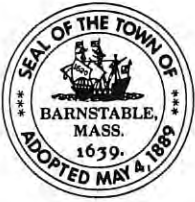
Energy Efficiency Program Activity by Town

Town Name: BOURNE
 Program Period: 2018
 Current Dates: 8/1/2018 - 8/31/2018
 Cumulative Dates: 1/1/2018 - 8/31/2018

Program Initiative	Current Period			Cumulative Period				
	Annual kWh Savings	Actual Expenditures	Participants	Annual kWh Savings	Actual Expenditures	Participants	Budget	Actual % of Budget
Residential New Construction	0.00	\$0.00	0	1,794.16	\$1,477.54	7	\$0.00	0.00%
Residential New Construction (Low-Income)	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
Residential Multi-Family Retrofit	0.00	\$0.00	0	12,872.40	\$8,405.11	15	\$0.00	0.00%
Residential Home Energy Services - Measures	57,260.30	\$61,263.54	54	326,082.20	\$370,131.74	303	\$1,295,573.91	28.57%
Residential Home Energy Services - RCS	0.00	\$7,275.00	33	0.00	\$48,680.00	185	\$166,424.73	29.25%
Residential Behavior/Feedback Program	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
Residential Heating & Cooling Equipment	1,428.80	\$1,011.00	4	43,754.20	\$29,161.00	66	\$0.00	0.00%
Residential Consumer Products	15,856.50	\$3,532.50	53	64,316.40	\$12,236.00	144	\$0.00	0.00%
Residential Lighting	581,630.10	\$51,833.70	2,859	1,916,075.80	\$158,586.50	8,945	\$0.00	0.00%
Residential HEAT Loan	0.00	\$325.00	6	0.00	\$33,006.79	39	\$0.00	0.00%
Res Subtotal	656,175.70	\$125,240.74	3,009.00	2,364,895.16	\$661,684.68	9,704	\$1,461,998.64	
Res % of Total	79.78%	70.66%	99.27%	74.50%	58.29%	97.47%	61.08%	
Low-Income Single Family Retrofit	0.00	\$0.00	0	30,570.26	\$53,289.02	35	\$256,714.28	20.76%
Low-Income Multi-Family Retrofit	0.00	\$0.00	0	230,458.80	\$207,864.81	127	\$0.00	0.00%
LI Subtotal	0.00	\$0.00	0.00	261,029.06	\$261,153.83	162	\$256,714.28	
LI % of Total	0.00%	0.00%	0.00%	8.22%	23.01%	1.63%	10.72%	
C&I New Buildings & Major Renovations	0.00	\$0.00	0	10,385.00	\$3,120.00	2	\$0.00	0.00%
C&I New Buildings & Major Renovations - Municipal	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
C&I Initial Purchase & End of Useful Life	0.00	\$0.00	0	3,830.00	\$6,003.75	3	\$0.00	0.00%
C&I Upstream Food Services	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
C&I Upstream HVAC	190.50	\$110.00	1	3,039.09	\$2,079.50	5	\$0.00	0.00%
C&I Existing Building Retrofit - LARGE	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
C&I Existing Building Retrofit - MEDIUM	134,538.64	\$26,245.63	2	149,480.52	\$32,140.64	4	\$176,276.06	18.23%
C&I Existing Building Retrofit - Municipal	0.00	\$0.00	0	0.00	\$700.00	1	\$0.00	0.00%
C&I Small Business	28,887.56	\$24,784.29	16	161,570.81	\$130,928.24	35	\$498,714.98	26.25%
C&I Multifamily Retrofit	0.00	\$0.00	0	6,443.00	\$7,565.79	1	\$0.00	0.00%
C&I Multifamily - Municipal	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
C&I Upstream Lighting	2,677.41	\$863.00	3	213,582.60	\$29,785.86	39	\$0.00	0.00%
C&I Subtotal	166,294.11	\$52,002.92	22.00	548,331.03	\$212,323.78	90	\$674,991.04	
C&I % of Total	20.22%	29.34%	0.73%	17.27%	18.70%	0.90%	28.20%	
Total	822,469.81	\$177,243.66	3,031	3,174,255.25	\$1,135,162.29	9,956	\$2,393,703.96	

*Costs include those costs that has been recorded through this period and are not necessarily representative of all activity through this month
 **All information presented is preliminary and subject to change.

