

Board of Selectmen Meeting Notice AGENDA



Date
Tuesday
January 9, 2018

Time
7:00 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.

7:00 p.m. Call public session to order in Open Session

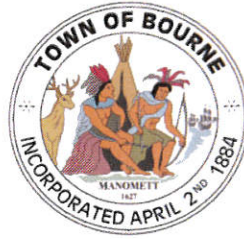
1. Moment of Silence for our Troops and our public safety personnel
2. Salute to our Flag – Girl Scout Troop 62919
3. Public Comment on Non-Agenda Items
4. Minutes: 12.12.17
5. Correspondence
6. Budget discussion for FY19 – initial staffing requests; initial overall numbers (less state cherry sheet numbers – current year cherry sheet figures to be used.)
7. Selectmen's business
 - a. Rules of Procedures – update for calendar
 - b. Road Acceptance Committee
8. Selectmen's Reports
 - a. Events attended during past week
 - b. Events planned to attend during current week
 - c. Preserve Out Cape Cod Aquifer (POCCA) Correspondence and request
9. Town Administrator Report
 - a. Assistant Town Administrator Search
 - b. Priority Based budgeting update
 - c. Wastewater Plant brief update
 - d. Pedestrian and Bicycle Pathway TA Committee

RECEIVED
2018 JAN -5 PM 3:49
TOWN CLERK BOURNE

10. Future Agenda

- Attorney Troy's Legal Policy discussion - 01.16.18
- Massachusetts Maritime Academy to give formal update at Board of Selectmen meeting and to answer questions - February
- Bourne private property for public purposes policy
- Special Charter consideration for term limits
- Stop and Shop Rotary and Clay Pond Rd update with them present
- Priority Based Budgeting calendar
- Board of Selectmen Goals – as required
- ATA search update - each meeting or as necessary

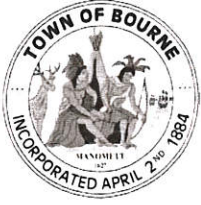
11. Adjourn



Selectmen's Correspondence
January 9, 2018

- A. Appeals Board agenda for 01.03.2018
- B. Military & First Responders *Appreciation* Brunch to be held on Sunday, January 21st
- C. Sherry Tucker Brown submitted a letter of resignation from the Bourne Cultural Council effective immediately
- D. ISWM submitted a letter to DEP regarding Bourne ISWM Facility Quarterly Groundwater and Landfill Gas Monitoring results
- E. Office of the Secretary of the Commonwealth is soliciting public comment concerning the date of the Massachusetts State Primaries in 2018
- F. From the Office of the Town Clerk – Effective Immediately: Filing and Posting Policy of Meeting Notices
- G. Department of Public Utilities: Notice of filing, public hearings and procedural conference – Petition received for an increase in gas base distribution rates

A

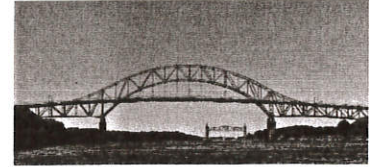


TOWN OF BOURNE

Board of Appeals

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



MEETING NOTICE OF

DRAFT

Zoning Board of Appeals

Wednesday January 3, 2018 7:00 PM

Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay

AGENDA ITEMS

I. Approval of meeting minutes

II. **6A Thompson Road, Hideaway Village Special Permit 2017-SP25**, Requesting Special Permit under M.G.L., Ch 40A, Sec 9 and per section 1331, 2320 and 2450 of the Bourne Zoning Bylaws to construct a second story dormer off existing dwelling to extend the pre-existing non-conformity of the structure not to extend beyond the existing footprint with additional living space of 76 square feet. **(Continued from December 6, 2017)**

III. **7 Laura Lane Variance 2017-V31**, Requesting Variance under M.G.L., Ch. 40A, Sec. 9, from the following sections of the Bourne Zoning Bylaw: *Section 2454; 2456*: to exceed maximum lot coverage (required 21%) by constructing a 36.5' x 14' single-story addition for an accessory dwelling on the east side of the property (proposed 26.2%) a 5.2% lot coverage variance. *Section 2500*: to exceed front setback (30' required) by 18.2 feet. Proposed addition would have a final setback of 11.8 feet.

IV. **7 Laura Lane Special Permit 2017-SP30**, Requesting Special Permits under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw: *Sections 1331; 4120-4123*: to construct a 36.5' x 14' single-story addition to contain an accessory dwelling.

V. **7 Laura Lane Special Permit 2017-SP29**, Requesting Special Permits under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw: *Sections 1331; 2320; 2450*: Supportive finding that the proposed alteration to a pre-existing non-conforming structure and use shall not be substantially more detrimental than the existing structure and use to the neighborhood.

- Old Business
- New Business
- Public Comment



TOWN OF BOURNE

Board of Appeals

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



Public Hearing Notice

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, 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:

APPEAL: **2017-V31**

APPLICANT: Brian Stewart Paulsen & Karen Ann Paulsen

LOCATION: 7 Laura Lane, Monument Beach, Bourne, MA 02553

MAP: 35.2 PARCEL: 48.0

PROPOSAL: Requesting Variance under M.G.L., Ch. 40A, Sec. 9, from the following sections of the Bourne Zoning Bylaw:

Section 2454; 2456: to exceed maximum lot coverage (required 21%) by constructing a 36.5' x 14' single-story addition for an accessory dwelling on the east side of the property (proposed 26.2%) a 5.2% lot coverage variance.

Section 2500: to exceed front setback (30' required) by 18.2 feet. Proposed addition would have a final setback of 11.8 feet.

DATE & TIME: Wednesday, January 3, 2018 at 7:00 p.m.

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

Bourne Courier publishing dates: 12.13.17 & 12.20.17

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.



TOWN OF BOURNE

Board of Appeals

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



Public Hearing Notice

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, 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:

APPEAL: Requesting Special Permits under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw:

2017-SP29: *Sections 1331; 2320; 2450:* Supportive finding that the proposed alteration to a pre-existing non-conforming structure and use shall not be substantially more detrimental than the existing structure and use to the neighborhood.

2017-SP30: *Sections 1331; 4120-4123:* to construct a 36.5' x 14' single-story addition to contain an accessory dwelling.

APPLICANT: Brian Stewart Paulsen & Karen Ann Paulsen

LOCATION: 7 Laura Lane, Monument Beach, Bourne, MA 02553

MAP: 35.2 PARCEL: 48.0

DATE & TIME: Wednesday, January 3, 2018 at 7:00 p.m.

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

Bourne Courier publishing dates: 12.13.17 & 12.20.17

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.

JIM GONET

3

ST. JOHN THE EVANGELIST CHURCH

Only
150 Tickets
Available!

**Military &
First Responders**

★ APPRECIATION ★

Brunch

SUNDAY, JANUARY 21ST

11:30AM* - 12:30PM

***IMMEDIATELY FOLLOWING 10:30AM MASS!**

Scrambled Eggs | Sausage | Bacon | Muffins | Pancakes

**COST*: FREE FOR MILITARY, FIRST RESPONDERS & THEIR
FAMILIES WHO ARE PARISHIONERS;
ALL OTHERS = \$2.00/PERSON**

***All attendees must have a ticket. Ticket Deadline: Jan. 16th!**

**Tickets Available & Brunch Held at
St. John's Welcome Center**

841 Shore Rd. ~ Pocasset, MA ~ Ph: 508-563-5887



C

Judge, Debbie

From: Sherry Tucker Brown <ttbg@aol.com>
Sent: Tuesday, December 19, 2017 12:51 PM
To: Judge, Debbie
Cc: ktimmins2@comcast.net
Subject: Resignation from Cultural Council

Ms. Judge,

Thank you for taking my call this morning.

Requesting, please, that you use this email to the Town of Bourne Selectman that I am resigning from the Cultural Council to be effective immediately.

Again, thank you,

Sherry Tucker Brown

6 Easting Road
Bourne, MA 02532

Sherry Tucker Brown

The Tucker Brown Group
Home of FUNN and FUNN TV on Bourne Community TV
508-888-6384

Helping you to be successful is our business!

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



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

December 12, 2017

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 July 2017 groundwater, surface water, leachate and landfill gas monitoring conducted at the Bourne Integrated Solid Waste Management Facility. Also included is a memorandum written by ISWM facility engineer of record Mr. A. Raymond Quinn, PE, LSP, of SITEC Environmental, Inc. Mr. Quinn's correspondence 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 0.016 mg/l, MW14DD had a detectable level of 0.01 mg/l (with its duplicate BCH #13 reporting 0.011 mg/l), MW5D had a detectable level of 0.016 mg/l and 18D had a detectable level of 0.012 mg/l.

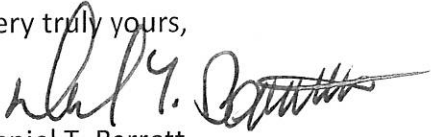
MW11 had an extremely low recharge and was unable to be sampled. ISWM is working to repair and redevelop the well. We will keep you informed as we progress.

MW 18S was found to be extremely low with a recharge to slow or had insufficient water to enable sampling at this time. We will continue to attempt sampling this well in the future.

The gas monitoring data results for the second quarter 2017 show all captured and recorded methane levels detected in the gas monitoring wells 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,

A handwritten signature in black ink, appearing to read "Daniel T. Barrett", with a long horizontal flourish extending to the right.

Daniel T. Barrett
General Manager

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

RECEIVED
DEC 21 2017
TOWN OF BOURNE
BOARD OF SELECTMEN



E

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

NOTICE OF OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT

The Office of the Secretary of the Commonwealth is soliciting public comment concerning the date of the Massachusetts State Primaries in 2018.

The provisions of section 28 of chapter 53 of the General Laws, as amended by section 65 of chapter 46 of the Acts of 2015, state:

[i]f a religious holiday falls on or immediately before the second Tuesday in September (September 11, 2018) in an even-numbered year, the state primary shall be held on a date set by the state secretary within 7 days of the second Tuesday in September.

In 2018, Rosh Hashanah begins on September 9th and ends on September 11th, creating the need to change the primary date to a date within 7 days of September 11th.

The Secretary welcomes public comments on the new date for the 2018 State Primaries. Comments may be made in person or in writing. In person comments may be made at an open public session to be held on Tuesday, January 2, 2018, at 10:00 a.m. in the 17th floor conference room of the Office of the Secretary, One Ashburton Place, Boston, Massachusetts 02108. Also, written comments will be accepted until 2:00 p.m. on January 2, 2018. Written submissions should be delivered to Michelle K. Tassinari, Director/Legal Counsel, Elections Division, Office of the Secretary of the Commonwealth, One Ashburton Place, Room 1705, Boston, MA 02108 or via email to Michelle.Tassinari@sec.state.ma.us.

F

Johnson, Barry

From: Johnson, Barry
Sent: Wednesday, December 14, 2016 12:26 PM
To: All Selectmen; Guerino, Thomas; All Department Heads; All Remote Dept Heads; Butler, Jamie; Carr, Lois; Chapman, Wendy; Chisser, Jennifer; Dastous, Anne; Donoghue, Edward; Elrick, Richard; Fernandes, Mary; Freeman, Michelle; Girouard, Karen; Goddard, Philip; Gomes, Cheryl; Griffin, Kimberly; Guarino, Terri; Gutterson, Ann; Haines, Samuel; Judge, Debbie; LaMarche, Steven; Lomeland, Hans; Lydon, Timothy; M Coelho; Mintz, Asa; Noyes, Charlie; Ranney, Diane; Rebello, Mary; Sullivan, Tracy; Sundman, Nancy; Mary Jane Mastrangelo
Cc: Robert Troy
Subject: ***FILING AND POSTING POLICY OF MEETING NOTICES***
Attachments: OML complaint.docx

EFFECTIVE IMMEDIATELY!!!

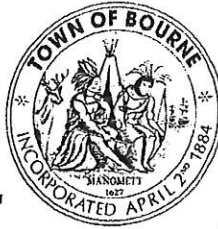
FILING AND POSTING POLICY OF MEETING NOTICES

Everyone:

Due to the filing of an Open Meeting Law Complaint....the attached policy of filing and posting of all meeting notices will be implemented immediately until further notice.

Any comments or questions....please direct them to our office.

Thank You. Barry Johnson, Clerk



TOWN OF BOURNE

Office of the Town Clerk

Corrective action as a result an OML complaint.

Currently the town's website does not record the date and time that an amended meeting is posted on the site.

Therefore, effective immediately and until further notice, all original and amended meeting notices, will be posted on the website by the Town Clerk's Office with the date and time filed in the Town Clerk's office.

In order for our department to post the notices in a timely fashion, all notices must be received in our office on or before 3:00 P.M. prior to the 48 hours excluding Saturdays, Sundays and legal holidays. If the notice is not received by 3:00 PM prior to the 48 hours, it will not be considered timely and therefore will not be posted.

Amended meeting notices must be filed in our office as soon as possible. Our office would still require a reasonable amount of time to upload the notices to the website.

The Town of Bourne website is currently being revised so that all notices, including amended meeting notices, will reflect the date and time posted to the website. As soon as the modifications are completed the individual boards will be able to post the agendas on the website.

Again until further notice, all meeting notices must go through the Town Clerk's office for posting to the website.