M



Town of Barnstable
Licensing Department
Jane Zulkiewicz-Town Sealer
Weights and Measures Program

200 Main Street
Hyannis, MA 02601

RECEIVED
OCT 19 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

Office: 508-862-4671
10/11/2018

Fax: 508-778-2412

Mr. Thomas Guerino
Town Administrator
Bourne Town Hall
24 Perry Ave.
Buzzards Bay, MA 02532

Dear Mr. Guerino,

Enclosed is the quarterly report from July 1 to September 30, 2018, detailing all Weights & Measures activity within the Town of Bourne. Three gas station locations annual retail motor fuel meters completed and oil truck meters have commenced to be tested for the beginning of the cold season. 37 commodities were weighed for a packaging audit for compliance. One location failed a price accuracy inspection in August and 30 days later in September which it failed again resulting in enforcement through our violation tier. \$400 was issued for fines in other pricing inspections. All scales and gas meters that were timely were inspected and certified for 2018.

Please provide me with an email contact if you wish to receive these reports electronically moving forward.

Please feel free to contact me directly at (508) 862-4773, or e-mail, jane.zulkiewicz@town.barnstable.ma.us with any questions.

Sincerely,

Jane Zulkiewicz
Town of Barnstable
Weights and Measures Program Manager/Town Sealer
200 Main Street
Hyannis, MA 02601
Enclosure

Weights and Measures
From 9/1/2018 to 9/30/2018

Bourne

		Adj	Seal	Not Sealed	Cond	Sealing Fees	Reinp Fees	Device Fines	PV Fines	IP Fines	PK.CH. Fines	VFH Safety	C.C. Fines
Scales	A Cap Over 10,000 lbs												
	B 5,000 - 10,000 lbs												
	C 100 - 5,000 lbs			1		90							
	D Under 100 lbs	2	4	1		220							
	E Under 10 lbs												
	Balances												
Weights	Avordupois												
	Metric												
	Troy												
	Apothecary												
Automatic Liquid Measuring	Meters, Inlet 1" or less												
	Gasoline		40	3		2200							
	Oil, Grease												
	Vehicle Tank Meters	1	12	2		1320							
	Bulk Storage												
	Meters												
Other Automatic Measuring	Taximeters												
	Leather Measuring												
	Wire/Cordage												
	Cloth Measuring												
	Reverse Vending												
Linear Measures	Yardsticks												
	Tapes												
Scan	Scan - Above 98%								1000	400			
	Scan - Below 98%			1			100		500				
Complaints													
Pkg. Check		37											
UPC													
IP not Fined		2											
Totals		3	57	7		3830	100		1500	400			

Fees: \$3,930.00

Fines: \$1,900.00

Total: \$5,830.00



TOWN OF BOURNE

Town Administrator

24 Perry Avenue
Buzzards Bay, MA 02532
Phone 508-759-0600 – Fax 508-759-0620



Thomas M. Guerino
Town Administrator
tguerino@townofbourne.com

10.23.2018

Mr. Chris Taloumis,
Haven Center
Box 2036,
Orleans, MA 02653

Chris:

This is to confirm our conversation of earlier today. Please be advised that there is no prohibition or moratorium related to medical cannabis. The Town meeting voted to allow medical use sales and cultivation for medical purposes. I have confirmed this with the Town Planner.

Please contact me if you need any additional information.

Best regards,

Thomas Guerino,
Administrator

Draft 10/23/18 post workshop

Goal 1: To improve the user-ability, organizational structure, and timely posting of the town website by January 2019.

Action Steps	Person(s) Responsible	Timeline	Communication	Risk Management	Resources Needed (financial, departments, boards, etc)	Status Update
1. Identify a working group consisting of staff, BOS.	Tom Guerino (Glenn Cannon)	Oct 10			IT, Rec Dept, BOS	
2. Working group identifies generally what works, what could be improved.	Tom Guerino (Glenn Cannon)	Oct 18				
3. Rewrite of description/narrative of Bourne for the website. To BOS for approval and posting.	Tom Guerino (Glenn Cannon)	Nov 6		Not all encompassing	BOS, Planning Board, BPS, Chamber,	
4. Reconnect with website interdepartmental team. Identify the individuals on the team are still the right people.	Tom Guerino (Glenn Cannon)	Nov 7			List departments	
5. Meet with website provider (CivicPlus) for names of towns which use the same provider. Review. Evaluate. Recommend. Meet with regional town using CivicPlus. Request CivicPlus solutions and		Nov 7		ADA Requirement?	Marketing specialist, CivicPlus, Town of Plymouth webmaster	

timeframe. Develop communication map. Create an initial staffing solution. Handicap Assessable					
6. Present plan of action to Bos, including staffing recommendation short and long term.	Tom Guerino Glenn	Nov 27			
7. Create protocol and standards for updates and work with identified departmental key players. Identify back up support with less reliance on IT staff.		Dec 13	Human Resources		
8. Reevaluate website		Feb 12			

Ideas from June 2018

- Identify several staff responsible by concept and for overall communications/postings
- Procedures/staff training
- Efficiencies
- User self-sufficiency
- Social media links

DRAFT 10/23/18

Goal 2: To develop a town-wide unified economic growth plan by February 2019 with a five-year strategic implementation plan.