Meeting Notices may be hand-delivered, faxed or emailed as follows:

Fax number – (508) 759-7980

Email to all contacts in the Clerk's Office:

bjohnson@townofbourne.com

wchapman@townofbourne.com

mfernandes@townofbourne.com

DEC 14 2017

TOWN OF BOURNE
BOARD OF SELECTMEN

G



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING, PUBLIC HEARINGS, AND PROCEDURAL CONFERENCE

D.P.U. 17-170

December 5, 2017

Petition of Boston Gas Company and Colonial Gas Company, each doing business as National Grid, pursuant to G.L. c. 164, § 94 and 220 CMR 5.00, for Approval of General Increases in Base Distribution Rates for Gas Service.

On November 15, 2017, Boston Gas Company ("Boston Gas") and Colonial Gas Company ("Colonial Gas"), each doing business as National Grid ("National Grid" or "Companies"), filed a petition with the Department of Public Utilities ("Department") for an increase in gas base distribution rates. The Department has docketed this matter as D.P.U. 17-170, and has suspended the effective date of the proposed rate increase until October 1, 2018, to investigate the propriety of the Companies' request. The Companies represent that they will implement any change in rates beginning November 1, 2018.

The Companies seek approval for base distribution revenue increases of \$178,905,053 for Boston Gas and \$32,112,986 for Colonial Gas. The Companies also propose to eliminate the amounts recovered through the targeted infrastructure recovery program and reduce the amounts recovered through the gas system enhancement plan and instead recover them through distribution rates. Based on this proposal, the overall revenue increases sought are \$68,188,370 for Boston Gas, which represents an increase of 13.0 percent on a total bill basis, and \$19,213,443 for Colonial Gas, which represents an increase of 17.0 percent on a total bill basis. National Grid states that if its petition is approved as requested, the proposed revenue increases will have the following effects:

For Boston Gas Customers:

- a typical residential non-heating customer using 90 therms per year will experience an annual bill increase of \$33.94, or 15 percent;
- a typical residential heating customer using 744 therms per year will experience an annual bill increase of \$80.17, or seven percent; and
- Commercial and industrial ("C&I") customers will experience annual increases in the range of two percent to 23 percent, depending on the amount of their usage.

For Colonial Gas Customers:

- a typical residential non-heating customer using 78 therms per year will experience an annual bill increase of \$25.75, or 13 percent;
- a typical residential heating customer using 678 therms per year will experience an annual bill increase of \$63.90, or seven percent; and
- C&I customers will experience annual increases in the range of four percent to 17 percent, depending on the amount of their usage.

The Attorney General of the Commonwealth of Massachusetts (“Attorney General”) has filed a notice to intervene in this matter pursuant to G.L. c. 12, § 11E. Further, pursuant to G.L. c. 12, § 11E(b), the Attorney General has filed a notice of retention of experts and consultants to assist in her investigation of the Companies’ filing, and has requested Department approval to spend up to \$250,000 in this regard. Pursuant to G.L. c. 12, § 11E(b), the costs incurred by the Attorney General relative to her retention of experts and consultants may be recovered in the Companies’ rates.

The Department has scheduled the following public hearings to receive comment on National Grid’s filing:

Acton, MA
Monday, January 29, 2018, at 7:00 p.m.
Acton Town Hall
Faulkner Room, Room 204
472 Main Street
Acton, MA 01720

Lynn, MA
Tuesday, January 30, 2018, at 6:00 p.m.
Lynn City Hall
City Council Chambers
3 City Hall Square
Lynn, MA 01901

Haverhill, MA
Wednesday, January 31, 2018, at 6:00 p.m.
Haverhill City Hall
Room 301
4 Summer Street
Haverhill, MA 01830

Barnstable, MA

**Monday, February 5, 2018, at 7:00 p.m.
Barnstable High School
Senior Cafeteria
744 W Main Street
Hyannis, MA 02601**

Quincy, MA

**Tuesday, February 6, 2018, at 6:00 p.m.
Quincy City Hall
City Council Chambers
1305 Hancock Street
Quincy, MA 02169**

Boston, MA

**Wednesday, February 7, 2018, at 7:00 p.m.
Department of Public Utilities
One South Station
Second Floor
Boston, MA 02110**

Lowell, MA

**Thursday, February 8, 2018, at 7:00 p.m.
Lowell City Hall
City Council Chambers
375 Merrimack Street
Lowell, MA 01852**

A procedural conference in this matter will be held at the Department's office on Tuesday, December 19, 2017, at 2:00 p.m.

Persons interested in commenting on National Grid's filing may appear at any of the public hearings or may file written comments by the close of business (5:00 p.m.) on Thursday, February 8, 2018.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene or to participate in the proceeding no later than the close of business (5:00 p.m.) on Monday, December 18, 2017. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Any person who seeks to intervene in this matter and also desires to comment on the Attorney General's notice of retention of experts and consultants must file the comments no later than the close of business (5:00 p.m.) on Monday, December 18, 2017.

Written comments, petitions for leave to intervene or to participate, and comments on the Attorney General's notice of retention of experts and consultants should be addressed to: Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, MA 02110. Receipt by the Department, not mailing, constitutes filing.

Further, in addition to paper filings with the Department, all documents also should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officer, carol.pieper@state.ma.us; or (2) on CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 17-170); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: website at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "17-170").

A copy of National Grid's filing is available for inspection during regular business hours at the following public libraries: Acton Memorial Library, 486 Main Street, Acton, MA; Newton Free Library, 330 Homer Street, Newton Center, MA; Leominster Public Library, 30 West Street, Leominster, MA; East Brookfield Public Library, 122 Connie Mack Drive, East Brookfield, MA; Lynn Public Library, 5 North Common Street, Lynn, MA; Salem Public Library, 370 Essex Street, Salem, MA; Boston Public Library, 700 Boylston Street, Boston, MA; Thomas Crane Public Library, 40 Washington Street, Quincy, MA; Pollard Memorial Library, 401 Merrimack Street, Lowell, MA; Sturgis Library, 3090 Main Street, Barnstable, MA; and Haverhill Public Library, 99 Main Street, Haverhill, MA.

National Grid's filing also is available on the Department's website. A copy of National Grid's filing also is available at the offices of National Grid, 40 Sylvan Road, Waltham, MA 02451, and the Department's offices, One South Station, 5th Floor, Boston, MA 02110. To request materials in accessible formats (braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us or (617) 305-3642. Any person desiring further information regarding National Grid's petition should contact the Companies' counsel, Daniel P. Venora, Esq., Keegan Werlin, 265 Franklin Street, Boston, MA 02110, telephone (617) 951-1400.

A copy of the Attorney General's notice of retention of experts and consultants is available for inspection during regular business hours at the Attorney General's offices, One Ashburton Place, Boston, MA 02110, and at the Department's offices, One South Station, 5th Floor, Boston, MA 02110. The Attorney General's notice of retention of experts and consultants also is available on the Department's website. Any person desiring further information regarding the Attorney General's notice of retention of experts and consultants should contact Joseph W. Rogers, Assistant Attorney General, at (617) 727-2200.

Any person desiring further information regarding this notice should contact Carol Pieper, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. Contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us or (617) 305-3642.

73

Selectmen's Minutes
November 9, 2004
Bourne Veterans' Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

Private Road Acceptance Program

Administrator Griffin reported to the Board that a public meeting was held on October 27, 2004 to review the Road Acceptance and Betterment Program. Residents were interested in listening to the process in which their private ways might be accepted as a public way. Provided the board with a copy of the power point presentation that was presented that night. There were several issues that were brought up that night which will require the boards review and endorsement.

On an annual basis we will have to establish a prioritization process to see what roads will be brought before the town for consideration. There is be a need for a Road Acceptance Advisory Committee and would recommend that a member of the Planning Board, Superintendent of Public Works, Town Planner, Engineering Technician and a member of the Board of Selectmen be on committee. Also would recommend 2 members at large.

There were roads built 2 years ago that will require very limited on-site surveying and very little work to reconstruct the roads to roads built 80 years ago with no plan and will require surveying, bounds, drainage and reconstruction. Town will have equal responsibility to address these roads.

Questions raised whether their road will be taken and how much the betterment charge would be? Situation of the road will have to be determined. Individuals are collecting signatures with not having answers to questions. Portion of process is when information is estimated the petitioners will have an opportunity to back. This will require a public hearing detailing the estimated cost for the entire project is a certain amount.

For a private way to be accepted as a public way, at least 75% of the abutters must sign petition. If someone on street didn't sign petition and they have frontage they will be paying a betterment. Encourage petitioners to get their petition in by the end of the year.

Selectman W. T. Barlow made a **MOTION** and **SECONDED** by Selectman LaFarge to establish a Road Acceptance Advisory Committee by Executive Order by the Board of Selectmen 2004-01 with the set up of the 2 members at large as recommended by the Town Administrator (5 members + 2 at large). **UNANIMOUS VOTE**

The 2 members at large can't have an interest in a road being proposed either through family or directly.

Selectman LaFarge made a **MOTION** and **SECONDED** by Selectman W. T. Barlow that once the estimated costs and betterment assessment are known, will notify all those who will be paying the betterment assessment will have a 30 day window which they can lock-out with

written notice to the Board no later than the 30th day after notification of the estimate.
UNANIMOUS VOTE

Chairman Zuern thanked Administrator Griffin for all his work.

**Selectmen's Minutes
January 11, 2005
Bourne Veterans' Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532**

Town Administrator Griffin discussed the acceptance of private roads with the Capital Outlay Committee and jointly they decided not to make it a capital project but rather a betterment program. He is setting aside an article for the Annual Town Meeting for bonding the first year.

After completing the budget, he will take each general area and try to come up with something useful for the Board of Selectmen and the Interim Town Administrator.

Selectman G. Barlow emphasized that he wanted to make sure that when the roads were accepted they take an expensive one and a couple of less expensive ones to get the process moving.

Selectman W.T. Barlow asked the Town Administrator to provide a synopsis of economic development from his point of view as to where we are, and the "go to" persons he found instrumental in moving issues forward.

Selectman LaFarge commented that the betterment approach actually expands the Town's borrowing capacity.

Selectman Zuern asked if it would be possible to get the Private Roads Committee together the last week in January. The Town Administrator said the makeup of the committee consists of a member of the Board of Selectmen, Rickie Tellier, Michael Leitzel, Coreen Moore, and two (2) citizens at large and could be put together by the end of the month.

Selectman G. Barlow encouraged the Board to do as much as they could next week and possibly hold an Executive Session to review applications for an Interim Town Administrator with only two meetings before his leaving.

After Selectman Cheli volunteered to be on the Private Roads Committee Selectman W. T. Barlow made a **MOTION, SECONDED** by Selectman LaFarge and **UNANIMOUSLY VOTED** to appoint Selectman Cheli to the Private Roads Committee.

Private Roads Acceptance
Committee
FY2005

COMM	REP OF COMM	EXP	LAST	FIRST	STREET	CITY	ST	ZIP	HOME #
Private Roads Acceptance Committee	At Large	June 30, 2005	Bresnahan	Helen	PO Box 3502	Pocasset	MA	02559-3502	563-9709
Private Roads Acceptance Committee	Board of Selectmen		Chell	Carol A.	4 Weatherdeck Drive	Bourne	MA	02532	759-9762
Private Roads Acceptance Committee	Planning Board		Farrell	Christopher	60 Thorn Avenue	Buzzards Bay	MA	02532	759-3437
Private Roads Acceptance Committee	Engineering		Leitzel	Michael E.	Box 248, 35 Brooks Road	Monument Beach	MA	02553	759-9240
Private Roads Acceptance Committee	Planning Department		Moore	Coreen V.	68 County Road	Bourne	MA	02532	759-8751
Private Roads Acceptance Committee	DPW		Teller	Rickie	9 Cutter Sound Drive	Buzzards Bay	MA	02532	759-6973
Private Roads Acceptance Committee	At Large	June 30, 2005	Viola	Jim	8 Foretop Road	Bourne	MA	02532	743-9426

8C



RECEIVED
DEC 20 2017
TOWN OF BOURNE
BOARD OF SELECTMEN

Dear Town Administrator:

Please review material provided to prepare your town to respond to the upcoming regional hearing on Eversource's five year Vegetation Management Plan (VMP) 2018.

This packet provides arguments why Eversource should not use toxic herbicides along Rights-of-Way (ROW) power lines on Cape Cod and Martha's Vineyard. Given Cape Cod's unique glacial hydrology, the VMP by Eversource is too generic and does not adequately protect our groundwater. 11.00 CMR 333 says there is a statewide uniform regulatory process but is not compatible with Cape Cod's hydrology. We live on sand that permeates very rapidly. The sand, silt and clay between the surface and our water moves at much faster hydration rates than elsewhere. Attached maps show ROW power lines, as well as water lenses we rely on for drinkable water. Please get more specific maps of your town's public and private wells from your respective conservation commissions to illustrate in more detail where wells are located along ROW in your town.