Action Steps	Person(s) Responsible	Timeline	Communication	Risk Management	Resources Needed (financial, departments, boards, etc)	Status Update
<p>1. Identify timeline for each of the Board of Survey's recommendations put forward as violations and eliminating blight. Report ongoing blight elimination program.</p>	<p>Tom Guerino</p>	<p>Nov 20 Quarterly</p>				
<p>2. To hold a symposium for the BOS including the LCP, Cape Cod Commission, Planning Board, BFDC, and Planning Dept, Zoning Board, MMA, Chamber of Commerce, MSSC, all Water Districts, Sewer Commissioners current businesses and developers, to gain insight into what is in place. What's fact, what's optional, what's no longer on the table. Update on \$25,000 for commission economic development forum.</p>	<p>Tom Guerino (Planning Dept. Health Dept.)</p>	<p>Feb 2019</p>				

3. Implement 2% hotel motel tax for community events.	Tom Guerino Jim Potter	Town Meeting				
4. BOS discuss the creation of an Economic Development Director including what that person's job would be; how to finance; and who to involve with making the position happen.	Tom Guerino	Ongoing discussion in preparation for FY2021				
5. Identify infrastructure challenges and benefits. Update from MassDOT, Army Corps. Provide safe, affordable, and accessible transportation options to access our employers, services, and residential areas in the town. Priority projects include Commuter Rail & Canal crossing.		Dec 4				
6. Develop an action plan for Economic Development.		Feb. 2019				

DRAFT

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Ideas from June 2018

MoU 5 year plan for MMA

Economic growth plan

Pedestrian/bike trail

DRAFT

DRAFT 10/23/18

Goal 3: To implement financial software package for town services by May 2019.

Action Steps	Person(s) Responsible	Timeline	Communication	Risk Management	Resources Needed (financial, departments, boards, etc)	Status Update
1. Have update (written report) regarding the hiring Finance Director/Town Accountant.	Tom Guerino	Nov 6				
2. Permitting Software update.	Tom Guerino	Dec 4				
3. Financial Software Study Committee to create comprehensive proposal of rationale, cost, and return on investment. Identify potential funding source.		March 2019				
4. Present financial findings and 2-3 options to BoS/Fin Com. Discuss.		April 2019				

DRAFT 10/23/18

Goal 4: To prioritize town policies for need and review by August 1, 2018, mapping out the timeline to address 10 policies by May 31, 2019.

Action Steps	Person(s) Responsible	Timeline	Communication	Risk Management	Resources Needed (financial, departments, boards, etc)	Status Update
1. Obtain full set of policies.	Peter Meier	Nov 6				
2. Place policies in four categories, what needs full rewrite; what needs general review/refresh; what is no longer needed; what is missing		Nov 13				
3. Contract with policy review consultant to review policies that don't need an overhaul.						
4. Identify top 10 policies to be reviewed and/or written.						
5. Determine process for writing drafts. Individuals write drafts to present in workshop or sub-committee (needing to have posted meetings) to write.						

Ideas from June 2018 New: Marijuana licensing and regulations; Social Media; Easements; Town Owned Property and its Disposition; tracking of legal documentation; legal correspondences; Website Update Policy & Procedure. Review: Financial Policies and Cost Allocations; ISWM; Public Records; Wastewater Allocation;

DRAFT 10/23/18

Goal 5: To establish a multi-year financial and strategic plan involving Priority Based Budgeting and quarterly reporting with implementation by April 2019.