The future of the health of our water depends on how towns proceed forward. No one company uses more toxic herbicides on Cape Cod than Eversource. It is common sense that less used the better for the longevity of our natural resources. Thousands of gallons of herbicides are used yearly by Eversource to maintain vegetation to keep our electrical lines safe. The goal is to lessen the amounts of herbicides used, considering we live above the water we drink. This packet gives you the ability to work with Eversource as well as the Massachusetts Department of Agricultural Resources (MDAR) on the matter. MDAR oversees Eversource's maintenance plans. There is a Yearly Operational Plan (YOP) that comes out after the VMP and needs to be within the guidelines of the VMP but is more specific, listing towns applied and which herbicides used that year.

Just remember, the EPA defines a sole source aquifer (SSA) as one where the aquifer supplies at least 50 percent of the drinking water for its service area. There are no reasonably available alternative drinking water sources should the aquifer become contaminated. In 1982, Cape Cod was designated by the EPA as an SSA and we are over 90% dependent.

Considering there are other ways to maintain vegetation overgrowth along power lines in your town that are less toxic, in an attached document we offer some strong arguments why Eversource does not need to apply more herbicides to your land. Please take the information attached and consult with your town counsel how your town will respond to this critical issue when the VMP comes out:

1 - Town to be prepared to testify at the regional hearing of Eversource's VMP (Vegetation Management Plan) for 2018 to mitigate the use of toxic herbicides on Cape Cod. The VMP 2018 should be out any day now.

P.O. Box 17, North Eastham, Ma 02651

774.353.6511 * www.POCCACapeCod.org * poccacapecod@gmail.com

2 - When the VMP 2018 is made public, have your town Water Department submit a written testimony with your town letterhead to: MDAR (Mass Department of Agricultural Resources), 251 Causeway Street, Suite 500, Boston, MA 02114. Submit within the 45 day comment period allowed, after the VMP 2018 comes out. In your testimony, point out specific facts of your town's hydrology through maps of Rights-of-ways, where your town private and public wells are, ground-water flow and depths to water level flow with maps. According to a recent Division of Administrative Law of Appeals (DALA) ruling, your water department may be able to demonstrate being an aggrieved party when toxic herbicides are applied by Eversource, through compromise of (its) regulatory authority (town of Brewster et al v. Department of Agricultural Resources: MS-17-447 and 456).

3 - Consider approaching neighboring towns who share the same watershed/lens to unite on this important matter that affects us all.

Eversource has completed the first 5 year VMP plan that concluded this fall, 2017. Now is a critical time in stopping toxic herbicide use as a way of maintenance by Eversource for the next 5 years. It is critical for towns to get involved or another 5 years will go by.

It is up to us to protect the land we all love and the natural resources upon it we rely on.

Thank you for taking the next step to work with your town water department on this important matter. The POCCA team is available for meetings to share what we've learned over the years to address this issue. The future of our water depends on this. Time is of the essence since the next VMP 2018 will be coming out any day. We may not be able to solve the prevention of all herbicide use, but we can solve this part of herbicides potentially getting into our fresh and salt waters. See attached document for a list of alternative solutions as well.

Respectfully, the POCCA team:

Laura Kelley, Eastham

Steve Leibowitz, Brewster

Brian O'Malley, MD, Provincetown

Todd Kelley, Chatham

P.O. Box 17, North Eastham, Ma 02651

774.353.6511 * www.POCCACapeCod.org * poccapcod@gmail.com



**Due to the unique hydrology of Cape Cod and Martha's Vineyard,
Eversource should not apply herbicides along ROW for vegetation management**

We request a unique vegetation management plan designed for Cape Cod and MV without the use of herbicides ~

Below are reasons or arguments listing why toxic herbicide use this way should be stopped:

Argument #1:

The unique hydrology of Cape Cod and Martha's Vineyard presents a number of features which directly affect ground-water flow, and which support a contention that the standards embodied in 333 CMR are not adequate for the prevailing conditions on this peninsula.

The Cape was formed from two glacial moraines, the Buzzards Bay, and the Sandwich on the western Cape, and their outwash plains which form most of the mid, south and eastern Cape. These soils consists of unconsolidated material, ranging from coarse gravel to sand and silt, and are characterized by high values for hydraulic conductivity. Water moves quickly through them. Best estimates, from Guswa and LeBlanc 1985, suggest lateral conductivity rates of 200 ft/day in fine sand, and 300 ft/day in coarser sand and gravel. Vertical conductivity is estimated to be about 10% of horizontal, on the order of 20-30 ft/day. The organic content here is very low.

Importantly, the Cape is an EPA-designated sole source aquifer. That is, nearly all of our fresh water comes from the ground beneath us. Five distinct lenses of fresh water are recognized for drinkable water; these have relatively stable boundaries. Depth from the land surface to fresh groundwater is less than 50 feet for most of the Cape, with a maximum of about 80 feet at the crest of the Sandwich moraine, and values under 20 feet east of the mid-Cape. Thus, a critical, single-source aquifer underlies all of Cape Cod, covered by a shallow layer of mostly highly-permeable sandy soil, with low retention rates that markedly limit biodegradation of any contaminants.

We argue that these region-specific conditions call for additional layers of protection for our groundwater. The application of toxic materials to the ground surface will result in percolation into the soil, and into its shallow freshwater lenses, over short time-frames.

[Digital Models of Ground-Water Flow in the Cape Cod Aquifer System, Massachusetts; United States Geological Survey, Water-Supply Paper 2209; Guswa, John H and LeBlanc, Dennis R; 1985]

[Cape Cod Glacial Aquifer Massachusetts; Margaret Martin; GO571; Hydrogeology, Spring 2008]

<https://www3.epa.gov/region1/eco/drinkwater/solecape.html>

Argument #2:

Glyphosate, the active ingredient in RoundUp herbicide, is a biocide that interferes with cellular metabolism, and a toxin. It is one of the five herbicides Eversource uses on Cape Cod and Martha's Vineyard. Its use would otherwise not need to be restricted by precautions and regulations. Its toxicity is of concern around the world, and it has been banned in many jurisdictions, including the Netherlands, France, Belgium, Russia, Malta, Sri Lanka, Mexico, Argentina and Columbia. Brazil is moving toward a ban. By a split vote this month, November 2017, Europe did not enact a ban on glyphosate, but the decision was very controversial (and may lead to the fall of the governing coalition in Germany.) The US State Department aggressively promotes its use worldwide.

The World Health Organization's International Agency for Research on Cancer (IARC) recognizes glyphosate as a cause of cancer, especially non-Hodgkin's lymphoma in humans, and others in lab animals. It is recognized as a probable cause of acute renal failure, which is epidemic in a number of tropical-latitude agricultural societies. The state of California lists glyphosate as a cancer-causing agent on labels of the product.

<https://www.nature.com/news/widely-used-herbicide-linked-to-cancer-1.17181>

<https://toxics.usgs.gov/highlights/glyphosate02.html>

Argument #3:

Emerging Contaminants

For many years, fire-suppressing foams containing Perfluoroalkylated compounds were used at the Barnstable Airport and Fire Training Academy. These were federally approved chemicals, used in many other applications. More recent investigations have revealed previously unknown and significant health risks attributed to exposure to these compounds. In response, the EPA set new permissible limits for drinking water. Well fields down-gradient from the airport and FTA were found to have higher-than-permitted concentrations of several of these compounds. An expensive remediation effort, with pumping and filtering of the water, is underway, and will last for years. Barnstable County will be liable for at least 3-4 million dollars of this cleanup.

Given the known current scientific concerns about the herbicides used on the rights-of-way, prudence would dictate that their use be curtailed now. The extent of contamination of our aquifer would make cleanup efforts unaffordable for every Town and the County.

<http://www.barnstablepatriot.com/news/20170629/barnstable-county-town-settle-fire-training-academy-suit>

Example for #3: Banned DDT: President Kennedy from Cape Cod banned DDT in 1970. Today it still shows up in testing from Silent Spring, please visit their website for more information!

Argument 4:

The label is the law: See links listed showing the labels for each herbicide. Read the environmental hazards. Does this make you feel comfortable as a town leader allowing it in your town when there are alternative ways to maintain vegetation overgrowth along ROW's? In Eversource's VMP, it states they have a goal of "reducing the risk of unreasonable adverse effects to the health and well being of humans, animals and the environment." Using herbicides contradicts this statement. Here is the label of each one of the herbicides used: Glyphosate, Ammonium Fosamine, Triclopyr, Metsulfuron Methyl, Imazapyr. Google the labels of each of these and please read Environmental Hazards.

<https://www.tisbury.ma.gov/node/1/files>

Argument 5:

There are numerous violations by Eversource contractors. Strict regulations exist for their applicators to follow. There are instances of complaints filed against Eversource for violating application standards in the YOP and no record of them being held accountable for these. For example this fall, a resident documented spraying in the rain in Chatham, applications at 18MPH winds and higher gusts. Here are some references to violations:

<http://nebula.wsimg.com/b7f44ffb0e6a130e367275ac1437c71b?AccessKeyId=053931DA38466C31083D&disposition=0&alloworigin=1>

Argument 6:

Toxic plume in Eastham: It was discovered in 2012 that the Eastham dump had percolated enough toxins through sandy soils to contaminate wells, forcing the town to pay for bottled water for the neighborhoods affected. Whether water is drawn from private or public wells, it comes from the same source.

<http://www.capecodtimes.com/news/20170914/eastham-water-pollution-lawsuit-settled>

Argument #7:

Vegetation on ROW:

YOP 1. Introduction:

Second paragraph.

“Eversource must keep these ROWs free from hazards and encroachments. In this effort, the vegetation on the ROW corridors must be maintained at an early stage of plant succession (herbaceous plants and shrubs).

Third paragraph: This program supports a healthier more diverse habitat for wildlife that depends upon early successional landscapes.”

Response: It is agreed that a “healthier more diverse habitat for wildlife depends upon early, successional landscapes,” so why allow the use of toxic herbicides along these unique landscapes?

YOP IV. Identification of Target Vegetation for Herbicide Applications:

Third paragraph: “In fact, ROW’s are one of the primary early successional plant communities remaining in New England. As a result, many plant and animal species use ROWs as their homes, feeding grounds or nurseries. Certain plant species, therefore, are generally encouraged on the ROW through the use of an Integrative Vegetation Management (IVM) program.”

Response: This is a fact. ROW’s do create critical edge habitat (transition from forested upland to open field) that provides for a diverse canopy of wildlife. This includes deer, coyote and fox that thrive on the edge habitat, to specific birds nesting in low vegetation along the ROW’s, as well as, raptors (hawks and owls) waiting in the tree line. These are among the last areas of potential Southern New England sandplain grasslands that support native grasses, smaller prey wildlife and endangered wildflowers such as New England Blazing Star (found this summer in the ROW within Nickerson State Park). Pollinators are a critical part of this wildlife canopy. The existing VMP approach is to apply indiscriminate broad-spectrum toxic herbicides and potentially poison them. How does this method promote a healthy and sustainable wildlife corridor?

Fifth paragraph.

“Eversource intends to control noxious plant species including invasive, poisonous plants and vines at their facilities. Invasive plant species have become an increasing concern throughout Massachusetts in areas that include ROW corridors

where they can spread rapidly and move into the adjacent landscape Eversource plans to use herbicides to spot treat poisonous plants at sites under its ROWs identified as having a high risk of posing a health hazard. Noxious vegetation, likewise, poses a risk to the safety and health of all individuals working on or traversing a ROW and it can impede a rapid response in an emergency.”

Response: Eversource’s definition of noxious and poisonous plants is not clear or specific, but it is the nature of invasive plants to get their foothold in disturbed areas. If management policy is to continue to disturb the area, what else will grow but the invasive plants that are first to sprout? Where natural native plant communities persist, there is a minimum of invasive plants present. Encouraging native groundcovers and grasses along ROW is most ideal creating a sustainable situation. Selective mechanical methods allow for native communities to grow and reduce the need for vegetation management over time.

<http://www.mass.gov/eea/docs/agr/pesticides/rightofway/yop/eversource-energy-yop-2017-cape-cod-and-islands.pdf>

Argument 8:

The Assembly of Delegates of Cape Cod approved a resolution in Spring 2016 supporting the call by every Cape town to stop the use of herbicides on ROW’s.

<https://3r9qki35veds49kv7zzguner-wpengine.netdna-ssl.com/wp-content/uploads/2014/02/5-18-16-UNAPPROVED-Journal-1.pdf> (see page 8).

Argument 9:

Senate Bill S.409: “An act relative to vegetation management”: Presented by Senator Julian Cyr, Cape and Islands, Rep. Sarah K. Peake, 4th Barnstable, Senator Michael J. Barrett, Senator James B. Eldridge, Middlesex and Worcester and Rep. Carmine L. Gentile, 13th Middlesex.

Senator Julian Cyr wrote a bill to give towns the right to negotiate with Eversource for alternative methods of handling vegetation. The bill is currently in the Joint Committee on Environment, Natural Resources and Agriculture. Oral testimony was given and written testimony is being accepted.

<https://malegislature.gov/Bills/190/S409>

Brought to you by the Protect Our Cape Cod Aquifer (POCCA) team:

Laura Kelley, Eastham

Steve Leibowitz, Brewster

Brian O’Malley, MD, Provincetown

Todd Kelley, Chatham

774.353.6511 * www.POCCACapeCod.org * poccapcod@gmail.com



Vegetation Management methods along ROW power lines without the use of herbicides 12 - 2017

Eversource chooses to use toxic herbicides to maintain vegetation along rights-of-way (ROW) power lines throughout Cape Cod and Martha's Vineyard. The Massachusetts Department of Agricultural Resources (MDAR) allows herbicide use because the Environmental Protection Agency (EPA) approved them. Eversource is not mandated to use herbicides, yet they choose to because the state allows them.