Action Steps	Person(s) Responsible	Timeline	Communication	Risk Management	Resources Needed (financial, departments, boards, etc)	Status Update
1. Town Administrator establish expectation for use of PBB for FY2019.	Tom Guerino	Nov 1				
2. Workshop: Update the Bos/Fin Com in detail regarding the implementation of PBB. Include survey results. Discuss alignment with current Bos.	Tom Guerino/ Mike Ellis	Nov 13				



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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

October 23, 2018

Ms. Kathleen Driscoll
Massachusetts Maritime Academy
101 Academy Drive
Buzzards Bay MA, 02532

RE: BUZZARDS BAY - BWSC
Release Tracking Number: **4-0027517**
Diesel Fuel Release
101 Academy Drive
NOTICE OF RESPONSIBILITY

**THIS IS AN IMPORTANT NOTICE.
FAILURE TO TAKE APPROPRIATE ACTION IN RESPONSE
TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Ms. Driscoll:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP) is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of OHM at disposal sites.

REASON FOR THIS NOTICE

On October 22, 2018 at 7:18 PM MassDEP received notification from Bourne Deputy Fire Chief Haden of a release of oil at the above referenced location. An estimated 15 gallons of diesel fuel was released when a fuel tank strap fail on a pickup truck owned and operated by Mr. Bertrand Paul. This release impacted pavement and two catch basins. Pursuant to 310 CMR 40.0311(4), this release requires notification to MassDEP within 2 hours of knowledge, and pursuant to 310 CMR 40.0412(1) this release requires that an Immediate Response Action (IRA) be conducted.

M.G.L. c. 21E and the MCP require the performance of response actions to prevent harm to health, safety, public welfare and the environment which may result from this release and/or threat of release and govern

the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this property. For purposes of this NOR, the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by the M.G.L. c. 21E and the MCP unless clearly indicated otherwise.

STATUTORY LIABILITY

MassDEP has reason to believe that you (as used in this Notice, "you" and "your" refers to Massachusetts Maritime Academy), as the current owner of the property where a release has occurred, are a Potentially Responsible Party (PRP) with liability under M.G.L. c. 21E §5, for response action costs. Section 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c. 21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties. Pursuant to M.G.L. c. 21E and the MCP the term disposal site means anywhere OHM has come to be located.

MassDEP encourages parties with liability under M.G.L. c. 21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions.

You may be liable for up to three (3) times all Response Action Costs Incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

By taking prompt actions you may also avoid the imposition of, the amount of or reduce certain annual compliance assurance fees payable under 310 CMR 4.00.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

If you are a responsible party and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the Department in writing of your inability in accordance with MGL c. 21E, subsection 5(e), and 310 CMR 40.0172. If you assert or demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the Department's response action costs and 310 CMR 40.0172 provides you with a limited defense to the Department's assessment of civil administrative penalties.

Please refer to M.G.L. c. 21E for a complete description of potential liability.

ORALLY APPROVED IMMEDIATE RESPONSE ACTION

As outlined above, pursuant to 310 CMR 40.0412(1), this release requires that an IRA be conducted. At the time of oral notification to MassDEP, the following response actions were approved as an IRA:

- Continued assessment.
- Deployment of absorbent/containment materials.
- Installation of temporary berms/dikes/impoundments.
- Installation of temporary covers/caps.
- Removal of tanks/drums/containers.
- Removal of up to 200 gallons of oil contaminated water.
- Removal of other contaminated media.
- All Remediation Waste must be properly stored/handled and disposed of within 120 days from the date of generation per 310 CMR 40.0030.

ADDITIONAL ACTIONS REQUIRED

Additional submittals are necessary with regard to this notification including, but not limited to, a written IRA Plan, IRA Completion Statement and/or a Permanent or Temporary Solution Statement. **The MCP**

requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of initial notification.

Specific approval is required from MassDEP for the implementation of most Immediate Response Actions (IRAs) pursuant to 310 CMR 40.0420. Release Abatement Measures (RAMs) may not be conducted until a RAM Plan is submitted pursuant to 310 CMR 40.0443. Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

In addition to verbal notification, 310 CMR 40.0333 requires that a completed Release Notification Form (BWSC-103) be submitted to MassDEP within sixty (60) calendar days of **October 22, 2018**.

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at this site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>. MassDEP has Mr. Kenneth McDermott of Clean Harbors listed as the LSP of Record.

Unless otherwise provided by MassDEP, potentially responsible parties (PRP's) have one year from the initial date of notification to MassDEP of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this disposal site is **October 22, 2019**.

This site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP. The MCP requires persons undertaking response actions at a Disposal Site to submit to MassDEP a Permanent Solution Statement prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at the site.

If you have any questions relative to this Notice, please contact Mr. Raymond Reimold at the letterhead address or at (508) 946-2852. All future communications regarding this release must reference the following Release Tracking Number: **4-0027517**.