We seek an alternative solution that all of Cape Cod's 15 towns and all of Martha's Vineyard's 6 towns can use instead of herbicides.

The use of herbicides to maintain vegetation over growth along ROW is unnecessary. There are other ways that are successful and that have less potential of harming natural resources, animals or people over time. Considering we live above a sole-source aquifer we should have a vegetation plan without anything that is toxic. Also please note the depth to groundwater from ROW power lines throughout most of Cape Cod is from 10 to 40 feet and as you know we have sand as soil that everything permeates faster than we realize.

Currently Eversource hires or contracts out existing landscape companies to spray herbicides. They do a foliar application targeting leaves of unwanted plants, as well as, a woody application targeting thicker cambiums in trees with a different mixture of herbicides. Eversource oversees their work making sure they don't apply within any water zones or within certain distances to private or public wells. Each applicator targets with herbicides particular plants one at a time.

Below are alternatives to herbicide use:

1 - The best case would be to create a sustainable corridor along ROW by removing unwanted vegetation that is a threat to our power source and installing native ground cover plants that grow less than 10 feet in height. Adding wanted plant communities is the actual action of giving back to the land to encourage the desired effect. The new plantings need to work by enhancing the native plant communities already established and have some aftercare strategy that ensures new plantings get established.

2 - The next major thought to remember is when removing, only remove the unwanted vegetation, leaving what naturally grows that is less than 10 feet, there are a few ways to go about this:

A - Hand pruning - cut down by hand with pruners and loppers what may harm electric wires in time. This is the best way to maintain vegetation because it is thorough. As current applicators spray one plant at a time, it is possible to cut each plant instead.

B - "Weed heaters" - this type of hand held propane tool will heat plants down to the ground. The advantage of this method is that plant ash becomes food for remaining vegetation. It is an easy, cost effective solution one plant at a time. In nature selective burning rejuvenates areas becoming beneficial nutrition to the area. Google weed heaters to learn more.

3 - Ways that will take down all vegetation that are less harmful than herbicides over time:

A - Mowing - this is the way ROW power lines were maintained prior to herbicide use. Granted it is messy, disturbing to animals, cuts back more than necessary, it still doesn't have the potential to harm any of our natural resources here. Costs are for gas and equipment.

B - Goats - a great way to maintain vegetation and they will eat poison ivy too. There is a goat farm in Barnstable with 20 goats who need to be fed, they are aware of ROW corridors and are willing to help if allowed. The only drawback is they will eat everything, good vegetation as well but they don't need gas and they leave fertilizer.

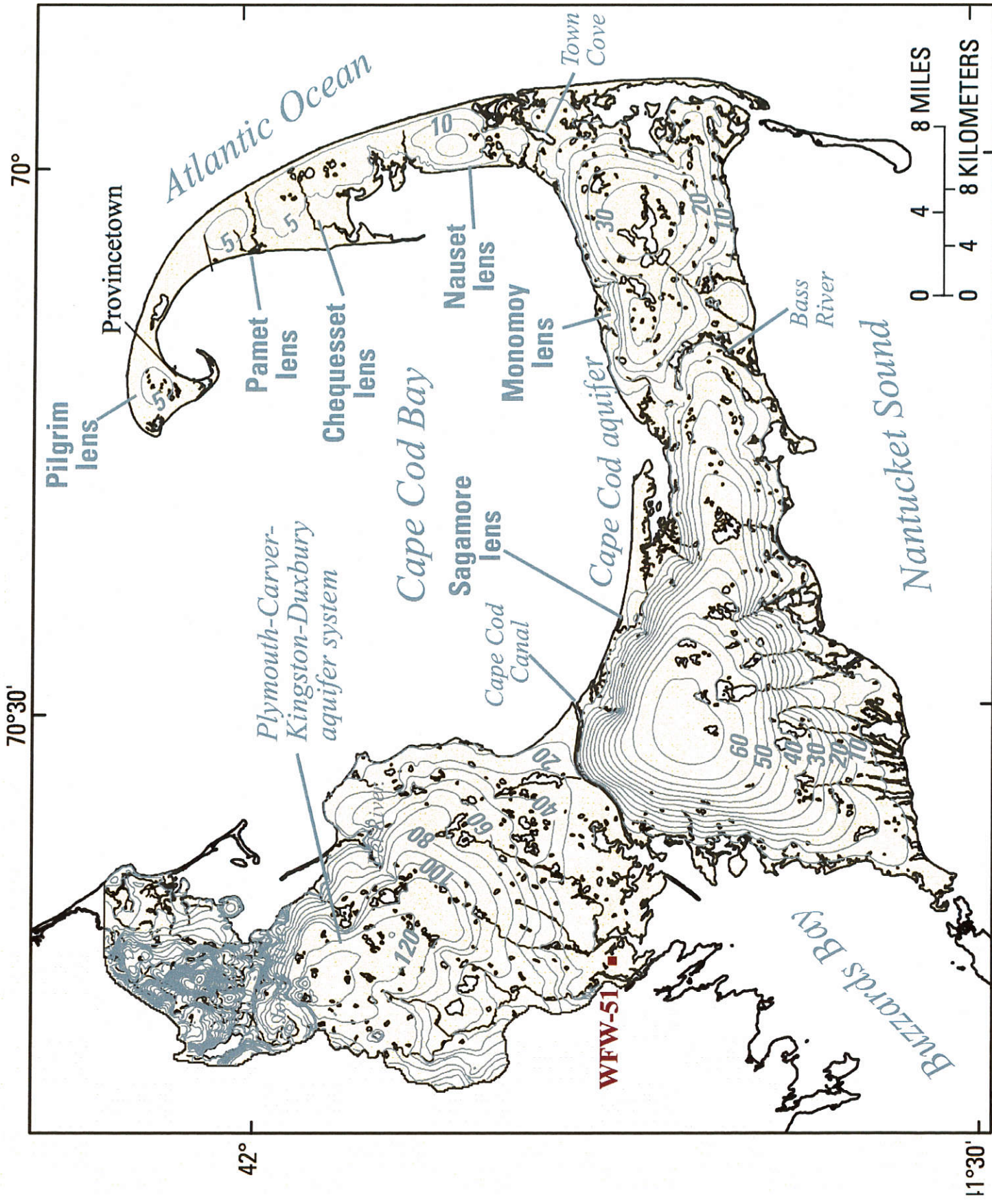
We recommend ONE solution that is best for Cape Cod and Martha's Vineyard's 21 towns, that will simplify things. We also believe towns should be able to maintain their own ROW if they choose to and Eversource can oversee their work just as they do currently with their hired landscapers. If it becomes about money then Eversource needs to prove what it costs them currently per town. A few years ago Mashpee requested they maintain their own ROW at their own cost and Eversource said no.