Sincerely,



Dan Crafton, Chief
Emergency Response / Release
Notification Section
Bureau of Waste Site Cleanup

C/RMR

[4-0027517.BUZZARDSBAY.MASSMARITIME.NOR.10.22.2018.docx](#)

Enclosures: MassDEP's Guide to Hiring a Licensed Site Professional

cc: Board of Health
Board of Selectmen
Fire Department

DEP-SERO
John Handrahan, Data Entry



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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

October 23, 2018

Mr. Bertrand Paul
515 Providence Street
Woonsocket, RI 02895

RE: BUZZARDS BAY - BWSC
Release Tracking Number: **4-0027517**
Diesel Fuel Release
101 Academy Drive
NOTICE OF RESPONSIBILITY

**THIS IS AN IMPORTANT NOTICE.
FAILURE TO TAKE APPROPRIATE ACTION IN RESPONSE
TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Mr. Paul:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP) is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of OHM at disposal sites.

REASON FOR THIS NOTICE

On October 22, 2018 at 7:18 PM MassDEP received notification from Bourne Deputy Fire Chief Haden of a release of oil at the above referenced location. An estimated 15 gallons of diesel fuel was released when a fuel tank strap failed on a pickup truck owned and operated by you. This release impacted pavement and two catch basins. Pursuant to 310 CMR 40.0311(4), this release requires notification to MassDEP within 2 hours of knowledge, and pursuant to 310 CMR 40.0412(1) this release requires that an Immediate Response Action (IRA) be conducted.

M.G.L. c. 21E and the MCP require the performance of response actions to prevent harm to health, safety, public welfare and the environment which may result from this release and/or threat of release and govern the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this property. For purposes of this NOR, the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by the M.G.L. c. 21E and the MCP unless clearly indicated otherwise.

STATUTORY LIABILITY

MassDEP has reason to believe that you (as used in this Notice, "you" and "your" refers to Mr. Bertrand Paul), as the current owner/operator of the vehicle from which the release of oil occurred, are a Potentially Responsible Party (PRP) with liability under M.G.L. c. 21E §5, for response action costs. Section 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c. 21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties. Pursuant to M.G.L. c. 21E and the MCP the term disposal site means anywhere OHM has come to be located.

MassDEP encourages parties with liability under M.G.L. c. 21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions.

You may be liable for up to three (3) times all Response Action Costs incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be

imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

By taking prompt actions you may also avoid the imposition of, the amount of or reduce certain annual compliance assurance fees payable under 310 CMR 4.00.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

If you are a responsible party and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the Department in writing of your inability in accordance with MGL c. 21E, subsection 5(e), and 310 CMR 40.0172. If you assert or demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the Department's response action costs and 310 CMR 40.0172 provides you with a limited defense to the Department's assessment of civil administrative penalties.

Please refer to M.G.L. c. 21E for a complete description of potential liability.

ORALLY APPROVED IMMEDIATE RESPONSE ACTION

As outlined above, pursuant to 310 CMR 40.0412(1), this release requires that an IRA be conducted. At the time of oral notification to MassDEP, the following response actions were approved as an IRA:

- Continued assessment.
- Deployment of absorbent/containment materials.
- Installation of temporary berms/dikes/impoundments.
- Installation of temporary covers/caps.
- Removal of tanks/drums/containers.
- Removal of up to 200 gallons of oil contaminated water.
- Removal of other contaminated media.

- All Remediation Waste must be properly stored/handled and disposed of within 120 days from the date of generation per 310 CMR 40.0030.

ADDITIONAL ACTIONS REQUIRED

Additional submittals are necessary with regard to this notification including, but not limited to, a written IRA Plan, IRA Completion Statement and/or a Permanent or Temporary Solution Statement. **The MCP requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of initial notification.**

Specific approval is required from MassDEP for the implementation of most Immediate Response Actions (IRAs) pursuant to 310 CMR 40.0420. Release Abatement Measures (RAMs) may not be conducted until a RAM Plan is submitted pursuant to 310 CMR 40.0443. Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

In addition to verbal notification, 310 CMR 40.0333 requires that a completed Release Notification Form (BWSC-103) be submitted to MassDEP within sixty (60) calendar days of **October 22, 2018**.

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at this site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>. MassDEP has Mr. Kenneth McDermott of Clean Harbors listed as the LSP of Record.

Unless otherwise provided by MassDEP, potentially responsible parties (PRP's) have one year from the initial date of notification to MassDEP of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this disposal site is **October 22, 2019**.

This site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP. The MCP requires persons undertaking response actions at a Disposal Site to submit to MassDEP a Permanent Solution Statement prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at the site.

If you have any questions relative to this Notice, please contact Mr. Raymond Reimold at the letterhead address or at (508) 946-2852. All future communications regarding this release must reference the following Release Tracking Number: **4-0027517**.

Sincerely,



Dan Crafton, Chief
Emergency Response / Release
Notification Section
Bureau of Waste Site Cleanup

C/RMR

[4-0027517.BUZZARDSBAY.PAUL.NOR.10.23.2018.docx](#)

Enclosures: MassDEP's Guide to Hiring a Licensed Site Professional

cc: Board of Health
Board of Selectmen
Fire Department

DEP-SERO
John Handrahan, Data Entry

Judge, Debbie

From: Guerino, Thomas
Sent: Friday, October 26, 2018 7:37 PM
To: Judge, Debbie
Subject: Fwd: Joint US EPA and MassDEP Letter on Cape Cod water Quality Issues

For correspondence

Sent from my iPhone

Begin forwarded message:

From: Richard Conron <richard.conron@gmail.com>
Date: October 25, 2018 at 12:25:31 PM EDT
To: <selectmen@townofbourne.com>, Guerino Tom <tguerino@townofbourne.com>
Subject: Fwd: Joint US EPA and MassDEP Letter on Cape Cod water Quality Issues

Begin forwarded message:

From: Cape Cod Commission <info@capecodcommission.org>
Date: October 25, 2018 at 10:46:45 AM EDT
To: richard.conron@gmail.com
Subject: FW:Joint US EPA and MassDEP Letter on Cape Cod water Quality Issues
Reply-To: info@capecodcommission.org



CAPE COD
COMMISSION

FOR YOUR INFORMATION

October 15, 2018

**By: Alexandra Dunn, Regional Administrator
U.S. Environmental Protection Agency, New England Region**

**Martin Suuberg, Commissioner
Massachusetts Department of Environmental Protection**

Cape Cod Communities Increase Momentum to Improve Water Quality

This is an exciting time to be working to improve water quality on Cape Cod. The strong partnership between local communities, the Cape Cod Commission, the Commonwealth of Massachusetts and the U.S. Environmental Protection Agency is showing real progress, and there is substantial momentum across the board in our efforts to address nitrogen pollution affecting Cape Cod water quality.

There are many recent examples of excellent work, beginning with the Pleasant Bay Alliance – formed by the Towns of Orleans, Chatham, Harwich and Brewster – working together on a coordinated resource management plan for Pleasant Bay and its watershed. The work by the Pleasant Bay Alliance resulted in the first-of-its-kind watershed permit under MassDEP's pilot program. Seeing the four towns commit to a 20-year plan to reduce nitrogen, search for the best practices to manage it, and implement innovative and effective treatment methods, is truly inspirational and is a model for how other communities can tackle local environmental challenges. The path chosen by these communities to address pollution is generating innovative approaches, and avoiding litigation and delay in dealing with a critical problem.

Recently, EPA and MassDEP were pleased to share in the announcement of nearly \$1.9 million in grants to five Cape Cod-focused organizations and their partners that are working to improve water quality for healthy coastal ecosystems in Cape Cod, including waters flowing into Buzzards Bay. These grants are funded under a collaboration between EPA and Restore America's Estuaries (RAE) through the 2018 Southeast New England Program (SNEP). Since inception in 2014, SNEP has been building partnerships to tackle the region's most pressing environmental issues, such as nutrient pollution and coastal habitat loss.

The grant recipients include the Cape Cod Commission, Association to Preserve Cape Cod, Pleasant Bay Alliance, Falmouth Rod & Gun Club, and Buzzards Bay Coalition, each of which is leading an innovative, high-impact project of regional importance. The \$1.9 million in federal funds will be matched by an additional \$1 million in state and local dollars. Since SNEP's inception in 2012, EPA has provided more than \$6.2 million in grants and technical assistance to protect and restore Cape Cod waters. As of 2018, the program has directed more than \$21 million across the southeast coastal region, including Narragansett Bay, Buzzards Bay, the Islands and Cape Cod.

We were also heartened last month when a Who's Who list of state leaders and dignitaries attended the OneCape Summit in Harwich. Led by Governor Charlie Baker, this meeting featured notable speakers all noting the importance of protecting the Cape's environment, and thinking outside the box of local political boundaries to get the work done. It is not lost on us that, just as nitrogen, stormwater, and drinking water don't adhere to local municipal boundaries, so too do the issues facing Cape Cod require working together across town boundaries, working with and learning from each other in the process.