This document written by The POCCA Team:
Laura Kelley of Eastham
Brian O'Malley, MD, of Provincetown
Steve Leibowitz of Brewster
Todd Kelley of Chatham

Helping to protect our quality of life on Cape Cod and Martha's Vineyard

P.O. Box 17, North Eastham, MA 02651

(774) 353-6511 • www.POCCACapeCod.org • pocccapecod@gmail.com

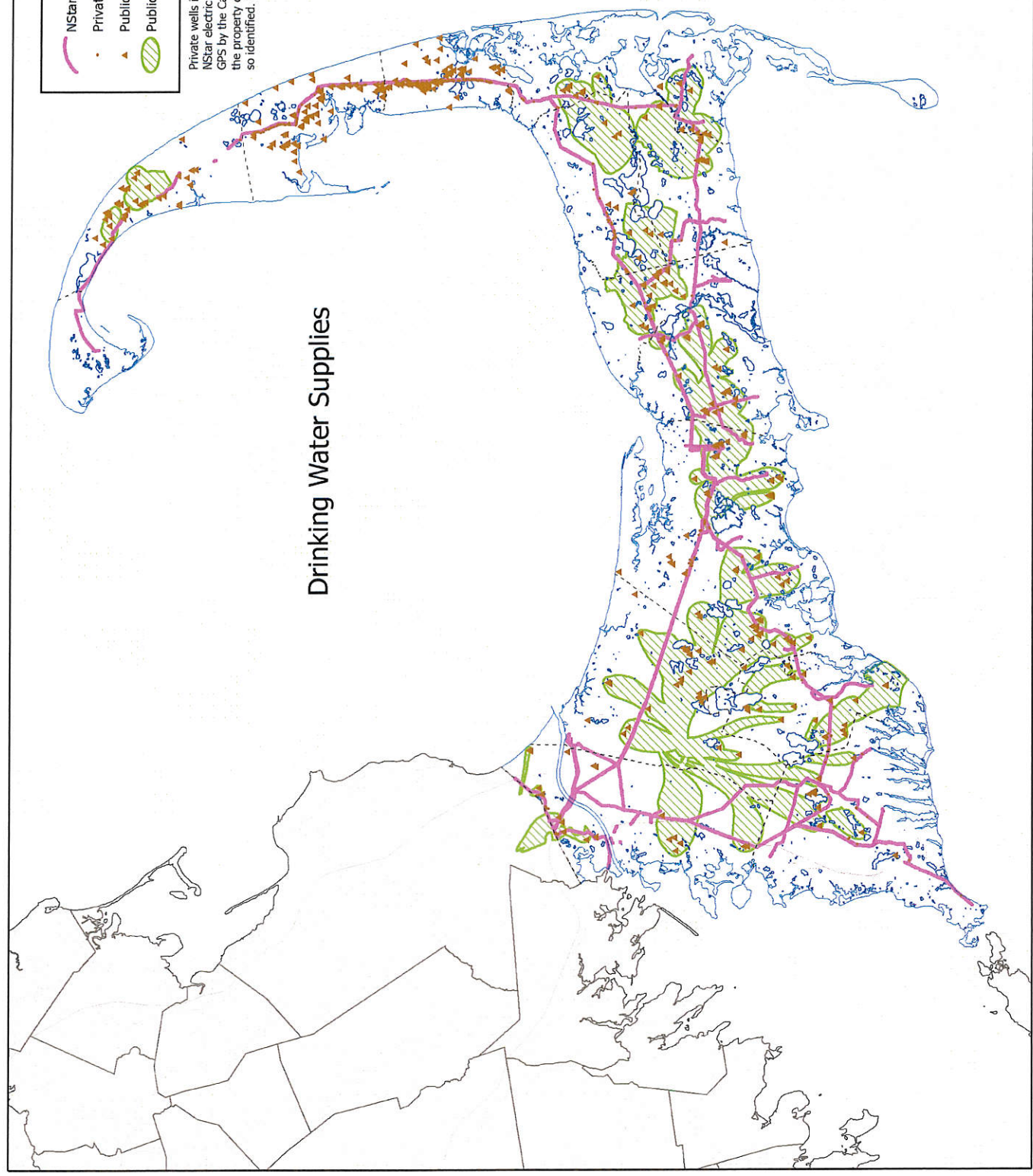


Base from U.S. Geological Survey and Massachusetts Geographic Information System data sources, Massachusetts State Plane Coordinate System, Mainland Zone

Drinking Water Supplies

- NStar ROW 2010 (now Eversource)
- Private Wells in the vicinity of NStar ROW
- Public Water Supply Well
- Public Well Zone II (107.2 miles of ROW)

Private wells include only the private wells in the vicinity of NStar electric transmission right of way were located using GPS by the Cape Cod Commission staff. Furthermore, only the property owners who gave permission to the CCC were so identified. October 2009 through January 2011.



Town Administrator's Advisory Committee on Pedestrian Bicycle Pathway

In acknowledging the importance of the creation and expansion of the pedestrian bicycle pathway between the Town of Falmouth and the Town of Bourne, the Town Administrator hereby establishes an Advisory Committee on Pedestrian and Bicycle Pathways in Bourne.

The Charge of the Committee is to assist in the creation of a pedestrian and bicycle pathway within the geographic boundaries of the Town of Bourne, connecting with the Shining Sea pathway in Falmouth and extending to the Bell Road area of Bourne Village. The Committee will work along and in conjunction with local, regional, state and federal agencies; establish and/or expand safe routes to school; determine Right of Way related issues - propose solutions to mitigate impediments for the establishment and maintenance of the pathway; seek both governmental and other sources of funding to achieve the construction of the pathway.

The membership of the Advisory Committee shall consist of seven members and shall be constituted as follows;

1 – Board of Selectmen member

1 – School Department designee

2 - At large members

3 – Members of existing groups currently engaged in the planning of the pathway.

The Town Administrator shall serve as an ex-officio member of the Committee. Employees of the Town of Bourne may be called from time to time to provide topical and technical expertise as the need may arise.

Page 2

The Advisory Committee membership initial term of office shall be from the date of appointment until June 30, 2019. Effective July 1, 2019 appointments shall be made on an annual basis.

The Advisory Committee shall make progress reports to the Town Administrator on a quarterly basis and make formal reports to the Board of Selectmen in November and May of each year, or at such time as the Town Administrator shall deem necessary.

01.04.18