The great news is that Cape Cod communities and citizens get this fact, and are taking concrete steps to protect the local environment, and in doing so, are protecting one of New England's most special places for their children and grandchildren.



Alexandra Dunn
Regional Administrator
US EPA, New England Region



Martin Suuberg
Commissioner
MassDEP

[Join Our Mailing List](#)

The Reporter | Cape Cod Commission | Barnstable County
info@capecodcommission.org

Cape Cod Commission | 3225 Main St., PO Box 226, Barnstable, MA 02630

[Unsubscribe richard.conron@gmail.com](mailto:richard.conron@gmail.com)

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Sent by info@capecodcommission.org in collaboration with

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Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO



October 23, 2018

Thomas M. Guerino
Town Administrator
24 Perry Avenue
Buzzards Bay, MA 02532-3441

Dear Administrator Guerino:

We are pleased to inform you that the legislature has recently approved the supplemental budget which I filed for an additional \$40 million in Chapter 90 local transportation aid funding for Fiscal Year 2019, which represents a 20% increase over the usual funding amount.

This letter certifies that your community's Chapter 90 apportionment for Fiscal Year 2019 is \$729,097 which includes the amount previously approved in Chapter 154 of the Acts of 2018, and the new supplemental amount of **\$121,516** I have approved in signing this new legislation. This apportionment will automatically be incorporated into your existing 10-year Chapter 90 contract, which will be available on the MassDOT website, <https://www.mass.gov/chapter-90-program>

This funding represents our continued commitment to assisting cities and towns to address the maintenance, modernization, and resiliency of your local roads, which are a critical part of the Commonwealth's transportation network. The Chapter 90 program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our state-local partnership. We look forward to working with you in the coming year to continue the success of this program.

As always, we are pleased to encourage you to explore opportunities for additional infrastructure funding through MassDOT's Complete Streets and Municipal Small Bridge Programs (further information available at: <http://www.massdot.state.ma.us/>). For program specific questions please contact the following:

- **Chapter 90 Program** – State Aid Manager Sean Sullivan at (508) 884-4221 or Sean.M.Sullivan@dot.state.ma.us
- **Complete Streets and Municipal Small Bridge Program** – Municipal Grants Program Administrator Eileen Gunn at (857) 368-8817 or Eileen.Gunn@dot.state.ma.us

Thank you for all that you do to make the Commonwealth of Massachusetts a great place to live, work and raise a family.

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611



RECEIVED

OCT 24 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Public Hearing Notice

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

REQUEST: A Supportive Finding (#2018-SP15) under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330, 2300, 2400, and 2500 to extend and alter pre-existing non-conforming land by adjusting the property line to increase the frontage of 101 Williams Avenue (Lot 26A) from 83.52' to 91.52' and reduce the frontage of 105 Williams Avenue (Lot 27A) from 80' to 72'; and to decrease the lot size of 101 Williams Avenue (Lot 26A) from 7,400± square-feet (SF) to 7,000± SF and to increase the lot size of 105 Williams Avenue (Lot 27A) from 9,100± SF to 9,600± SF.

APPLICANT: James Coull

LOCATION: 101 Williams Avenue, Bourne (Map: 44.1 Parcel: 133.0)
105 Williams Avenue, Bourne (Map: 44.1 Parcel: 134.0)

DATE & TIME: Wednesday, November 7, 2018 7:00pm

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates: 10.24.18 & 10.31.18

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED
OCT 24 2018
TOWN OF BOURNE
BOARD OF SELECTMEN



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

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

RECEIVED

OCT 29 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Tel: (617) 626-1000

Fax: (617) 626-1181

<http://www.mass.gov/eea>

October 10, 2018

Thomas M. Guerino, Town Administrator
24 Perry Avenue – Room 101
Buzzards Bay, MA 02532

Dear Town Administrator Thomas Guerino:

Thank you for your inquiry regarding funding for the Bourne Rail Trail/Shining Sea Bikeway Extension in Bourne and Falmouth authorized in Chapter 209 of the Acts of 2018, *An Act promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity*. The Environmental Bond Bill will support continued efforts in Massachusetts' for climate change adaptation and mitigation and improve the Commonwealth's record of investments to protect the environment.

The Legislature annually requires EEA to release our Capital plan by July 1st. The Environmental Bond Bill was signed after the Executive Office of Energy and Environmental Affairs (EEA) May 10th release of our FY19 Capital Plan. Subsequently, funding this project in FY19 would pull directly from existing projects that have committed funds.

EEA is now beginning the development phase for the FY20 Capital Plan. The Environmental Bond Bill provides solely for authorization, not actual appropriation; as a result, we are considering the range of diverse projects authorized pursuant to this legislation. Please be assured that we will evaluate the funding for the Bourne Rail Trail/Shining Sea Bikeway Extension during this process.

Thank you again for your support of this project. If you have any questions, please contact Stolle Singleton, Director of Legislative Affairs, at 617-626-1105 or stolle.singleton@mass.gov.

Sincerely,

Matthew Beaton, Secretary
The Commonwealth of Massachusetts
Executive Office of Energy & Environment



David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Ronald Amidon
Commissioner

Mary-Lee King
Deputy Commissioner

November 1, 2018

Board of Selectmen
Town of Bourne
Town Hall
Buzzards Bay, MA 02532

Ladies & Gentlemen:

In accordance with Chapter 130, Section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has re-examined the waters of Phinneys Harbor (BB:46.1), in the Town of Bourne, classified as "CONDITIONALLY APPROVED" and in the "CLOSED" status based on seasonal water quality changes. As a result of this examination, the Division has determined that this below defined area meets the established criteria for the harvest of shellfish and has changed the status to "OPEN TO SHELLFISHING" as of sunrise on November 1, 2018.

The below defined area may be opened to the harvest of shellfish for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws, Chapter 130, Section 52.

CLASSIFICATION: CONDITIONALLY APPROVED

SEASONAL STATUS CHANGE

Status: Open to Shellfishing

November 1 – May 31

[Dates Inclusive]


BB:46.1

Monument Beach

"The waters and flats of that portion of Phinney's Harbor, in the Town of Bourne, east of a line drawn in a northeasterly direction from the "NO SHELLFISHING" sign at the most westerly pier on Toby's Island, to the "NO SHELLFISHING" sign at the end of Worcester Avenue."

The status of above Conditionally Approved area BB:46.1 shall automatically revert to "CLOSED TO SHELLFISHING" on June 1, 2019 unless the Division changes the status prior to said date.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Pierce". The signature is fluid and cursive, with a long horizontal stroke at the end.

David E. Pierce,
Director

cc: A. Abdal-Khabir, P. Moran, DELE
D. McKiernan, M. Hickey, T Shields, DMF
R Amidon., M. King, DFG
J. Hobill, DEP
FDA
DPH
T. Mullen, Bourne Shellfish Constable



David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Ronald Amidon
Commissioner

Mary-Lee King
Deputy Commissioner

November 1, 2018

Board of Selectmen
Town of Bourne
Town Hall
Buzzards Bay, MA 02532

Ladies & Gentlemen:

In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has re-examined the waters of Back River and Eel Pond (BB:47.1 and BB:47.2) in the Town of Bourne, classified as "CONDITIONALLY APPROVED" and in the "CLOSED" status based on seasonal water quality changes. As a result of this examination, the Division has determined that these below defined areas meet the established criteria for the harvest of shellfish and has changed the status to "OPEN TO SHELLFISHING" as of sunrise on November 1, 2018.

The below defined areas may be opened to the harvest of shellfish for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws, Chapter 130, Section 52.

CLASSIFICATION: CONDITIONALLY APPROVED

SEASONAL STATUS CHANGE

Open To Shellfishing

November 1 – April 15

[All Dates Inclusive]

BB:47.1
Back River

"The waters, flats and all tributaries of that portion of Back River, in the Town of Bourne, located west of the railroad trestle and northerly of a line drawn from Rocky Point to the foot of Maryland Avenue on Phinney's Point."


CLASSIFICATION: CONDITIONALLY APPROVED
SEASONAL STATUS CHANGE
Open To Shellfishing
November 1 – April 15
[All Dates Inclusive]

BB:47.2
Back River

"The waters, flats and all tributaries of that portion of Back River, in the Town of Bourne, located east of the Shore Road Bridge."

The status of above Conditionally Approved areas BB:47.1 and BB:47.2 shall automatically revert to "CLOSED TO SHELLFISHING" on April 16, 2019 unless the Division changes the status prior to said date.

Sincerely,



David E. Pierce,
Director

cc: A. Abdal-Khabir, P. Moran, DELE
D. McKiernan, M. Hickey, T Shields, DMF
R Amidon, M. King, DFG
J. Hobill, DEP
FDA
DPH
T. Mullen, Bourne Shellfish Constable